



# AAMJIWNAANG FIRST NATION CHIPPEWAS OF SARNIA Band Council

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Boozhoo/Hello Aamjiwnaang Anishinabeg,

Aamjiwnaang Chief and Council, Staff and Governance Committee are pleased to present the **Draft Version 6 – Aamjiwnaang Inaakonigewin – Dawaabmang’waa Niigaanzijig (Aamjiwnaang Law for Selecting Leaders)**, for community review and feedback.

The Aamjiwnaang Inaakonigewin – Dawaabmang’waa Niigaanzijig, will allow Aamjiwnaang to be removed from the *Indian Act* election process. What we know for sure is that the *Indian Act* was written without consultation of First Nation People and then imposed upon the people. At this point in time First Nations people now fully understand the words and writings of the Canadian government and many nations across the land are taking steps to become self-reliant and step out from under the control of that government and work toward a nation to nation relationship. Many First Nations have now developed their constitutions, laws, by-laws, and policies that speak to their community needs. Aamjiwnaang began that process in 2008, for the general elections.

Since the time of the great migration our ancestors adapted to the ever-changing way of life. Becoming a self-sustaining prosperous community does not come without challenge, doubt, or fear. It is important that we honor and recognize our shared history as the original people of this land and continue to build on the foundation that has been created by our ancestors. The future of our children and those yet unborn are relying on us here, now, to ensure that their place in time is protected and ready for them to step into.

As we all look forward now to the work ahead of us all, we must consider how to best protect the little bit of land and resources on which we rely for life. The environment that provides for clean air and water. Our language, culture and heritage that further defines us a distinct nation of people with rich historical significance. We must embrace the changing times and come together and truly honour one another for who we are and what we stand for and love one another.

Please be advised that community engagement sessions will be planned and announced in the Tribe-Una and other approved social media. However, we have to be mindful that COVID -19 is greatly dictating how we interact with one another and the engagement sessions will be different than past practice.

You are encouraged to write your questions/comments/concerns, and forward to Lynn Rosales, Governance Officer, via email: [lrosales@aamjiwnaang.ca](mailto:lrosales@aamjiwnaang.ca) or hold them until the administration office reopens. Keep in mind that mandatory COVID-19 procedures will be posted at that time.

Miigwech/Thank You, and we look forward to hearing from **YOU!!**

Respectfully,

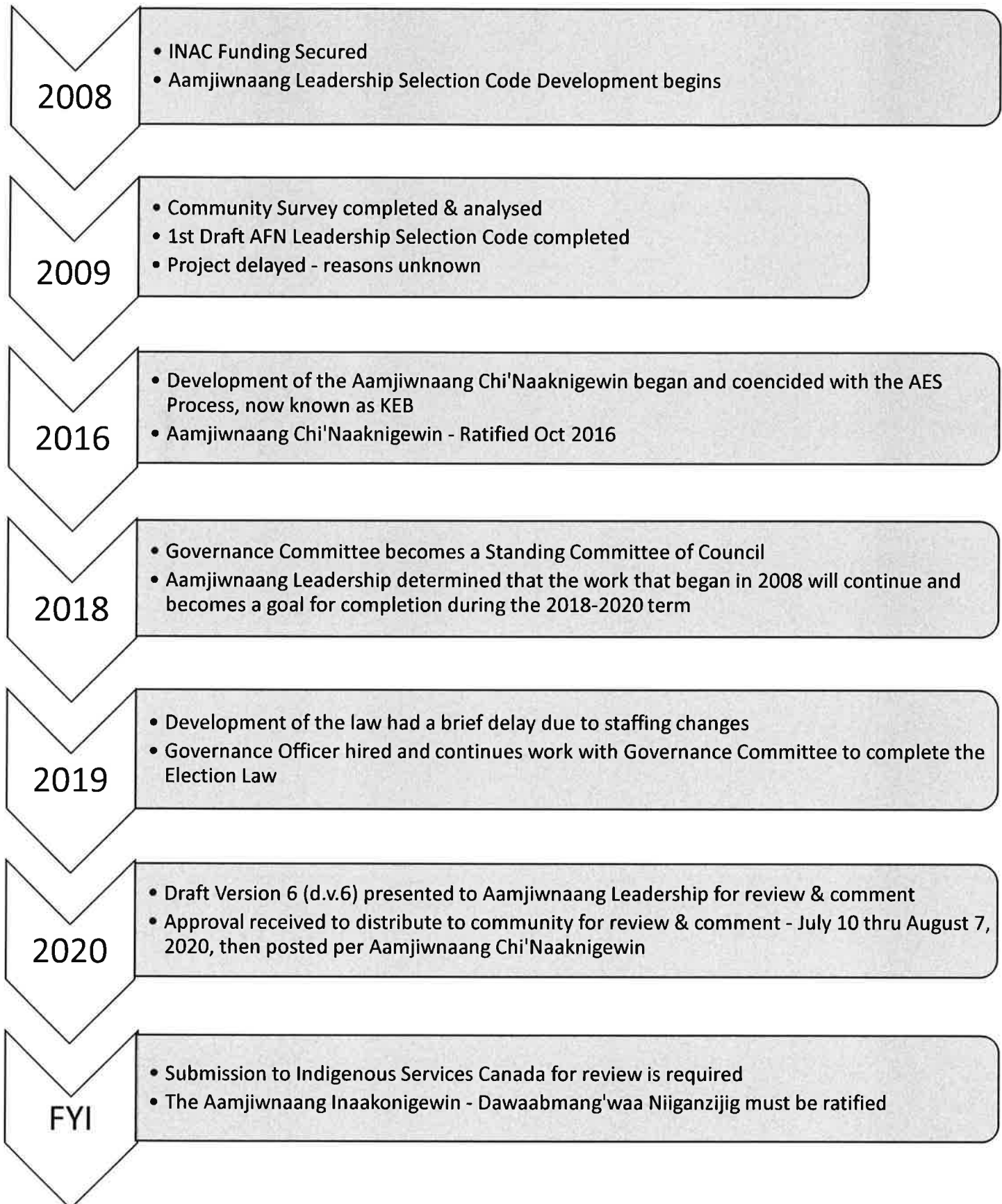
Aamjiwnaang Chief and Council

Aamjiwnaang Staff and Governance Committee



## Development Timeline

### Aamjiwnaang Inaakonigewin - Dawaabmang'waa Niigaanzijig





# **Aamjiwnaang Inaakonigewin – Dawaabmang’waa Niigaanzijig**

(Aamjiwnaang Law – Selecting Leaders)

## **Draft Version 6 (d.v.6) Summary**

### **Article 1. Candidacy**

Sets out the requirements to be a candidate for either the Chief or a Councilor and the procedures that must be followed to ensure that their name appears on the ballot. A candidate must choose to run for either Chief or Councilor. Their name cannot appear on both ballots.

Qualifications for Chief:

- Be a Member of Aamjiwnaang.
- Resides on Aamjiwnaang lands.
- Must have served at least one (1) term as a Councilor for Aamjiwnaang.
- Must be a high school graduate or equivalent\*

Qualifications for Councilor:

- Be a Member of Aamjiwnaang.
- Must be a high school graduate or equivalent\*

**\*Membership to determine whether the equivalent of a high school diploma is acceptable or should the minimum remain with High School Graduate (Diploma).**

A vacancy may occur for any of the following:

- A letter of resignation is rendered by an elected leader.
- An elected leader becomes unable to perform their duties and functions of office due to illness or other incapacity for a period of six (6) months.
- Death has occurred.
- Removed under the provisions of this law.

### **Article 2. Campaigning Code of Ethics**

A candidate’s code to follow while campaigning for office. Candidates must also sign the Candidate Code of Ethics Acknowledgement and Attestation Form.

### **Article 3. Nomination Process**

This section outlines in detail the complete process that must be followed for a General Election to take place.

- Appointment of Electoral Officer and their specific roles and responsibilities.
- Nomination Process – eligibility, nomination meeting requirements, and procedures.
- Confirming intention to run for office.

### **Article 4. Election Process**

**Aamjiwnaang Inaakonigewin – Dawaabmang’waa Niigaanzijig**  
(Aamjiwnaang Law – Selecting Leaders)  
**Draft Version 6 (d.v.6) Summary**

The complete process that the Electoral Officer must follow is listed here:

- Acclamation
- Ballots and ballot handling
- Notices
- Equipment
- Polling Stations
- Election Day

**Article 5. Voting**

The process and procedure of voting is listed in this section:

- Distribution of ballots at the polling stations
- Irregularities
- Opening and closing polling stations
- Counting the votes
- Accounting for ballots
- Tie vote

**Article 6. Post-Election**

The Electoral Officer will declare the successful candidates and complete an election report that will include:

- Name of successful candidates, number of votes cast and number of rejected ballots.
- Retention of ballots – location and timeframe will be noted.
- Swearing into Office

**Article 7. Special Provisions**

This section allows the current sitting leadership to select a forum where an advanced poll may take place and will have specific instructions that the Electoral Officer must adhere to.

**Article 8. Election Appeals**

This section outlines the complete appeals process as well as the roles and responsibilities of the Election Appeals Board (EAB) and the composition. The EAB will be comprised of the following:

- Two Elders (1-male, 1-female)
- Two Youth (1-male, 1-female)
- Two Aamjiwnaang members (1-male, 1-female)
- A person, who is at least 18 (or other pre-determined age) years of age who is not a member of Aamjiwnaang, or has a vested interest, has not signed a petition for the removal of an elected

# **Aamjiwnaang Inaakonigewin – Dawaabmang’waa Niigaanzijig**

(Aamjiwnaang Law – Selecting Leaders)

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leader, has received or willing to participate in the Aamjiwnaang orientation, or in possession of a certificate as a professional mediator.

### **Article 9. Elected Leadership Provisions**

The Term of Officer will be 3- years, per community survey results of 2019, majority rules.

Aamjiwnaang Council will consist of 1-Chief and 9-Councilors and meetings will continue with the established schedule and general Rules of Order and Proceedings. Due to community growth and increased business of Aamjiwnaang Council and Administration, the Standing Committee of Council structure will include:

- Community Services
- Development
- Education
- Environment
- Finance
- Governance
- Health
- Housing
- Lands and Resources
- Personnel

### **Article 10. Amendments**

Aamjiwnaang leadership will follow the established timeline for review and evaluation of this Law. All details are listed in this section.

### **Article 11. Coming Into Force**

The Aamjiwnaang Inaakonigewin – Dawaabmang’waa Niigaanzijig will be enacted when:

- Aamjiwnaang members approve the final draft for the ratification process.
- The ratification process proves to be successful and a majority of the electors have voted in favor of the Aamjiwnaang Inaakonigewin – Dawaabmang’waa Niigaanzijig.
- The ratified law is accepted and approved through a Ministerial Order.







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## AAMJIWNAANG INAAKONIGEWIN

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Dawaabmang'waa Niigaanzijig

(Aamjiwnaang Law – Selecting Leaders)

AAMJIWNAANG  
978 Tashmoo Avenue, Sarnia, Ontario, N7T 7H5

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## PREAMBLE

We, the Anishinabek of Aamjiwnaang are descendants of the Ojibwe, Pottawatomi, and Odawa (The People of the Three Fires confederacy). We have been here since the time of The Great Migration and are keepers of our traditional territory, our language, and culture and heritage.

Pursuant to our Inherent Rights to self-government given by G'Zhemaidoo (Creator); and,

Pursuant to Aamjiwnaang Chi'Naakonigewin (community constitution); and,

Pursuant to Aamjiwnaang's inherent right to self-government and those rights set out in Section 25 and 35 of the Constitution Act, 1982;

We do hereby establish Aamjiwnaang Inaakonigewin – Dawaabmang'waa Niigaanzijig (Aamjiwnaang Law – Selecting Leaders) which will be based upon the Seven Grandfather Teachings of:

- Zaagidiwin-Love
- Debwewin-Truth
- Mnaadendmowin-Respect
- Nbwaakaawin-Wisdom
- Dbaadendziwin-Humility
- Gwekwaadziwin-Honesty
- Aakedhewin-Bravery

The principles of Aamjiwnaang Inaakonigewin – Dawaabmang'waa Niigaanzijig will preserve and enhance, for future generations:

- Anishinabe mii maanda inaakonigewin – our natural ways and is inclusive for all;
- Anishinabemowin (anishinabe language) – continues to be known;
- Anishinabe culture and traditions will be honoured and recognized for all; and,
- Mnaadendmowin – Land, water, air and natural resources of our traditional territory.

It is the exclusive right of all Aamjiwnaang Bendaazijig to preserve for their descendants in accordance with the Anishinabe natural and written laws to:

- Respect and uphold our laws and institutions of culture and government;
- Enjoy the benefits, rights, and freedoms; and,
- Make and amend laws, by-laws and/or policy for Aamjiwnaang Territory.

The Canadian government has no authority to interfere with Aamjiwnaang Bendaazijig and their inherent rights and jurisdiction over their traditional territory.

## Definitions

“advance Poll” means a Poll held after the Notice of Aamjiwnaang Election is posted but prior to the Election Poll, for the purpose of allowing those Electors who are unable to attend at the Election Poll the opportunity to vote in Aamjiwnaang Election.

“Aamjiwnaang” means the where the water is flowing swiftly at the spawning place.

“Aamjiwnaang lands” means a place within the legal international boundaries and as defined in Treaty 29, where lands were reserved for the exclusive use and enjoyment by the Chippewas of Sarnia Band #45.

“agent” means an individual appointed by a Candidate to be present and observe the activities at Aamjiwnaang Election Poll.

“appellant” means an individual who submits an appeal in accordance with this law with respect to an election.

“Band” means Aamjiwnaang.

“Bendazijig” means one who belongs to a group; a citizen/a community member; in this document it means, citizen of Aamjiwnaang;

“by-election” means a special election to fill a position on the Council that has become vacant.

“candidate” means an Aamjiwnaang Member who:

- a) is at least 18 years of age on the day on which the nomination meeting is held;
- b) is a registered Member of Aamjiwnaang; and
- c) has been nominated to be a candidate pursuant to the provisions of this law.

“Chief” means Chief of Aamjiwnaang Aamjiwnaang elected pursuant to this Aamjiwnaang Inaakonigewin – Dawaabmang’waa Niigaanzijig.

“Law” means Aamjiwnaang Inaakonigewin - Dawaabmang’waa Niigaanzijig process set out herein.

“Law of Ethics” means guidelines, general rules of behaviour and standards established in accordance of this law, which governs the conduct of candidates running for office and their supporters relating to their participation in the electoral process.

“Election Appeal Board” means the body appointed by an Aamjiwnaang Council resolution in accordance of this law to review and make decisions concerning petitions for removal from office and election appeals.

“corrupt practices” means bribery direct or indirect, or providing a financial or material incentive to an elector in exchange for a vote.

“Council” means the body composed of those persons selected pursuant to this Aamjiwnaang Inaakonigewin – Dawaabmang’waa Niigaanzijig.

“Dawaabmang’waa Niigaanzijig” means selecting leaders.

“deputy electoral officer” means any person appointed by the electoral officer for the purposes of an election to assist in the election process.

“elder” means an Aamjiwnaang Member who has been recognized as such and is familiar with the culture, traditions and values of Aamjiwnaang.

“election” means a general election or by-election of Aamjiwnaang that is held pursuant to the provisions of this law.

“electoral officer” means a person, appointed by Aamjiwnaang Council Resolution before each election, who has the responsibility for conducting the nomination meeting, the election and post-election procedures.

“elector” means a person who:

- a) is a Member of Aamjiwnaang; and
- b) is at least 18 years of age on the day on which the election is held.

“inaakonigewin” means law

“mail-in ballot” means a ballot mailed or delivered in accordance with this law.

“member of Aamjiwnaang” means a person who is registered under the Indian Act (R.S.C., 1985, c. I-5) and any person whose name is entered in Aamjiwnaang Membership List and who is entitled to have it entered therein.

“nomination meeting” means the meeting at which persons come forward to nominate and second candidates at the election.

“oath” means a solemn affirmation accepting the duties of office.

“ordinarily resident on the Aamjiwnaang” refers to the residential status of an elector who is considered to have their ordinary residence on the Aamjiwnaang. A person’s ordinary residence can be described as:

- a) the place the person normally eats and sleeps; or
- b) the place the person receives mail; or
- c) the residence of the person’s immediate family; or

- d) a place in proximity to the person's place of employment; or
- e) a person can only be ordinarily resident in one place at one time; or
- f) a person is ordinarily resident in that place until another place of ordinary residence is acquired; or
- g) a person may also be temporarily absent from a place of ordinary residence for education, medical or temporary employment reasons.

"polling station" means a building, hall or room which is selected as the site at which voting takes place.

"Registrar" means Aamjiwnaang employee responsible for maintaining Aamjiwnaang's Membership list.

"rejected ballots" means those ballots that have been improperly marked and/or defaced by elector(s) which are not included in the tally of valid ballots cast during the counting of the votes.

"voter declaration form" means a document that sets out, or provides for:

- a) the name of the elector;
- b) Aamjiwnaang membership or registry number of the elector or, if the elector does not have a membership or registry number, the date of birth of the elector; and
- c) the name, address and telephone number of a witness to the signature of the elector.

"vote buying" means a candidate(s) who distributes materials, goods or services; or offers any type of financial gain to a group or individual in exchange for favorable support in a vote.

"voters list" means the list of Aamjiwnaang Members eligible to vote in an election.

Article 1. Candidacy

- 1.1 Only electors who meet the requirements of a candidate as set out in this law may be nominated as a candidate.
- 1.2 A person may only be a candidate for one of the offices of Chief or Councilor in any election. For greater certainty, a person may not be a candidate for both Chief and Councilor.
- 1.3 All candidates must meet the eligibility requirements as listed to become a nominee in the general election process.
  - a) To be a Candidate for the Office of Chief the member must meet the following qualifications:
    - i. Be a Member of Aamjiwnaang Aamjiwnaang.
    - ii. Reside on Aamjiwnaang Aamjiwnaang.
    - iii. Must have served at least one (1) term as a Councilor for Aamjiwnaang.
    - iv. Must provide a Criminal Reference Check – CPIC.
    - v. Must be a high-school graduate or the equivalent.
    - vi. Must have knowledge of Aamjiwnaang as it has developed through time.
    - vii. Must honour the Seven Grandfather teachings.
    - viii. Must know Aamjiwnaang Chi'Naaknigewin and understand the meaning.
    - ix. Must accept nomination in accordance with this law.
  - b) To be a Candidate for the Office of Councilor the member must meet the following qualifications:
    - i. Be a Member of Aamjiwnaang Aamjiwnaang.
    - ii. Must be a high-school graduate or the equivalent.
    - iii. Must provide a Criminal Reference Check – CPIC.
    - iv. Must have knowledge of Aamjiwnaang as it has developed through time.
    - v. Must honour the Seven Grandfather teachings.
    - vi. Must know Aamjiwnaang Chi'Naaknigewin and understand the meaning.
    - vii. Must accept nomination in accordance with this law.
- 1.4 If the nominee is present at the nomination meeting, they will sign the following documents:
  - a) a notice of acceptance of nomination; and
  - b) a sworn declaration confirming their acceptance as an eligible candidate; and
  - c) the Candidates Code of Ethics Acknowledgement and Attestation Form (Appendix A).
- 1.5 A nominee who is not present at the nomination meeting will file required documents with the Electoral Officer by mail, facsimile transmission or in person. If the required documents are not filed within 5-business days of the nomination meeting the nominee's name will not appear on the election ballot.

- 1.6 A person nominated as a candidate for both the office of Chief and the office of Councilor must declare which office they intend to seek (if any).
- 1.7 No person will accept candidacy in an election if that person is not eligible to be a candidate in accordance with this law.

Article 2. Campaigning and Candidates Code of Ethics

2.1 Candidates must campaign:

- (a) according to the rules and regulations established in this law;
- (b) without coercion or vote-buying;
- (c) respecting the right and freedom of other candidates to organize and campaign in their own way;
- (d) respecting the rights of voters to obtain information from a variety of sources to make an informed decision;
- (e) ethically, focusing on political issues and candidate platforms, instead of conducting smear campaigns or ones of rumor, innuendo or hearsay;
- (f) non-violently, without intimidating opposing candidates, opposition supporters or the media, and without the use of language inciting their own supporters to violence;
- (g) respecting the freedom of the press to cover the campaign and to express opinions on the campaign;
- (h) respecting the electoral officials and not interfering with the performance of their duties; and,
- (i) accepting and complying with the official election results and the final decision of the Election Appeal Board.

2.2 Every person is in breach of the Code of Ethics who, during an election period, directly or indirectly offers a bribe to influence an elector to vote or refrain from voting or to vote or refrain from voting for a particular candidate, or during an election period, accepts or agrees to accept a bribe that is offered.

2.3 Every person is in breach of the Code of Ethics who, by intimidation or duress, compels a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate in an election, or by any pretense or contrivance, induces a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate in an election.

2.4 Every person must agree to the Candidates Code of Ethics and sign the Acknowledgement and Attestation Form, which will be held on file in accordance with provisions of this law. (Appendix "A")



## Article 3. Nomination Process

### 3.1 Appointment of an Electoral Officer

- (a) The Electoral Officer will be appointed by an Aamjiwnaang Council resolution not less than 100 days before the expiration of the Council's term of office.
- (b) Aamjiwnaang Council Resolution for the appointment of the Electoral Officer will contain their full name and address, the date of the election, the type of election which is to be conducted (general election or by-election), as well as any special instructions.
- (c) If an Electoral Officer has not been appointed within the time set out in this law, the Electoral Officer will be appointed by Aamjiwnaang Band Manager as soon as possible.
- (d) The Electoral Officer must be a person who:
  - i. has no vested interest in the outcome of the election;
  - ii. has proven experience and knowledge to conduct Aamjiwnaang Elections, references may be required; and
  - iii. has received the appropriate certified training to conduct Aamjiwnaang Elections.
- (e) If the Electoral Officer cannot fulfill their duties, an existing Deputy Electoral Officer will be appointed by an Aamjiwnaang Council resolution, to undertake the duties of the Electoral Officer. In the absence of an existing Deputy Electoral Officer, the Council will appoint a new Electoral Officer.

### 3.2 Oath of Office

- (a) The Electoral Officer must swear an oath to uphold the office in accordance with this law.

### 3.3 Responsibilities and Ethics

- (a) The Electoral Officer is responsible for managing and executing all pre-electoral, electoral and post-electoral processes and procedures in accordance with this law. The Electoral Officer must:
  - i. uphold and abide by the rules and regulations established in this law;
  - ii. remain neutral and professional in the conduct of the duties of the office, and refrain from providing any preferential treatment or expressing support for or opposition to any candidate;
  - iii. not accept anything of value (including but not limited to money, offers of employment, gifts, travel) in exchange for preferential treatment or access to a public official or non-public information;
  - iv. not discriminate against anyone because of race, religion, sex, age or handicap;
  - v. not pressure or intimidate other officials or personnel to favour a certain candidate; and,

- vi. avoid conflicts of interest, or the appearance of conflicts of interest, by abstaining from decision making where the Electoral Officer has a personal or private interest in the matter at issue.

### 3.4 Voters List

- (a) At least 79 days before the day on which an election is to be held, the Electoral Officer will obtain the names, membership numbers and dates of birth of all Aamjiwnaang members who will have attained the age of 18 years on the date on which the election is to be held.
- (b) The Registrar will, no later than 79 days before the date on which the election is to be held, provide the Electoral Officer with the last known addresses, if any, of all electors who do not reside on the Aamjiwnaang.
- (c) Electors are responsible for providing the Registrar with their current addresses.
- (d) An elector's address will be used by the Electoral Officer only for the purpose of providing notices, mail-in ballots or other election documents to electors who are entitled to receive them under this law.
- (e) The Electoral Officer will not disclose an elector's address without the consent of the elector.
- (f) A candidate for election as Chief or Councilor may obtain from the Electoral Officers a list of the names and addresses of electors who have consented to have their addresses disclosed to candidates.
- (g) At least 79 days before the day on which an election is to be held, the Electoral Officer will prepare a voters list containing the names of all the eligible electors in alphabetical order.
- (h) The Electoral Officer will post the voters list in a public area of Aamjiwnaang Administration building and in such other conspicuous places on the Aamjiwnaang as may be determined by the electoral officer, no later than 72 days prior to the date on which the election is to be held.
- (i) On request, the Electoral Officer or deputy Electoral Officer will confirm whether the name of a person is on the voters list.

The Electoral Officer will revise the voters list upon presentation of documentary evidence which demonstrates that:

- i. the name of an elector has been omitted from the voters list;
- ii. the name of an elector is incorrectly set out in the voters list; or

- iii. the name of a person not qualified to vote is included in the voters list.
- (j) A person, or an elector acting on their behalf, may, no later than 2 days prior to the date on which an election is to be held, demonstrate that the name of an elector has been omitted from or incorrectly set out in the voters list by presenting in writing to the Electoral Officer evidence from the Registrar that the elector:
  - i. is entitled to have their name entered on Aamjiwnaang voters list;
  - ii. will be at least 18 years of age on the date on which the election is to be held; and
  - iii. is qualified to vote in Aamjiwnaang elections.
- (k) A person may demonstrate that the name of a person not qualified to vote has been included in the voters list by presenting in writing to the electoral officer, no later than 15 days prior to the date on which an election is to be held, evidence that the person:
  - i. is neither on Aamjiwnaang Membership list nor entitled to have their name entered on Aamjiwnaang Membership list;
  - ii. will not be at least 18 years of age on the date on which the election is to be held; or
  - iii. is not qualified to vote in Aamjiwnaang elections.
- (l) Where the Electoral Officer believes or has information that a person whose name is on the voters list is not an elector, or where, an elector demonstrates to the Electoral Officer that the name of a person not qualified to vote appears on the voters list, the Electoral Officer will give written notice to the person whose eligibility is challenged at least 10 days prior to the date on which the election is to be held.
 

A written notice will include the reasons for seeking the removal of the name from the voters list and any supporting documents and will state that a written reply may be sent to the electoral officer, which must be received no later than 4 days prior to the date on which the election is to be held.
- (m) After consideration of all information and representations relating to amendments of the voters list, the Electoral Officer will add or delete names from the voters list based on whether persons qualify as electors.
- (n) The decision of the Electoral Officer is final and is not subject to appeal.
- (o) A person whose name does not appear on the voters list will be entitled to vote on election day, provided they present documentary proof to the Electoral Officer demonstrating their qualifications as an elector to the electoral officer's satisfaction.

### 3.5 Appointment of Deputies and Interpreters

- (a) The Electoral Officer will appoint deputies and interpreters as they deem necessary, and will work under their direction.
- (b) The deputy Electoral Officer will have such powers as described in this law as well as those powers of the Electoral Officer as delegated to the deputy by the electoral officer.
- (c) A deputy Electoral Officer will not be a Member of Council or a candidate in the election.
- (d) Every deputy Electoral Officer will swear an oath of office to:
  - i. uphold and comply with this law, the Law of Ethics and all the laws of the community;
  - ii. fulfill the duties and responsibilities of their office under this law;
  - iii. carry out their duties faithfully, honestly, impartially and to the best of their ability;
  - iv. keep confidential, both during and after their term of office, any matter or information which, under this law, community law or policy, is considered confidential; and
  - v. always act in the best interests of the community in carrying out their duties.
- (e) The Electoral Officer may make such orders and issue such instructions consistent with the provisions of this law as he may deem necessary for the effective administration of the election.

### 3.6 Notice of Nomination Meeting and Mail-in Procedures

- (a) The Electoral Officer will, at least 30 days before the date on which the nomination meeting is to be held, post a notice of nomination meeting in at least one conspicuous place on the Aamjiwnaang.
- (b) The Electoral Officer will, at least 30 days before the date on which the nomination meeting is to be held, mail a notice of the nomination meeting and a voter declaration form to every elector who does not reside on the Aamjiwnaang in respect of whom the Electoral Officer has been provided with, or has been able to obtain, an address.
- (c) A notice of a nomination meeting will include:
  - i. the date, time, duration, and location of the nomination meeting;
  - ii. the date on which the election will be held and the location of each polling place;
  - iii. the name and phone number of the electoral officer;
  - iv. the statement that any voter may vote by mail-in ballot;
  - v. a description of the way an elector can nominate a candidate, or second the nomination of a candidate; and
  - vi. the statement that, if the elector wants to receive information from candidates,

- the elector can agree to have their address released to the candidates.
- vii. the Electoral Officer will record the names of the electors to whom a notice of the nomination meeting was mailed, the addresses of those electors, and the date on which the notices were mailed

### 3.7 Eligibility to Nominate

- (a) In order to be entitled to nominate a candidate at an election, an elector must, on the day of the nomination meeting:
  - i. be at least 18 years of age; and
  - ii. be included on Aamjiwnaang voters list.
- (b) Any elector may propose or second the nomination of any qualified person to serve as the Chief or Councilor:
  - i. by delivering or mailing a written nomination and a completed, signed and witnessed voter declaration form to the Electoral Officer before the time set for the nomination meeting; or
  - ii. by completing and signing a form at the nomination meeting.

### 3.8 Nomination Meeting

- (a) The nomination meeting will be held at least 42 days prior to the date on which the election is to be held.
- (b) At the time and place set for the nomination meeting, the Electoral Officer will declare the nomination meeting open for the purpose of receiving nominations of eligible candidates for available Chief and Council position(s).
- (c) The Electoral Officer is responsible for managing and conducting the nomination meeting.
- (d) Immediately following the opening of the nomination meeting, the Electoral Officer will read aloud all written nominations and secondments that have been received by mail or delivered in accordance with this law.
- (e) The nomination meeting will remain open for at least 6 hours.
- (f) The Electoral Officer will maintain order during the nomination meeting and may remove any person who, in their opinion, is disrupting or otherwise interfering with the proceedings.

### 3.9 Nomination Procedure

- a) Mailed nominations that are not received by the Electoral Officer before the time set

for the nomination meeting are void.

- b) The Electoral Officer will record the name of the candidate, the nominator and the seconder and confirm that the proposed candidate is eligible to be elected to either the position of Chief or Councilor of Aamjiwnaang.
- c) Any person present, at a nomination meeting who is eligible to do so may second the nomination of any person nominated in writing.
- d) Where the same person receives two written nominations for the same office, the second nomination will constitute as the seconder of the first nomination.
- e) Any elector may nominate or second no more than:
  - i. one eligible person for the office of Chief; and
  - ii. the number of eligible persons for the office of Councilor.
- f) At the end of the nomination meeting, the Electoral Officer will:
  - i. if only one person has been nominated for election as Chief, declare that person to be elected;
  - ii. if the number of persons nominated to serve as Councilor does not exceed the number to be elected, declare those persons to be elected; and
  - iii. where more than the required number of persons are nominated for election as Chief or Councilor, announce that an election will be held.
- g) On the day following the nomination meeting, the Electoral Officer will post in at least one conspicuous place on Aamjiwnaang a list of nominees, their nominators and seconders and the offices for which they are nominated.

#### Article 4. Election Process

##### 4.1 Acclamation

- (a) Where the office of Chief and all seats of Councilor are filled by acclamation; the Electoral Officer will post in at least one conspicuous place on Aamjiwnaang, and mail to every elector who does not reside on the Aamjiwnaang, a notice that sets out the names of the persons who have been acclaimed and states that an election will not be held.

##### 4.2 Ballots

- (a) The Electoral Officer will prepare ballot papers setting out:
  - i. the names of the candidates nominated for election as Chief, in alphabetical order by surname; and,

- ii. the names of the candidates nominated for election as Councilor, in alphabetical order by surname.
- (b) Where two or more candidates have the same name, the Electoral Officer will add to the ballots such additional information as is necessary to distinguish between those candidates. The ballot may, at the request of the candidate, include a candidate's commonly used nickname.

#### 4.3 Notice of the Election

- (a) The election will be held at least 42 days after the day on which the nomination meeting was held.
- (b) The Electoral Officer will, within 3-days after the day on which the nomination meeting was held, post a notice of election in at least one conspicuous place on the Aamjiwnaang.
- (c) The notice of election will include:
  - i. the date of the election;
  - ii. the times at which the polling station(s) will open and close;
  - iii. the location of the polling station(s);
  - iv. the time and location of the counting of the votes; and
  - v. a statement that the voters list is posted for public viewing and its location.
- (d) The Advance Poll notice will include:
  - i. the date of the election;
  - ii. the times at which the polling station(s) will open and close;
  - iii. the location of the polling station(s);
  - iv. the time and location of the counting of the votes; and,
  - v. a statement that the voters list is posted for public viewing and its location.
- (e) At the close of the Advance Poll the Electoral Officer will provide to the local police detachment or legal counsel with the sealed ballot boxes for storage until the Polling Station opens on the date of the Election.
- (f) The Online E-Vote notice will include:
  - i. the date of the election;
  - ii. the times at which the online e-voting will open and close;
  - iii. the website and address of the online polling service;
  - iv. clear specific instruction for participation in the online e-vote service;
  - v. the time and location of the counting of the votes; and,
  - vi. a statement that the voters list is posted for public viewing and its location.
- (g) At the close of Online Polling the Electoral Officer will provide to the local police

detachment or legal counsel with a sealed envelope with the results of the online e-votes for storage until the Polling Station opens on the date of the Election.

#### 4.4 Mail-in Ballots

- (a) The Electoral Officer will, at least 35 days prior to the date on which the election is to be held, mail to every elector who is not ordinarily resident on the Aamjiwnaang and to every elector whose request to vote by mail-in ballot has been received, a mail-in ballot package consisting of:
- i. a ballot initialed on the back by the electoral officer;
  - ii. an inner postage-paid return envelope, pre-addressed to the electoral officer;
  - iii. a second inner envelope marked "ballot" for insertion of the completed ballot;
  - iv. a voter declaration form which will set out the elector:
    - 1) the name;
    - 2) the membership number;
    - 3) date of birth; and
    - 4) the name, address and telephone number of the witness to the signature of the elector;
  - v. the notice of election in accordance with this law; and
  - vi. a letter of instruction regarding voting by mail-in ballot which will also include:
  - vii. a statement advising electors that they may vote in person at any polling station on the day of the election if they return their mail-in ballot to the Electoral Officer at the polling station or swear a written declaration before the electoral officer, a justice of the peace, notary public or duly appointed commissioner for taking oaths that they have lost the mail-in ballot; and
  - viii. a list of the names of any candidates who were acclaimed.
- (b) An elector who is ordinarily resident on the Aamjiwnaang and who is unable to vote in person on election day may, at least 10 days prior to the date on which the election is to be held, request a mail-in ballot package from the electoral officer.
- (c) An elector not residing on the Aamjiwnaang who has not received a mail-in ballot package may, not later than 10 days prior to the date on which the election is to be held, request a mail-in ballot package from the electoral officer.
- (d) Upon receipt of a request for a mail-in ballot package, the Electoral Officer will mail or deliver a mail-in ballot package in accordance with this law, to the elector who so requests.
- (e) The Electoral Officer will indicate on the voters list that a ballot has been provided to each elector to whom a mail-in ballot was mailed or otherwise provided and keep a record of the date on which, and the address to which, each mail-in ballot was mailed or otherwise provided.



- (f) An elector will vote by mail-in ballot by:
  - i. placing an "X" or other mark that clearly indicates the elector's choice but does not identify the elector opposite the name of the candidate or candidates for whom he desires to vote;
  - ii. folding the ballot in a manner that conceals the names of the candidates or any marks, but exposes the electoral officer's initials on the back;
  - iii. placing the ballot in the inner envelope and sealing the envelope;
  - iv. completing and signing the voter declaration form in the presence of a witness who is at least 18 years of age;
  - v. placing the inner envelope and the completed, signed and witnessed voter declaration form in the postage-paid envelope; and
  - vi. delivering, mailing or otherwise ensuring receipt by the Electoral Officer of the envelope before the close of polls on the day of the election.
- (g) Where an elector is unable to vote in the manner set out in 4.4 (h), the elector may enlist the assistance of another person to mark the ballot and complete and sign the voter declaration form in accordance with that section.
- (h) A person referred to in Section 4.4 (g) will attest to:
  - i. the fact that the person completing and signing the voter declaration form is the person whose name is set out in the form; or
  - ii. the fact that the elector is the person whose name is set out in the form and that the ballot was marked according to the directions of the elector.
- (i) Mail-in ballots that are not received by the Electoral Officer before the close of polls on the day of the election will not be counted.

#### 4.5 Equipment for the Election

- (a) The Electoral Officer will, before the polling station is open, supply the polling station with:
  - i. enough ballot boxes;
  - ii. enough ballots;
  - iii. enough voting compartments enabling electors to mark their ballots free from observation;
  - iv. instruments for marking the ballots;
  - v. enough voting instructions as may be required;
  - vi. all other equipment necessary to establish and equip the polling stations; and
  - vii. the final voters list.

#### 4.6 Polling Stations

- (a) The Electoral Officer will establish at least one polling station on Aamjiwnaang lands.

- (b) The Electoral Officer will provide a voting compartment in the polling station where electors can mark their ballots free from observation and the Electoral Officer may appoint security to maintain order in the polling station.

#### 4.7 Election Day

- (a) The Electoral Officer will not be allowed to vote in the election.
- (b) Candidate's Agent
  - i. A candidate will be entitled to not more than two agents in the polling station at any one time.
  - ii. A candidate's agent must present a letter of authorization to the Electoral Officer or the Deputy Electoral Officer, signed by the candidate, in order to be permitted to remain in the polling station.
- (c) Polling hours will be from 9 a.m. until 8 p.m. local time on the day of the election.
- (d) Verification of the Ballot Box will be confirmed by the Electoral Officer and/or Deputy Electoral Officer, immediately before the commencement of the poll:
  - i. open the ballot box and call such persons as may be present to witness that it is empty and complete a written statement to that effect, verified by a witness;
  - ii. lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal; and
  - iii. place the ballot box in public view for the reception of the ballots.

#### 4.8 Secrecy and Security

- (a) The voting compartment will be free from view of security cameras, cell phones, tablets or any form of a recording devices.
- (b) Voting will be by secret ballot.
- (c) No elector may vote by proxy or authorize another person to vote on their behalf.
- (d) The Electoral Officer or Deputy Electoral Officer will always maintain order in the polling station and may cause to be removed any person who in any way interferes, disrupts or attempts to influence the orderly conduct of the poll.
- (e) No person will, on the day the election is held, on the premises of the polling station:
  - i. distribute any election-related printed materials except such materials as may be distributed by the Electoral Officer or deputy Electoral Officer for the purpose of conducting the election;

- ii. attempt to interfere with or influence any elector in marking their ballot; or
- iii. attempt to obtain information as to how an elector is about to vote or has voted.

## Article 5. Voting

### 5.1 Procedure

- (a) Each person, on arriving at the polling station, will give their name to the Electoral Officer or Deputy Electoral Officer.
- (b) The Electoral Officer or Deputy Electoral Officer will, if the person's name is set out in the voters list, will place their initials on the ballot(s) and provide said ballot(s) to the elector.
- (c) The Electoral Officer or Deputy Electoral Officer will place a mark in the proper column of the voters list, to indicate that the elector has received a ballot.
- (d) An elector to whom a mail-in ballot was mailed or provided may obtain a ballot and vote in person at a polling place if:
  - i. the elector returns the mail-in ballot to the Electoral Officer or Deputy Electoral Officer; or
  - ii. where the elector has lost the mail-in ballot, the elector provides the Electoral Officer or Deputy Electoral Officer with a written affirmation that the elector has lost the mail-in ballot; and
  - iii. the elector in the presence of the Electoral Officer or Deputy Electoral Officer, will sign said written affirmation.
- (e) The Electoral Officer or Deputy Electoral Officer will, when requested to do so, explain the method of voting to the elector.
- (f) After receiving a ballot, an elector will:
  - i. immediately proceed to the compartment provided for marking ballots;
  - ii. mark the ballot by placing an "X" or other mark that clearly indicates the elector's choice but does not identify the elector opposite the name of the candidate or candidates for whom they desire to vote;
  - iii. fold the ballot in a manner that conceals the names of the candidates and any marks, but exposes the initials on the back; and,
  - iv. deliver the ballot to the Electoral Officer or Deputy Electoral Officer.
- (g) On receipt of a completed ballot, the Electoral Officer or deputy Electoral Officer will, without unfolding the ballot, verify the initials placed on it and deposit it in the ballot box in the presence of the elector and any other persons entitled to be present at the polling station.

- (h) While an elector is in the compartment for the purpose of marking their ballot, no other person will, except as provided in this law, be allowed in the same compartment or be in any position from which they can see the manner in which the elector marks their ballot.

## 5.2 Voting Irregularities

- (a) At the request of any elector who is unable to vote in the manner set out in this law, the Electoral Officer or deputy Electoral Officer will assist that elector by marking their ballot in the manner directed by the elector in the presence of another elector selected by the elector as a witness and will place the ballot in the ballot box.
- (b) The Electoral Officer or Deputy Electoral Officer will note on the voters list opposite the name of an elector requiring assistance, as set out in in this law, the fact that the ballot was marked by them at the request of the elector and the reasons thereof.
- (c) An elector who has inadvertently dealt with their ballot paper in such a manner that it cannot be conveniently used will, on one occasion only, upon returning it to the Electoral Officer or Deputy Electoral Officer, be entitled to obtain another ballot paper. The Electoral Officer or Deputy Electoral Officer will then write the word "cancelled" upon the spoiled ballot paper and preserve it.
- (d) Any person who has received a ballot and who leaves the polling place without delivering the same to the Electoral Officer or a Deputy Electoral Officer in the manner provided, or after receiving a ballot, refuses to vote, will forfeit their right to vote at the election, and the Electoral Officer or Deputy Electoral Officer will make an entry in the voters list in the column for remarks opposite the name of such person to show that such person received a ballot and declined to vote, and the Electoral Officer or Deputy Electoral Officer will mark upon the face of the ballot the word "declined" and all ballots so marked will be preserved.

## 5.3 Closing of the Polling Station

- (a) Every elector who is inside the polling station at the time set for closing the poll will be entitled to vote before the poll is closed.

## 5.4 Counting of the Votes

- (a) At the time published in the notice of election as prepared in accordance of this law, for the purpose of counting the votes, the Electoral Officer or Deputy Electoral Officer will, in the presence of any candidates or their agents who are present, open each envelope containing a mail-in ballot that was received before the close of the polls and, without unfolding the ballot, and will reject the ballot if:
  - i. it was not accompanied by a voter declaration form, or the voter declaration

- form is not signed or witnessed;
  - ii. the voter declaration form does not contain a date of birth or a Registry number that matches the information contained for that elector on the voters list;
  - iii. the name of the elector set out in the voter declaration form is not on the voters list;
  - iv. the voters list shows that the elector has already voted; or
  - v. in any other case, place a mark on the voters list opposite the name of the elector set out in the voter declaration form, and deposit the ballot in a ballot box.
- (b) Immediately after the mail-in ballots have been deposited in the ballot box the Electoral Officer or Deputy Electoral Officer will, in the presence of any candidate's agents who are present, open all ballot boxes and examine each ballot.
- (c) The Electoral Officer or deputy Electoral Officer will then supply other deputy electoral officers and all persons present and who so request with a tally sheet to keep their own tally of the votes.
- (d) The Electoral Officer or Deputy Electoral Officer will call out the names of the candidates for whom the votes were cast on all valid ballots.
- (e) A Deputy Electoral Officer will mark a tally sheet in accordance with the names being called out for the purpose of arriving at the total number of votes cast for each candidate.

## 5.5 Ballots not Counted

- (a) In examining the ballots, the Electoral Officer or Deputy Electoral Officer will reject any ballots that:
- i. do not contain the initials of the Electoral Officer or Deputy Electoral Officer;
  - ii. do not give a clear indication of the elector's intention;
  - iii. contain more votes than there are candidates to be elected; or
  - iv. contain a mark by which the voter can be identified.
- (b) The Electoral Officer or Deputy Electoral Officer will attach a note to each ballot rejected which outlines the reason for rejection.
- (c) Subject to review on recount or on an election appeal, the Electoral Officer or Deputy Electoral Officer will take a note of any objections made by any candidate or his agent to any of the ballots found in the ballot box and decide any questions arising out of the objection.
- (d) The Electoral Officer or Deputy Electoral Officer will number objections to ballots

raised pursuant to the terms of this law and place a corresponding number on the back of the ballot paper with the word “allowed” or “disallowed”, along with their initials.

## 5.6 Tie Vote

- (a) The Electoral Officer will cast a ballot in order to break the tie vote using the following guidelines:
  - i. the Electoral Officer will place the names of the candidates having the same number of votes on a paper and place each in a receptacle;
  - ii. without looking, they will draw as many papers as there are positions available;
  - iii. the candidate(s) whose name(s) appear on the pieces of paper the Electoral Officer has drawn from the receptacle will constitute the candidate(s) for whom the Electoral Officer will cast a vote;
  - iv. this method will only be used for the candidates who have achieved receiving the 2-lowest number of votes and for which there is only 1-position left.

## Article 6. Post-Election

### 6.1 Procedures

- (a) After completing the counting of the votes and establishing the successful candidates, the Electoral Officer will declare to be elected the candidate or candidates having the highest number of votes for the position of Chief and Councilor.
- (b) Following the declaration of elected candidates, the Electoral Officer will complete and sign an election report which will contain:
  - i. the names of all candidates;
  - ii. the number of ballots cast for each; and
  - iii. the number of rejected ballots.
- (c) Within four (4) days after completion of the counting of the votes, the Electoral Officer will:
  - i. sign and post, in at least one conspicuous place on the Aamjiwnaang, the election report;
  - ii. mail a copy of the election report to every elector of Aamjiwnaang who does not reside on the Aamjiwnaang; and
  - iii. forward a copy of the election report to Aamjiwnaang Band Manager.

### 6.2 Retention of Ballots and Other Election Material

- (a) The Electoral Officer will deposit all ballot papers in sealed envelopes, including those rejected, spoiled and unused, and will retain these ballots and all materials in

connection with the election.

- (b) All ballots and materials will be retained for 45 days from the date on which the election was held or until a decision on an appeal is rendered, whichever date is later, after which time the Electoral Officer may, unless directed otherwise by the Council, destroy them in the presence of two witnesses who will make a declaration that they witnessed the destruction of those papers.

### 6.3 Chief and Councilor Oath of Office

- (a) A candidate who has been elected Chief or Councilor will, within fourteen (14) days of the electoral officer's declaration, swear an Oath of Office before either the Electoral Officer, a Justice of the Peace, Notary Public or duly appointed Commissioner for taking oaths.
- (b) Where a candidate elected as Chief or Councilor cannot, due to illness or other valid reason, swear the Oath of Office within the time prescribed, they or an elector acting on their behalf may file a petition with the Electoral Officer for an extension of the time to swear the Oath of Office. The extension will be reviewed and decided by a Quorum of Council.

## Article 7. Special Provisions

### 7.1 Advanced Poll

- (a) An advanced poll may be determined by order of Council and as part of special instructions given to the Electoral Officer upon their acceptance of appointment through Council and will take place as follows:
  - i. the advanced poll will be held within thirty (30) days after the nomination day closes and will follow all procedures as they are prescribed for the regular poll;
  - ii. all ballots from the advanced poll will be kept in a sealed box and the sealed box will only be opened and the ballots therein counted during the ballot count for the regular election; and,
  - iii. the advanced poll will be open from 9:00 a.m. to 4:00 p.m.

## Article 8. Election Appeals

### 8.1 Composition

- (a) The Election Appeal Board will be composed of seven (7) people who have received the established orientation and training to serve on the Election Appeal Board. The Board will be comprised as follows:

- i. two elders (1-male and 1-female);
  - ii. two youth (1-male and 1-female);
  - iii. two Aamjiwnaang members (1-man and 1-woman), at least 18 years of age, who are familiar with the community culture, traditions and values of Aamjiwnaang; and,
  - iv. a person, at least 18 years of age, who is not a Member of Aamjiwnaang and who does not have a vested interest in the outcome of an election appeal or a petition for the removal of the Chief or Council Member from office, and who has training and certification as a professional mediator.
- (b) All Members of the Election Appeal Board will possess an understanding of the principles of natural justice.
- (c) At least 100 days before the date on which the election is to be held, Aamjiwnaang Council will:
  - i. select the Members of the Election Appeal Board in accordance with the terms of this law; and,
  - ii. develop a pool of ten (10) potential members on which a call to duty may occur, if an appointed Election Appeal Board member cannot fulfill their appointment there will be a sufficient amount of trained members.
- (d) The term of office of the Election Appeal Board will be until the day on which the Council selects another Election Appeal Board in accordance with this law.
- (e) Upon receipt of an election appeal, any Election Appeal Board member who is an immediate family member of any appellant or candidate, or who may have a bias or conflict in connection with the appeal, will excuse themselves from the board.
- (f) The remaining members of the Election Appeal Board will select additional members as required to attain seven (7) from the list of potential Members drawn by Aamjiwnaang Council.
- (g) Each Member of the Election Appeal Board will execute an Oath of Office (Appendix "G") and accept their appointment by forwarding a letter of acceptance to Aamjiwnaang Council.

## 8.2 Functions of the Election Appeal Board

- (a) The Election Appeal Board will supervise and administer in accordance with the provisions of this law:
  - i. all election appeals; and
  - ii. all petitions for the removal of a Council Member from office.

## 8.3 Timing



- (a) A candidate or an elector may, within 45 days from the date on which the election was held, submit an appeal to the Election Appeal Board.

#### 8.4 Grounds for Appeals

- (a) An appeal submitted pursuant to the provisions of this law must sufficiently outline one or more of the following:
  - i. that the person declared elected was not qualified to be a candidate;
  - ii. that there was a violation of this law in the conduct of the election that might have affected the result of the election; or
  - iii. that there was corrupt or fraudulent practice in relation to the election.

#### 8.5 Submission

- (a) An appeal submitted to the Election Appeal Board must:
  - i. be submitted in writing;
  - ii. set out in an affidavit sworn before a Notary Public or duly appointed Commissioner for taking oaths; the facts, substantiating the grounds for the appeal; and
  - iii. any additional documentation to support the Complaint and Appeal.

#### 8.6 Procedure

- (a) Upon receipt of an election appeal, the Election Appeal Board will:
  - i. forward a copy together with supporting documents by registered mail to the Electoral Officer and to each candidate at the election; or
  - ii. in the case where the appeal has not been submitted in accordance with the terms of this law, will inform the appellant(s) in writing that the appeal will not receive further consideration.

#### 8.7 Response to the Allegations

- (a) Any candidate or the Electoral Officer may, within fourteen (14) days of the receipt of the appeal(s), forward to the Election Appeal Board by registered mail a written response to the appeal allegations, together with any supporting documentation.

#### 8.8 Decision

- (a) After a review of all the evidence received, the Election Appeal Board will make a ruling that all evidence and information gathered allows for the reasonable conclusion that:
  - i. the evidence presented was not sufficiently substantive to determine that a violation of this law has taken place, and will not affect the result of the election;
  - ii. there was a corrupt or fraudulent practice in relation to the election and an investigation will take place;

- iii. a violation of this law has taken place and the violation might have affected the result of the election, and an investigation will take place;
  - iv. that the person declared elected was qualified to be a candidate;
  - v. that the person declared elected was not qualified to be a candidate; or
  - vi. they uphold the appeal by setting aside the election of one or more Council Members and/or the Chief.
- (b) The decision of the Election Appeal Board will be:
- i. communicated to all candidates and electors via all approved means of communication; and
  - ii. posted in at least one conspicuous place on the Aamjiwnaang.
- (c) The decision of the Election Appeal Board is final and not subject to appeal.

## Article 9. Leadership Council

### 9.1 Composition

- (a) The Aamjiwnaang Leadership Council will consist of one (1) Chief and nine (9) Councilor's.

### 9.2 Meetings

- (a) The first meeting of the Council will be held not later than 30 days after its election. Meetings will be held on the first and third Mondays of each month and at such times as may be necessary to conduct the business of the Council or the affairs of Aamjiwnaang.
- (b) No Member of the Council may be absent from meetings of Council for three consecutive meetings without being authorized to do so by the Chief.
- (c) The Chief of Aamjiwnaang or a quorum of Council will summon a Special Meeting of the Council.
- (d) Aamjiwnaang Council Clerk will notify each Member of the Council of the day, hour and place of each meeting of the Council.

### 9.3 Order and Proceedings

- (a) A majority of the whole Council will constitute a quorum.
- (b) If no quorum is present within 30 minutes after the time appointed for the meeting, Aamjiwnaang Council Clerk will call the roll and take the names of the Members of Council then present and Council will stand adjourned until the next meeting.

- (c) The Chief of Aamjiwnaang will be the chairman at meetings of Council.
- (d) Upon a quorum being present, the Chief of Aamjiwnaang will take the chair and call the meeting to order.
- (e) In the absence of the Chief, a chairman will be chosen from amongst the Councilor's present until the arrival of the Chief.
- (f) The Chief or chairman will maintain order and decide all questions of procedure.
- (g) The order of business at each regular meeting of the Council will be as follows:
  - i. reading, correction (if any) and adoption of the minutes of the previous meeting;
  - ii. individual Aamjiwnaang Member business takes a priority and will be placed first on the agenda;
  - iii. tabled or deferred business arising from the minutes;
  - iv. department and staffing reports and business;
  - v. presentation(s) for consideration and information;
  - vi. Standing Committee of Council reports, minutes and recommendations;
  - vii. correspondence and information;
  - viii. new business;
  - ix. in-camera;
  - x. adjournment.
- (h) Each motion presented or read by Aamjiwnaang Council Clerk, when duly moved and seconded and placed before the meeting by the Chief or chairman, will be open for consideration.
- (i) After a motion has been placed before the meeting by the Chief or chairman, it will be deemed to be in the possession of the Council, but it may be withdrawn by consent of the majority of the Council Members present.
- (j) When any Council Member desires to speak, they will address their remarks to the Chief or chairman and confine themselves to the question then before the meeting.
- (k) In the event of more than one Council Member desiring to speak at one time, the Chief or chairman will determine who is entitled to speak.
- (l) The Chief or chairman or any Council Member may call a Council Member to order while speaking, and the debate will then be suspended, and the Council Member will not speak until the point of order is determined.
- (m) A Council Member may speak only once on a point of order.

- (n) Any Member of the Council may appeal the decision of the Chief or chairman to the Council and all appeals will be decided by a majority vote of the Council and without debate.
- (o) All motions before the Council will be decided by majority vote of the Councilor's present.
- (p) The Chief or chairman will not be entitled to vote unless the votes in favour and against are equal, in which case the Chief or chairman will cast the deciding vote.
- (q) Every Member present when a question is put will vote thereon unless the Council excuses them or unless they are personally interested in the question, in which case they will declare their interest, and may recuse themselves or be required to recuse themselves by a majority vote of the other Council Members.
- (r) A Member of the Council who refuses to vote will be deemed to vote in the affirmative.
- (s) Whenever a division of the Council is taken for any purpose, each Council Member present and voting will announce their vote upon the motion openly and individually to the Council and, when so requested by any Member, Aamjiwnaang Council Clerk will record it.
- (t) Any Member may require the motion or resolution under discussion to be read for his/her information at any period of the debate, but not so as to interrupt a Councilor who is speaking.
- (u) The regular meetings of the Council will be open to Members of Aamjiwnaang and no Member will be excluded from a regular meeting except for improper conduct or if the Chief or chairman declares the meeting or a portion of the meeting to be closed for In-Camera discussion.
- (v) The Chief or chairman may expel or exclude from any meeting any person who causes a disturbance at the meeting.
- (w) The Council may appoint the following Standing Committees as the majority of Council deems necessary:
  - i. Community Services
  - ii. Development
  - iii. Education
  - iv. Environment
  - v. Finance
  - vi. Governance

- vii. Health
  - viii. Housing
  - ix. Lands and Resource
  - x. Personnel
- (x) The Council may appoint special committees on any matters of the interests that Aamjiwnaang may require.
- (y) A majority of the Members of a committee will be a quorum.
- (z) The general duties of standing and/or special committee are:
- i. To adhere to the Council approved Terms of Reference for their committee;
  - ii. To report to the Council on a regular timely basis on all matters of interests connected with the duties imposed on them;
  - iii. Make recommendations to Aamjiwnaang Council in relation to matter of interest as they may deem necessary; and
  - iv. To consider and report upon all matters referred to them by Aamjiwnaang Council.

#### 9.4 Term of Office

- (a) The term of office for the Chief and Councilor's will not exceed three (3) years.
- (b) The term of office may, under mitigating circumstances, be continued beyond three (3) years if such continuation is not opposed by the votes of more than 50% of the Members of Council. This continuation will not exceed 60 days.
- (c) Council will, by Aamjiwnaang Council Resolution, establish the date on which the election is to be held, which must be no sooner than 30 days prior to the end of the term of office of the Council.
- (d) The term of office for the Chief and Councilor's commences when all elected Council Members swear the Oath of Office in accordance with this law and, subject to any vacancy arising under this law, expires three (3) years later.
- (e) The successful candidate in a by-election will hold office for the remainder of the original term of office of the Chief or Councilor whom they are elected to replace.
- (f) If a successful appeal results in a new general election, the term of the newly elected Council will commence on the date all elected Council Members were sworn into office and the Oath of Office in accordance with this law, and expires three (3) years later.

## 9.5 Vacancy

- (a) A Chief or Councilor position on the Council may become vacant if, while in office:
  - i. the Chief or Councilor resigns in writing from office of their own accord;
  - ii. the Chief or Councilor has been unable to perform the functions of their office for more than six months due to illness or other incapacity.
- (b) the Chief or Councilor deceases; or
- (c) the Chief or Councilor is removed from office in accordance with this law.

## 9.6 Removal of Council Members from Office

- (a) The Chief or a Councilor may be removed from office and be prevented from running for office for ten (10) years if they:
  - i. violate this law, their Oath of Office or the Law of Ethics;
  - ii. fails to attend three consecutive regular meetings of Council without being reasonably excused from attendance by the Chief.
  - iii. fails to maintain a standard of conduct expected of a Member of Council;
  - iv. has been convicted of an indictable offence since their election;
  - v. accepts or offers a bribe, forges a Council document or otherwise acts dishonestly in their role;
  - vi. abuses their office such that their conduct negatively affects the dignity and integrity of Aamjiwnaang as a whole or of Council;
  - vii. engages in illegal or unlawful activities;
  - viii. encourages others to commit any of the above acts or omissions; or
  - ix. engages in such other conduct as may be determined by Council to be of such a serious nature that the removal is necessary and appropriate.

## 9.7 Procedure for Removal from Office

- (a) Proceedings to declare a person ineligible to continue to hold the office of Chief or Councilor will be initiated by any elector submitting to the Election Appeal Board a petition on which will appear:
  - i. the grounds pursuant to and in accordance with this law, on which removal of a Chief or Councilor is sought;
  - ii. the evidence in support of the petition;
  - iii. the signature of the petitioner;
  - iv. the signatures of at least 50% of all eligible electors of Aamjiwnaang in the most recent election, in support of the petition;

- (b) A majority of Council Members passing a Council Resolution and submitting a petition to the Election Appeal Board on which will appear:
  - i. the grounds pursuant to and accordance with this law, on which removal of a Chief or Councilor is sought;
  - ii. the evidence in support of the resolution; and
  - iii. the signatures of all Council Members who voted for the removal.
- (c) On receipt of a petition, the Election Appeal Board will verify that the petition complies with the appeals process. If the petition does not comply, the Election Appeal Board will so notify the petitioner(s) in writing and provide a rationale.
- (d) In a case where the petition complies with the appeals process, the Election Appeal Board will:
  - i. determine that the grounds put forth in the petition are either frivolous in nature or unsubstantiated and dismiss the petition; or
  - ii. schedule a review hearing, which will take place within twenty-one (21) days from the date on which the petition was submitted to the board.
- (e) In a case where the petition has been dismissed or is unsubstantiated, the Election Appeal Board will so inform the petitioner(s) in writing and provide a rationale.
- (f) In a case where the Election Appeal Board schedules a hearing, the board will send a written notice of the hearing by registered mail to Aamjiwnaang Council, the petitioner(s) and the Council Member who is the subject of the petition for removal.
- (g) The written notice will set out:
  - i. the nature of the hearing and all related particulars;
  - ii. the date, time and location of the hearing; and
  - iii. a statement that the petitioner(s), any Member of Council or the Council Member who is the subject of the petition for removal may, at the hearing, make a presentation to the board, which may include the presentation of documents and testimony by witnesses.
- (h) The Election Appeal Board will conduct a hearing at the time and place set out in the written notice.
- (i) Within fourteen (14) days of the day on which the hearing is held, the Election Appeal Board will rule:
  - i. that the petition will be allowed to stand, and declare the Council position of the Member of Council who is the subject of the petition to be vacant; or
  - ii. that the petition is dismissed.

- (j) The Election Appeal Board will send, by registered mail, a written notice of the ruling to Aamjiwnaang Council, the petitioner(s) and the Council Member who is the subject of the petition for removal.
- (k) The decision of the Election Appeal Board is final and binding upon all parties.
- (l) If the Council position is declared vacant in accordance of this law, the Election Appeal Board may further declare the Chief or Councilor removed from office to be disqualified from being a candidate for a period of up to ten (10) years commencing on the date of the board's ruling.

## 9.8 By-election

- (a) Unless otherwise provided in this law, if the office of Chief or Councilor becomes vacant, a by-election will be held within 90 days after the date on which the position is declared vacant.
- (b) No by-election will be held if there are less than 3 months remaining in the term of the Council Member whose office has become vacant, except where a by-election is necessary to have enough Council Members to maintain a quorum.
- (c) No sitting Council Member is eligible to be a candidate in a by-election. If a Council Member wishes to be a candidate in a by-election, they must resign their Council position prior to the nomination meeting for the by-election. If a Councilor does resign to run for the office of Chief, the seat that becomes vacant will be included in the by- election.
- (d) Except as expressly provided otherwise in this law, the rules and procedures in this law will apply to by-elections.

## Article 10. Amendments

### 10.1 Review and Evaluation

- (a) This law will be reviewed at the beginning of each term of the newly elected Aamjiwnaang Leadership Council.

### 10.2 The Process for Amendments

- a) Must be submitted in written form and presented to Aamjiwnaang Leadership Council, setting out the specific area or areas in this law proposed for amendment.



- b) Upon receipt of an amendment proposal Aamjiwnaang Leadership Council will prepare a notice to Aamjiwnaang electors that sets out:
  - i. a summary of the proposed amendments to this law;
  - ii. a statement that the full copy of the proposed amendments can be obtained at the Administration Office building; and
  - iii. a description of the amendment process.
- c) The notice provided will be:
  - i. published in the community's newsletter, delivered or mailed to Aamjiwnaang electors, or by separate notice delivered or mailed to all Aamjiwnaang electors; and
  - ii. posted in at least one conspicuous place on Aamjiwnaang territory.
- d) Electors may, within fourteen (14) days of publication of the notice as outlined in this law, may provide comments concerning the proposed amendments in writing to Aamjiwnaang Council.
- e) Following receipt of comments concerning the proposed amendments pursuant to and accordance of this law, Aamjiwnaang Council will review the comments and make such changes to the proposed amendments as they deem necessary in order to arrive at a final amended law.
- f) Aamjiwnaang Council will post the final amended law to Aamjiwnaang electors for final comment(s) and the amended law may then be approved per Aamjiwnaang Chi'Naaknigewin.
- g) Elections held under the amended law will take place no sooner than one-hundred (100) days of the approval.

10.3 Aamjiwnaang Leadership will approve any amendments to the Aamjiwnaang Inaakonigewin – Dawaabmang'waa Niigaanzijig through Council Motion at a Duly Convened meeting.

#### Article 11. Coming into Force

The Aamjiwnaang Inaakonigewin – Dawaabmang'waa Niigaanzijig will be enacted when:

- a) Aamjiwnaang members approve the final draft for the ratification process.
- b) This law is ratified by a majority of Aamjiwnaang electors have voted in favor of the Aamjiwnaang Inaakonigewin – Dawaabmang'waa Niigaanzijig.
- c) The ratified law is accepted and approved through a Ministerial Order.

Signature of Aamjiwnaang Leadership Council

This law was ratified by Aamjiwnaang electors and received a Ministerial Order on \_\_\_\_\_.  
Aamjiwnaang now proclaims to be removed from the *Indian Act* election provisions and is  
being enacted before Aamjiwnaang electors on this \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chief

\_\_\_\_\_  
Councilor

\_\_\_\_\_  
Councilor

\_\_\_\_\_  
Councilor

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Councilor

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Councilor

\_\_\_\_\_  
Councilor

\_\_\_\_\_  
Councilor



## CANDIDATE CODE OF ETHICS

Aamjiwnaang Anishinabek have faced many challenges through time yet continue to maintain a sacred connection to the land and water where their ancestors embraced and practiced the gifts of the Seven Grandfather Teachings. The teachings were once deeply rooted in the everyday life of the people and were passed from generation to generation with love, kindness, and respect. The teachings encompass self-discipline, responsibility, personal conduct, and acceptance of diversity.

Aamjiwnaang candidates must accept and abide by the concepts and understandings of the Seven Grandfather Teachings while participating in the leadership selection process. The following terms apply to every person who accepts a nomination and chooses to stand as a candidate in any Aamjiwnaang General Election, for either Chief or Councilor.

- a) A nominated candidate agrees to:
  - i. Act in a respectful manner.
  - ii. Respect the Electoral Officer and Deputy Electoral Officer(s), and not interfere in any way with the performance of their duties in accordance with this law.
  - iii. Deliver their political platforms respectfully and focus on the issues of Aamjiwnaang, or other political issues that may affect the community.
  - iv. Conduct their campaign in such a manner so that they do not effect another candidate through the use of lateral violence, smear campaigns or campaigns of gossip, rumour, or hearsay.
  - v. Remain free from coercion or intimidation upon Aamjiwnaang electors as they have the right to support any candidate of their choosing.
  - vi. Refrain from vote buying or otherwise provide remuneration of any kind for electoral support.
  - vii. Accept the final official election results and any decision of the Appeals Election Board.
- b) A Candidate is in breach of the Aamjiwnaang Inaakonigewin – Dawaabmang'waa Niigaanzijig or this Candidates Code of Ethics, when they either directly or indirectly: makes, offers, or accepts a bribe intended to influence an elector:
  - i. to vote or refrain from voting; or
  - ii. to vote or refrain from voting for another candidate.

A candidate who breaches the Aamjiwnaang Inaakonigewin – Dawaabmang'waa Niigaanzijig or Candidates Code of Ethics must withdraw their candidacy immediately upon confirmation of said breach. The provisions for removal from office will apply to determine a candidate's breach.

All Candidates are required to sign the attached Acknowledgement and Attestation Form.

**Candidate Code of Ethics - Acknowledgement and Attestation Form****Acknowledgement:**

I hereby acknowledge that I have received and read a copy of the Candidate Code of Conduct as required for my candidacy in the Aamjiwnaang General Election 20\_\_\_. I understand that if I have any questions or concerns about the Code of Conduct, I must seek clarification from the Electoral Officer or Band Manager.

**Attestation:**

I \_\_\_\_\_, have read the Candidate Code of Conduct and agree to abide by the terms stated herein. I will conduct myself and my campaign with utmost respect and integrity and remain committed to honouring the Seven Grandfather Teachings. I understand that a breach of trust may result in removal as a candidate in Aamjiwnaang's General Election 20\_\_\_, as determined by the provisions in the Aamjiwnaang Inaakonigewin – Dawaabmang'waa Niigaanzijig or Candidate Code of Ethics. Once signed, this document will be filed with Electoral Officers final report of the general election.

\_\_\_\_\_  
Name of Person\_\_\_\_\_  
Name of Witness\_\_\_\_\_  
Title\_\_\_\_\_  
Title\_\_\_\_\_  
Date:\_\_\_\_\_  
Date



## OATH OF OFFICE

Accept the duty, responsibility and obligation of:

Being elected to the office of Chief or Councillor for Aamjiwnaang, they must solemnly swear that they will faithfully execute the duties of their office with personal and professional integrity in striving to achieve the aspirations of the Aamjiwnaang.

Further, that they shall conduct themselves in a manner that is honourable and respectful of the trust bestowed upon them by the people of Aamjiwnaang. They shall work cooperatively, honestly, ethically and compassionately for the benefit of all Members of Aamjiwnaang and provide leadership that is in the best interest of Aamjiwnaang and the general Membership and Members yet unborn.

They will remain transparent in their decision-making processes and be accountable to the Membership of the Aamjiwnaang, while strictly maintain the necessary confidentiality on all matters and will be absent from the very appearance of a Conflict of Interest.

They will so declare before their fellow elected Chief or Councillor, the Membership, Community Elders and Youth that they will make this commitment freely without mental reservation or purpose of evasion, and that the primary duty of office is to serve Aamjiwnaang members above all others.





### OATH OF CONFIDENTIALITY

This Oath of Confidentiality binds Aamjiwnaang's elected leadership, employees, committee members, board of directors, trustees and volunteers (may be used interchangeably with person/persons) and is a mandatory requirement that must be agreed to upon acceptance of any position.

The level of public support and respect that Aamjiwnaang enjoys results not only from recognition of its vision, but the degree of integrity and ethical behaviour of those representing and carrying out the duties of their position.

All information of a sensitive, financial, legal and/or confidential nature, including but not limited to: plans, reports, proposals, contracts, employee information, social assistance files, legal matters, emails or other technological supports whether it is specifically marked or indicated as confidential, will remain confidential.

Prior to assuming the duties of office, position or appointment all persons must sign the Acknowledgement and Attestation Form (attached), which states that they have read and agree to abide by the following terms:

- a) Not to use or disclose any sensitive, financial, legal and/or confidential information which pertains to Aamjiwnaang, its members, clients or business proponents to any person, business, organization for any purpose other than the duties of their respective position.
- b) Not to disclose, directly or indirectly, to any person, business or organization the private affairs of Aamjiwnaang tenant(s) of the Chippewa Industrial Development Limited Corporation (CIDL), or any information concerning the affairs of CIDL that they may have acquired in the course of fulfilling their duties of their respective position.
- c) Not to disclose sensitive, financial, legal and/or confidential information of Housing loans, agreements or arrears of any Aamjiwnaang member.
- d) Not disclose the name, address, phone number, status number of any Aamjiwnaang member, client or employee to any off-reserve agency or entity such as creditors and/or collectors.
- e) Not to disclose any information that could adversely affect the image or reputation of Aamjiwnaang.
- f) Not to permit any person whatsoever to examine or make copies of any reports or other documents except those that are necessary in carrying out their duties and are intended for public knowledge and information.



- g) Not to place themselves in a position of obligation to any person, business, or organization who may benefit or appear to benefit from disclosure of sensitive, financial, legal and/or confidential information.
- h) Not to benefit or appear to benefit from the use of sensitive, financial, legal and/or confidential information that is not generally available to the public.
- i) Not to discuss legal, financial, sensitive, or confidential information with anyone other than those who are directly involved with the business at hand.
- j) To return all documents, papers, records, other materials and technological support devices in their possession, including all copies in whatever form when: term of election ends; termination occurs; retired; contract is fulfilled; or temporary appointment ends.

Business and confidential information as defined above must not be discussed with nor divulged to any person or entity other than those required to know as outlined above and within the parameters of this document and the Personal Information Protection and Electronic Documents Act (PIPEDA). Any breach of confidentiality or failure to comply with any terms as listed may result in:

- i. removal from an elected position;
- ii. request for resignation; and/or
- iii. disciplinary action as deemed appropriate which may result in dismissal for cause.

In the event that a violation of any one of the terms listed in the Oath of Confidentiality are found to be true, Aamjiwnaang reserves the right to seek relief and may be entitled to an injunction which prohibits further breaches.

Record of Acceptance and Amendments:

Document Creation 2003

Amended: 06 July 2020, Approved at a Duly Convened Meeting of Aamjiwnaang Chief and Council





**APPENDIX A**

**Oath of Confidentiality Acknowledgement and Attestation Form**

**Acknowledgement:**

I hereby acknowledge that I have received and read a copy of the Aamjiwnaang Oath of Confidentiality as required for my position. I understand that if I have any questions or concerns about the Aamjiwnaang Oath of Confidentiality, I must seek clarification from my direct supervisor, Band Manager or Human Resource.

**Attestation:**

I \_\_\_\_\_, have read the Aamjiwnaang Oath of Confidentiality and agree to abide by the terms. I will conduct my work with the Aamjiwnaang with the utmost integrity and remain committed to the principles and vision of Aamjiwnaang. I understand that a breach of trust may result in disciplinary action, up to or include removal from an elected position, termination of employment, or removal from appointment as determined by Aamjiwnaang.

\_\_\_\_\_  
Name of Person

\_\_\_\_\_  
Name of Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date





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# AAMJIWNAANG

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## CONFLICT OF INTEREST POLICY

### APPENDIX "D"



## PREAMBLE

We, the Anishinabek of Aamjiwnaang are descendants of the Ojibwe, Pottawatomi, and Odawa (The People of the Three Fires confederacy). We have been here since the time of The Great Migration and are keepers of our traditional territory, our language, and culture and heritage.

Pursuant to our Inherent Rights to self-government given by G'Zhe-Manidoo (Creator/God); and,

Pursuant to Aamjiwnaang Chi'Naaknigewin (community constitution); and,

Pursuant to the recognition of the rights in Section 25 and 35 of the Constitution Act, 1982.

We do hereby establish the Aamjiwnaang Conflict of Interest Policy which shall be based upon the Seven Grandfather Teachings of:

- Zaagidiwin-Love
- Debwewin-Truth
- Mnaadendmowin-Respect
- Nbwaakaawin-Wisdom
- Dbaadendiziwin-Humility
- Gwekwaadziwin-Honesty
- Aakedhewin-Bravery

The principles of the Aamjiwnaang Conflict of Interest Policy shall preserve and enhance, for future generations:

- Anishinaabe mii maanda inaakonigewin – our natural ways and is inclusive for all.
- Anishinabemowin (Anishinaabe language) – continues to be known.
- Anishinaabe culture and traditions shall be honoured and recognized for all; and,
- Mnaadendmowin – Land, water, and air resources of our traditional territory.

It is the exclusive right of all Aamjiwnaang Bendaazijig to preserve for their descendants in accordance with the Anishinaabe natural and written laws to:

- Respect and uphold our laws and institutions of culture and government.
- Enjoy the benefits, rights, and freedoms; and,
- Make and amend laws, codes, by-laws and/or policy for Aamjiwnaang Territory.

The Canadian government has no authority to interfere with Aamjiwnaang inherent rights and jurisdiction over our traditional territory.

AAMJIWNAANG

978 Tashmoo Avenue, Sarnia, Ontario, N7T 7H5



## DEFINITIONS

"Aamjiwnaang" means the where the water is flowing swiftly at the spawning place.

"agent" means an individual appointed by a Candidate to be present and observe the activities at the Aamjiwnaang Election Poll.

"appellant" means an individual who submits an appeal in accordance with this law with respect to an election.

"arrears" means missing two consecutive payments within any 12-month period.

"Band" means Aamjiwnaang.

"board member" means an individual who is appointed to a Board of Directors of any corporation or entity of Aamjiwnaang.

"Chief" means an individual who was successful in attaining a majority vote in the election process pursuant to the Aamjiwnaang Inaakonigewin – Dawaabmang'waa Niigaanzijig.

"committee member" means an individual who is appointed to serve on a Standing Committee of Council.

"conflict of interests" means, but is not limited to, a personal or business matter that may either directly or indirectly interfere with an individuals ability to perform their duties and fulfill their responsibilities to Aamjiwnaang.

"corrupt practices" means bribery direct or indirect, or providing a financial or material incentive to an elector in exchange for a vote.

"Council" means the group of individuals who are the elected leaders of Aamjiwnaang pursuant to the Aamjiwnaang Inaakonigewin – Dawaabmang'waa Niigaanzijig.

"councilor" means an individual who was successful in attaining a majority vote in the election process pursuant to the Aamjiwnaang Inaakonigewin – Dawaabmang'waa Niigaanzijig

"elected leader" means an individual who has been elected to serve as either the Chief of Councilor.

"employee" means an individual who is gainfully employed by Aamjiwnaang as a regular (full-time, or part-time), temporary, contract or call-in person.



### APPLICATION

This Conflict of Interest Policy applies to Aamjiwnaang Elected Leaders (Chief and Council Members), Employees (regular, contract, temporary, on-call), Appointed Committee Members, Board Members or Trustees, and its Volunteers; its agencies and other entities including committees, boards and corporations unless otherwise provided by Motion of Council. It will remain the responsibility of an individual who is in a direct or indirect conflict of interest to declare such conflict and excuse themselves from all discussions and business pertaining to the matter which presents the conflict of interest.

A conflict of interest exists in any situation in which a person attempts to promote a private or personal interest in any matter, and:

- i. interferes with the performance of their duties with Aamjiwnaang.
- ii. is advanced or enhanced because of their position with Aamjiwnaang.
- iii. experiences a gain in personal financial wealth because of their relationship with Aamjiwnaang.
- iv. influences either directly or indirectly the outcome of any business matter with Aamjiwnaang.

### RATIONALE

Aamjiwnaang engages in matters of multiple interests on behalf of its members of today as well as future generations. The matters of interest are diverse, multidimensional and at times complex. The community trust in Aamjiwnaang depends to a large degree in the honesty, integrity, fairness, good faith, and judgement of all persons elected, employed or appointed. The trust placed in those individuals may be compromised when their interest's conflict with the decision-making process.

Aamjiwnaang business matters must be conducted in such a manner that it supports and advances the interests of Aamjiwnaang through good ethical behavior that consistently demonstrates accountability and transparency. It is imperative that a high level of ethical, moral, and legal conduct be evidenced in all business practices, and above all, protection of Aamjiwnaang interests always.

### INTRODUCTION

The Elected Leaders/Employees/Committee Members/Board Members/Trustees/Volunteers are obligated to remain dedicated to Aamjiwnaang and must avoid engaging in any private or personal business matters or practices, which may conflict with their duties and responsibilities that they are providing to Aamjiwnaang. They must avoid improper use of influence in their office or position and avoid conflicts of interest, both pecuniary and non-pecuniary. If questions arise that are not specifically dealt with by these guidelines, they should be settled in accordance with the principles of this policy.



Confidential or privileged information obtained while fulfilling the duties of office, position, or appointment with Aamjiwnaang is not to be used for personal benefit or financial gain, nor for the benefit of immediate family, friends, or associates. Use or disclosure of such information may result in civil or criminal penalties, for all persons involved including Aamjiwnaang.

**Immediate Family shall be defined as:**

- a) The spouse of the Chief, Council Member/Employee/Committee Member/Board Member/Trustee, including a common-law spouse.
- b) The father and mother of the Chief, Council Member/Employee/Committee Member/Board Member/Trustee and the spouse of the father or mother, including a common-law spouse.
- c) The children of the Chief, Council Member/Employee/Committee Member/Board Member/Trustee.
- d) The brother(s) and sister(s) of the Chief, Council Member/Employee/Committee Member/Board Member/Trustee; the father-in-law and mother-in-law of the employee and the spouse of the father-in-law or mother-in-law, including a common-law spouse.
- e) Any relative of the Chief, Council Member/Employee/Committee Member/Board Member/Trustee who resides permanently in the same household or with whom they permanently reside.

**GUIDING PRINCIPLES**

- a. All persons will perform their official duties of their position and arrange their private affairs in such a manner that public confidence and trust in their honesty, integrity, fairness, good faith, and judgement are conserved.
- b. All persons will take appropriate action to prevent conflicts of interest from arising. If a conflict of interest arises, that individual will report the matter immediately to a quorum of Council, the Band Manager or Human Resource department; and resolve the conflict in favor of Aamjiwnaang's interest.
- c. All persons will not place themselves in a position where they are under or appears to be under an obligation to any person or organization that might benefit from or seek to gain special consideration or favor of any matter of a personal or business nature.
- d. All persons will not take advantage of, or appear to take advantage of their official position, or of information obtained in the course of their official duties unless the information is generally available to the public.



- e. Upon completion of their position individuals are expected to leave with the Aamjiwnaang, all gifts, all documents, papers and other matters in their possession or control that relate to Aamjiwnaang, and are expected to refrain from taking improper advantage of their previous office or appointment.

### **FINANCIAL BENEFIT**

In this policy financial benefit includes, but is not limited to:

- i. employment benefits;
- ii. contract benefits;
- iii. educational, medical or other social benefits;
- iv. personal or business financial gain;
- v. honorarium which are above the standard amount;
- vi. an allotment, lease, or other grant in Aamjiwnaang lands.

Any persons who are found to be in a conflict of interest which was motivated by or resulted in financial benefit or gain will be considered to have committed a serious breach of public trust and confidence. Such breach may result in dismissal or suspension from their position with or without compensation, and/or be fully charged per Canadian common law.

### **ARREARS – HOUSING AND SPECIAL LOANS**

All persons who are found to be in arrears of their personal financial commitment to Aamjiwnaang will immediately resign from the Committee or Board related to the arrears.

### **GIFTS, FAVORS AND SERVICES**

Gifts of gratitude are often practiced and is a part of Aamjiwnaang culture, values, and beliefs. The circumstances surrounding the giving and acceptance of a gift will not cause to influence a person in fulfilling their duties and responsibilities to Aamjiwnaang. However, gifts of gratitude, favors and services could potentially influence a person in their judgment and performance of their official duties and such gifts, favors and services must be declined. All persons will not accept any gift, favor, or service from an individual, organization or corporation other than:

- i. the acceptable practice or protocol of gift exchange between persons conducting business on behalf of Aamjiwnaang;
- ii. the normal presentation of gifts to persons participating in public functions;
- iii. the normal exchange of gifts between friends;
- iv. a gift which is valued at less than \$100.00 (one-hundred dollars); or,
- v. a gift, favor, service authorized by a quorum of Council.





### **PREFERENTIAL TREATMENT**

Preferential treatment is the act, fact, or principle of giving advantages to a specific person or group, over others. All persons must:

- i. avoid being placed, or appear to be placed, under obligation to any person or organization that might profit personally or financially from special consideration;
- ii. be aware of all official matters where immediate family member(s), friends, or an organization in which the immediate family member(s) or friends are vested or has a personal interest;
- iii. have approval to help any individual or entity where such assistance would result in preferential treatment.
- iv. disqualify themselves from dealing with immediate family member(s) and friends with respect to preferential treatment unless a quorum of Council gives authorization to act.

### **POLITICAL ACTIVITY**

Any employee who is nominated and accepts the nomination will abide by the Aamjiwnaang Inaakonigewin – Daawaabmang'waa Niiganzijig and adhere to the following:

- i. they will limit their involvement and participation in Aamjiwnaang elections to the extent that the performance of their work duties are not compromised;
- ii. all election activity must be confined solely to periods when they are not engaged in fulfilling the duties of their position;
- iii. activities must not involve the use of Aamjiwnaang premises, supplies, equipment (eg. photocopier, computer, telephone, fax) and/or personnel; and,
- iv. they must immediately resign from their position with Aamjiwnaang, if they successfully obtained enough votes in a general election for the position of Chief or Councilor.

### **PRESS RELEASE AND MEDIA**

No person has the authority to make a statement either publicly or privately to the press or any other form of media, on behalf of Aamjiwnaang or its entities unless approved by the Chief or quorum of Council. This applies equally to confidential and public information. The Band Manager and/or the Chief's delegate has authority to make public statements in the Chief's absence.

### **COMMUNITY ACTIVITIES**

Aamjiwnaang supports involvement in community activities by all persons who hold a position either as an elected leader or employee. However, involvement in an activity that could give rise to a conflict of interest. If a conflict occurs, involvement in the activity must cease or be modified to eliminate the conflict of interest.



## OUTSIDE EMPLOYMENT

All persons may engage in supplementary employment including self-employment; provided that:

- i. such employment does not interfere with the performance of the duties, time or attention of their respective position with Aamjiwnaang;
- ii. such employment is confined solely to periods when the employee is not required to report to work during regular working hours;
- iii. confidential information is not used for personal, professional or financial gain;
- iv. the employment does not involve the use of Aamjiwnaang resources, facilities, supplies, equipment (eg. photocopier, computer, telephone, fax) and/or personnel, unless otherwise authorized by a quorum of Council.

## DISCLOSURE

The Chief, Band Manager and Human Resource shall maintain a confidential conflict of interest disclosure process. All persons must disclose in any situation or matter, outside employment or interest where they have a conflict of interest or the potential for a conflict of interest.

- i. Where disclosure is required of the Chief, they must disclose to a quorum Council, and the reason will be recorded in the meeting minutes in which the conflict was declared.
- ii. Where disclosure is required of a Councilor, they must disclose to the Chief or a quorum of Council.
- iii. Where disclosure is required of an employee, they must disclose to their immediate supervisor, Band Manager, or Human Resource, respectively.
- iv. Where disclosure is required of the Band Manager, they must disclose to the Chief or quorum of Council.

## MEETING PROTOCOL – ONUS OF DISCLOSURE

Prior to the commencement of a Council meeting (regular, special, or in-camera), the Chief or Chair will request members to declare their conflict of interest if one exists. The onus is on the individual member to declare a conflict in accordance with this policy and applies to employees, committees, and boards. Such disclosure can be declared verbally and/or in writing (optional).

When a conflict of interest is declared:

- i. Verbal Disclosure: The person declaring a conflict of interest must announce such conflict at the beginning of the meeting where it will be acknowledged and recorded in the respective meeting minutes.
- ii. Written Disclosure: The person declaring a conflict of interest has the option to submit a written disclosure (**Appendix A, Disclosure Form**) which will be acknowledged and recorded in the respective meeting minutes and placed on file with meeting information package. In the event the written declaration is received from an employee, trustee or volunteer the form will



be placed on file with Human Resource. In the event the written declaration is received from a committee or board member the form will be filed with respective meeting minutes.

- iii. The person who declared the conflict will be excused from the meeting location immediately prior to the discussion of the item or business matter.
- iv. The person declared the conflict will then leave without discussion or otherwise making input into the matter.

## COMPLIANCE

All persons are responsible for taking the necessary actions to prevent conflict of interest from arising and resolving those that do arise. Necessary actions may include:

- a) Avoidance: by avoiding or withdrawing from activities or situations that place the individual in a conflict of interest.
- b) Divestment: where continued ownership would constitute a conflict of interest, all persons may elect to sell the asset in an arm's length transaction or place that asset in trust over which they have no power of management or decision regarding such assets.
- c) Donation: in the matter of a gift, all persons may elect to donate the gift to be used as a fundraiser to benefit a community event or other community endeavor.

All persons must read the Conflict of Interest Policy and understand it. They are required to sign a Conflict of Interest Acknowledgement and Attestation Form (**Appendix B, Acknowledgement and Attestation Form**), stating that they fully understand and agrees to comply with the Conflict of Interest Policy. The signed Acknowledgement and Attestation form will be placed on file with the Human Resource department.

Record of Acceptance and Amendments:

Original date of document – To Be Determined

Amended: 06 July 2020, Approved at a Duly Convened Meeting of Aamjiwnaang Chief and Council

**APPENDIX A****Conflict of Interest Disclosure Form (Optional)****Acknowledgement:**

I hereby acknowledge that I have received and read a copy of the Aamjiwnaang Conflict of Interest Policy as required for my position with Aamjiwnaang. I am exercising the option of completing a written disclosure to declare a Conflict of Interest. I fully understand and accept that it will become a permanent record that will be placed on file with the Aamjiwnaang per the section titled "*MEETING PROTOCOL – ONUS OF DISCLOSURE*".

**Disclosure of Conflict of Interest:**

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Name of Person

---

Name of Witness

---

Title

---

Title

---

Date of Meeting:

---

Agenda Item #

Reason for Disclosure:  
(Describe in detail below)



**APPENDIX B**

**Conflict of Interest Acknowledgement and Attestation Form**

**Acknowledgement:**

I hereby acknowledge that I have received and read a copy of the Aamjiwnaang Conflict of Interest Policy as required for my position with Aamjiwnaang. I understand that if I have any questions or concerns about the Aamjiwnaang Conflict of Interest Policy, I must seek clarification from my direct supervisor, Band Manager or Human Resource.

**Attestation:**

I \_\_\_\_\_, have read the Aamjiwnaang Conflict of Interest Policy and agree to abide by the guiding principles. I will conduct my work with the Aamjiwnaang with the utmost integrity and remain committed to the principles and vision of Aamjiwnaang. I understand that a breach of trust may result in disciplinary action, up to or include the removal from an elected position, termination of employment, or removal from appointment as determined by Aamjiwnaang.

\_\_\_\_\_  
Name of Person

\_\_\_\_\_  
Name of Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Date





## Authority per Aamjiwnaang Chi'Naaknigewin

### Chapter 4 – Jurisdiction

#### Law-Making Powers

9. Aamjiwnaang has the inherent right of governance and may pass laws with respect to those matters that are integral to the community.

#### Law-Making Process

10. A draft law may be introduced at a regular meeting of Aamjiwnaang Council:
  - a) by a petition signed by forty or more Bendaazijig who support the proposed draft law; or,
  - b) by the Chief;
  - c) by a Councilor;
  - d) by a Wiidookdaamin Gimaagumig Anishinabek.
11. A draft law cannot be introduced until three months after Aamjiwnaang Chief and Council are elected into office.
12. A draft law will be approved through the law-making process set out below:
  - a) the law is introduced and considered by the Council;
  - b) the law is reviewed and commented on by Aamjiwnaang legal team;
  - c) the Council will post in a public place the final draft law for a period of 60 days for comment;
  - d) the Council receives written comment(s) from Bendaazijig on the law;
  - e) the law is considered by Council and may be passed by at least a simple majority of the Council; and,
  - f) the law is signed by Council.
13. The Council will establish rules to allow Bendaazijig participation and consultation in its law-making process.
14. The Council will establish rules regarding the process and timelines for introducing, considering, providing input, coming into force, and the publication of Aamjiwnaang laws.
15. The Council will establish procedures for appealing or challenging the validity or application of an Aamjiwnaang law.





APPENDIX "F"



**AAMJIWNAANG**

978 Tashmoo Ave, Sarnia, Ontario, N7T 7H5

Tel: 519-336-8410 Fax: 519-336-0382

**Standing Committee Member Personal Information Form**

**Personal Information**

Full Name:

Last

First

M.I. (optional)

Address:

Street Address

Apt/Unit #

City

Province

Postal Code

Primary Phone:

Cell Phone:

Email:

Birth Date:

(optional)

**Emergency Contact Information**

Full Name:

Last

First

M.I. (optional)

Relationship:

Address:

Street Address

Apt/Unit #

City

Province

Postal Code

Primary Phone:

Cell Phone:

Email:

**Any known allergies/food allergies or medical conditions that we should be aware of?**

