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## AAMJIWNAANG INAAKONIGEWIN

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Dawaabmang'waa Niigaanzijig

(Aamjiwnaang Law – Selecting Leaders)

DRAFT

Draft 12

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

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## PREAMBLE

We, the Anishinaabek 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, 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 Sections 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
- Dbaadendiziwin-Humility
- Gwekwaadziwin-Honesty
- Aakedhewin-Bravery

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

- Anishinaabe mii maanda inaakonigewin – our natural ways and is inclusive for all,
- Anishinaabemowin (Anishinaabe language) – continues to be known,
- Anishinaabe 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 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, by-laws, and/or policies for the Aamjiwnaang Territory.

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

## Definitions

“Aamjiwnaang” means 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.

“Acclamation” means a candidate is elected without opposition.

“Advance Poll” means a Poll held after the Notice of Aamjiwnaang Election is posted but before the Election Poll, to allow those Electors who are unable to attend the Election Poll the opportunity to vote in Aamjiwnaang Election.

“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 concerning an election.

“Approved means of communication” means the Aamjiwnaang Tribe-une, Aamjiwnaang Website and Social media accounts.

“Band” means Aamjiwnaang.

“Bendaazijig” means one who belongs to a group; a citizen/a community member; in this document, it means, a 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 under the provisions of this law.

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

“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 under this Aamjiwnaang Inaakonigewin – Dawaabmang’waa Niigaanzijig.

“Dawaabmang’waa Niigaanzijig” means selecting leaders.

“Deputy Electoral Officer” means any person appointed by the electoral officer for 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 under the provisions of this law.

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

“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.

“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.

“Facsimile transmission” means using a facsimile machine to send and receive a document(s).

“Inaakonigewin” means law.

“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 with this law, which governs the conduct of candidates running for office and their supporters relating to their participation in the electoral process.

“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 the Aamjiwnaang Membership List and who is entitled to have it entered therein.

“Mino-Bimaadiziwin” means to live the good life.

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

- a) the place where the person normally eats and sleeps,
- b) the place where the person receives mail,
- c) the residence of the person’s immediate family,
- d) a place in proximity to the person’s place of employment,
- e) a person can only be ordinarily resident in one place at one time,
- 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 that is selected as the site at which voting takes place.

“Quorum” means the minimum number of Councillors (5) of the Aamjiwnaang Council that is required to be present at a given meeting (as to transact business).

“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) that are not included in the tally of valid ballots cast during the counting of the votes.

“Seven Grandfather Teachings” guide us towards Mino-Bidmaadiziwin.

“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 their 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 non-campaign 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.

“Youth” means any Bendaazijig that is between the age of 18 and 29.

## Article 1. Governing Body of Aamjiwnaang

- 1.1 The Governing Body of the Aamjiwnaang First Nation is an elected Council of (1) one Chief – Ogimaa and (9) nine Councillors;
- (a) The candidate for Chief getting the highest number of votes from the eligible voters voting in the election will be declared Chief;
  - (b) The (9) nine candidates for Councillor getting the highest number of votes from the eligible voters voting in the election will be declared Councillors;
  - (c) The Councillor getting the highest number of votes from the eligible voters voting in the election will be declared the Head Councillor.

## Article 2. Term of Office

- 2.1 The term of office for the Chief and Councillors will not exceed three (3) years.
- 2.2 The term of office may, under mitigating circumstances (e.g. Unforeseen Emergency, Administrative issues, community disruption, etc.) , be continued beyond three (3) years if such continuation is not opposed by the votes of more than 50% of the Members of the Council. This continuation will not exceed 60 days.
- (a) The Aamjiwnaang Election will take place on the second Friday of July every three (3) years.
  - (b) The term of office for the Chief and Councillors 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.
  - (c) All members of the Council must swear their Oath of Office within two (2) weeks of the Election Day.
  - (d) The successful candidate in a by-election will hold office for the remainder of the original term of office of the Chief or Councillor whom they are elected to replace.
  - (e) 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.

## Article 3. Appointment of Electoral Officer

### 3.1 Appointing an Electoral Officer

- (a) The Electoral Officer will be appointed by an Aamjiwnaang Council resolution not less than 100 days before the Council's term of office expires.
- (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 the Aamjiwnaang Director of Operations 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 fulfil 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 under 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

- iv. access to a public official or non-public information, not discriminate against anyone because of race, religion, sex, age, or disability;
  - 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.
- (b) The Electoral Officer is required to maintain the security and confidentiality of any personal information of candidates and electors that they obtain during the course of their work as Electoral Officer.
- (c) The Electoral Officer may make such orders and issue such instructions consistent with the provisions of this law as they may deem necessary for the effective administration of the election.

#### 3.4 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 the 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. fulfil 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.

#### 3.5 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 from Indigenous Services Canada.
- (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 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 to provide 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 Councillor 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.
- (e) At least 79 days before the day 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.
- (g) The Electoral Officer will post the Voters' List in a public area of the Aamjiwnaang Administration building and such other conspicuous places on Aamjiwnaang as may be determined by the Electoral Officer, no later than 72 days before the date on which the election is to be held.
- (h) 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.
- (i) 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 before the date on which an election is to be held, evidence that the person:

- i. is neither on the Aamjiwnaang Membership List nor entitled to have their name entered on the 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 the Aamjiwnaang elections.
- (j) 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 before the date on which the election is to be held.
- (k) A written notice will outline the reasons for requesting the removal of a name from the Voters' List, along with any supporting documents. It will also specify that a written reply may be sent to the electoral officer, which must be received no later than four days before the election date.
- (l) After consideration of all information and representations relating to amendments to the Voters' List, the Electoral Officer will add or delete names from the Voters' list based on whether persons qualify as electors.
- (m) If an Elector is not satisfied with the judgment or decision made by an Electoral Officer, the matter can be brought to the attention of the Appeals Board. If the party remains unsatisfied with the judgment of the elections of the Appeals Board and is only subject to judicial review by the Federal Court.
- (n) 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.

#### Article 4. Candidacy

- 4.1 Only electors who meet the requirements of a candidate as set out in this law may be nominated as a candidate.
- 4.2 A person may only be a candidate for one of the offices of Chief or Councillor in any election. For greater certainty, a person may not be a candidate for both Chief and Councillor.

4.3 All candidates must meet the eligibility requirements 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.
  - ii. Must be 18 years of age or older at the time of the nomination meeting.
  - iii. Must provide a Criminal Reference Check or proof that a CPIC is being sought.
  - iv. Must be a high-school graduate or the equivalent.
  - v. Must accept the nomination under this law.
  
- b) To be a Candidate for the Office of Councillor, the member must meet the following qualifications:
  - i. Be a Member of Aamjiwnaang.
  - ii. Must be 18 years of age or older at the time of the nomination meeting.
  - iii. Must be a high-school graduate or the equivalent.
  - iv. Must provide a Criminal Reference Check or proof that a CPIC is being sought.
  - v. Must accept the nomination under this law.

4.4 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 Candidate's Code of Ethics Acknowledgement and Attestation Form (Appendix A).

4.5 A nominee who is not present at the nomination meeting will file the 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.

4.6 At the close of the nomination meeting, all nominees that are not present will be identified and contact information for the individuals will be requested from:

- a) The nominators who provided the name. If contact information cannot be provided by the nominators, then
- b) The Electoral Officer will contact the Aamjiwnaang Administration and request contact information for the individual.

4.7 The Electoral Officer will begin notifying nominees immediately and make every effort

over the course of the five (5) business days to contact the nominee and complete the required documents.

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

## Article 5. Nomination Process

### 5.1 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 the nomination meeting in at least one conspicuous place on Aamjiwnaang and on the Aamjiwnaang website, along with all approved social media pages.
- (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 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.
- (d) 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.

### 5.2 Eligibility to Nominate

- (a) 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 the Aamjiwnaang Voters' List.
- (b) Any elector may propose or second the nomination of any qualified person to serve as the Chief or Councillor:
  - 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.

### 5.3 Nomination Meeting

- (a) The nomination meeting will be held at least 42 days before 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 to receive 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.

### 5.4 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 Councillor 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 Councillor.
- 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 Councillor 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 Councillor, 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, and on the Aamjiwnaang website and social media, a list of nominees, their nominators and seconders, and the offices for which they are nominated.

## Article 6. Campaigning and Candidates' Code of Ethics

### 6.1 Candidates must campaign:

- (a) According to the rules and regulations established in this law,
- (b) without coercion or vote-buying,
- (c) respecting the rights and freedoms of other candidates to organize and campaign in their 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 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.

- 6.2 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.
- 6.3 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.
- 6.4 Every person must agree to the Candidate's Code of Ethics and sign the Acknowledgement and Attestation Form, which will be held on file by provisions of this law. (Appendix "A")

## Article 7. Election Process

### 7.1 Acclamation

- (a) Where the office of Chief and all seats of Councillor 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 Aamjiwnaang, and post to the Aamjiwnaang website along with all approved social media sites, a notice that sets out the names of the persons who have been acclaimed and states that an election will not be held.

### 7.2 Ballots

- (a) The Electoral Officer must 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 Councillor, 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.

### 7.3 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 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 Advanced Poll Notice
  - 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(s).
- (d) The Advance Poll notice will include:
  - i. The date of the Advance Poll(s),
  - ii. the times at which the Advance Poll(s) will open and close,
  - iii. the location(s) of the Advance Poll(s), and
  - iv. a statement that the ballots cast at the Advance Poll(s) will be counted following the close of the polls on Election Day.

### 7.4 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.

### 7.5 Polling Stations

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

## 7.6 Election Day

- (a) The Electoral Officer will not be allowed to vote in the election, except under such circumstances as outlined in Sub-Article 9.6.
- (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, 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. The Officer will:
  - 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 that prevents it from being opened without breaking the seal, and
  - iii. place the ballot box in public view for the reception of the ballots.

## 7.7 Secrecy and Security

- (a) The voting compartment will be free from the view of security cameras, cell phones, tablets, or any form of recording devices.
- (b) Voting will be by secret ballot.
- (c) 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.

- (d) 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 to conduct 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 8. Mail-in Ballots

### 8.1 Mail-in Ballots

- (a) The Electoral Officer will, at least 35 days before the date on which the election is to be held, mail to every elector who is not ordinarily resident on 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;
    - i. the name,
    - ii. the membership number,
    - iii. date of birth, and
    - iv. 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:
    - i. 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
    - ii. a list of the names of any candidates who were acclaimed.
- (b) An elector who is ordinarily a resident of Aamjiwnaang and who is unable to vote

- in person on election day may, at least 10 days before 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 Aamjiwnaang who has not received a mail-in ballot package may, not later than 10 days before 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 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,
    - 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 8.1 (f), 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 8.1 (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.

## Article 9. Voting

### 9.1 Procedure

- (a) While an elector is in the compartment to mark 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 how the elector marks their ballot.
- (b) No elector may vote by proxy or authorize another person to vote on their behalf.

### 9.2 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, next to the name of any elector requiring assistance as outlined in this law, that the ballot was marked by them at the elector's request, along with the reasons for this action.
- (c) Any person who receives a ballot and leaves the polling place without delivering it to the Electoral Officer or a Deputy Electoral Officer as required, or who refuses to vote after receiving a ballot, will forfeit their right to vote in the election. The Electoral Officer or Deputy Electoral Officer will enter a remark in the Voters' List next to the name of the individual to indicate that they received a ballot and declined to vote. Additionally, the Electoral Officer or Deputy Electoral Officer will mark the word "declined" on the face of the ballot, and all ballots that are marked this way will be preserved.

### 9.3 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.

### 9.4 Counting of the Votes

- (a) At the time published in the Notice of Election as prepared in accordance with this law, to count 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 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 by the names being called out to arrive at the total number of votes cast for each candidate.

## 9.5 Ballots Not Counted

- (a) In examining the ballots, the Electoral Officer or Deputy Electoral Officer must 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 an election appeal, the Electoral Officer or Deputy Electoral Officer will take note of any objections made by any candidate or their 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 under 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.

## 9.6 Tie Vote

- (a) The Electoral Officer will cast a ballot 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, and
  - iv. this method will only be used for the candidates who have achieved the 2-lowest number of votes and for which there is only 1-position left.

## Article 10. Special Provisions

### 10.1 Advanced Poll

- (a) An advanced poll may be determined by order of the Council and as part of special instructions given to the Electoral Officer upon their acceptance of appointment through the 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.
- (b) At the close of the advance poll, the Electoral Officer will maintain custody of the sealed ballot boxes at all times until the polling station opens on the date of the Election.

## Article 11. Post-Election

### 11.1 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 Councillor.
- (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 Aamjiwnaang, the Election Report,
  - ii. mail a copy of the Election Report to every elector of Aamjiwnaang who does not reside on Aamjiwnaang, and
  - iii. forward a copy of the Election Report to the Aamjiwnaang Director of Operations.

### 11.2 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.

### 11.3 Chief and Councillor Oath of Office

- (a) A candidate who has been elected Chief or Councillor 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, a Notary Public, or a duly appointed Commissioner for taking oaths.
- (b) Where a candidate elected as Chief or Councillor cannot, due to illness or other valid reasons, 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 the Council.

## Article 12. Election Appeals

### 12.1 Composition

- (a) The Election Appeal Board will be composed of seven (7) individuals who have received the established orientation and training to serve on the Election Appeal Board. The Appeal Board will receive training from the Aamjiwnaang Administration. The Board will be comprised of a diverse and balanced group with:
  - i. Two elders,
  - ii. two youths,
  - iii. two Aamjiwnaang members, at least 18 years of age, who are familiar with the community culture, traditions, and values of Aamjiwnaang,
  - 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. put out a notice to the Aamjiwnaang community to submit letters of interest to the Council to serve on the Election Appeal board,
  - ii. select the Members of the Election Appeal Board by the terms of this law, and

- iii. develop a pool of ten (10) potential members on which a call to duty may occur; if an appointed Election Appeal Board member cannot fulfil their appointment, there will be a sufficient number 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 the Aamjiwnaang Council.
- (g) Each Member of the Election Appeal Board will execute an Oath of Office (Appendix "B") and Oath of Confidentiality (Appendix "C") and accept their appointment by forwarding a letter of acceptance to the Aamjiwnaang Council.

## 12.2 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.

## 12.3 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.

## 12.4 Grounds for Appeals

- (a) An appeal submitted under 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 a corrupt or fraudulent practice in the election.

## 12.5 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 a duly appointed Commissioner for taking oaths, the facts, substantiating the grounds for the appeal, and
  - iii. provide any additional documentation to support the complaint or appeal.

## 12.6 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 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.

## 12.7 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.

## 12.8 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 about 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. the person declared elected was qualified to be a candidate,
  - v. 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) Where an investigation is required, as indicated by the Election Appeal Board, a third-party Investigator will be appointed.

- (c) Following the third-party investigation, a report will be provided to the Appeals Board. At that time, the individual will be requested to attend an Appeals Board meeting to discuss the findings, dispute the results, and receive the final decision.
- (d) 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 Aamjiwnaang.
- (e) The decision of the Election Appeal Board is final; if a party is not satisfied with the judgment, the party can seek a judicial review from the Federal Court.

## Article 13. Vacancy and Removal from Office

### 13.1 Vacancy

- (a) A Chief or Councillor position on the Council may become vacant if, while in office:
  - I. The Chief or Councillor resigns in writing from office of their own accord.
  - II. The Chief or Councillor has been unable to perform the functions of their office for more than six months due to illness or other incapacity.
  - III. The Chief or Councillor is declared deceased.
  - IV. Is declared to be mentally incompetent by a Medical or Civil authority.
  - V. The Chief or Councillor is removed from office in accordance with this law.
  - VI. Fails to maintain the requirements set out in Subsection 1.3 (a) and (b).
- (b) The Councillor with the most votes will be declared the Head Councillor.
- (c) If the office of the Chief becomes vacant, the Head Councillor shall be appointed Interim Chief for the remainder of the term or until the Council determines a By-election is necessary.
- (d) A By-election is triggered if the Head Councillor does not accept the Interim Chief position.
- (e) An Alternatives List of the top 3 candidates in the last election will be generated. The Alternatives List will be exercised in the event of a vacancy, at the discretion of the Chief and Council, to avoid an unnecessary By-election.
- (f) If a Councillor position becomes vacant due to death, then the Chief and Council will determine whether to keep the seat vacant for 90 days, out of respect for the deceased.

- (g) If a Councillor position becomes vacant due to resignation or dismissal, then the highest-voted candidate on the Alternatives List is eligible to fill the vacant position. If that person is unable or unwilling to fill the position, then the offer will extend to the next person on the Alternatives List until the position is filled or the list is exhausted.

### 13.2 Removal of Council Members from Office

The Chief or a Councillor may be removed from office and be prevented from running for office for ten (10) years if they:

- (a) Violate this law, their Oath of Office, or the Law of Ethics,
- (b) fail to attend three consecutive regular meetings of the Council without being reasonably excused from attendance by the Chief,
- (c) fails to maintain a standard of conduct expected of a Member of the Council,
- (d) has been convicted of an indictable offence since their election,
- (e) accepts or offers a bribe, forges a Council document, or otherwise acts dishonestly in their role,
- (f) abuses their office such that their conduct negatively affects the dignity and integrity of Aamjiwnaang as a whole or of the Council,
- (g) engages in illegal or unlawful activities,
- (h) encourages others to commit any of the above acts or omissions, or
- (i) engages in such other conduct as may be determined by the Council to be of such a serious nature that the removal is necessary and appropriate.

### 13.3 Procedure for Removal from Office

- (a) Proceedings to declare a person ineligible to continue to hold the office of Chief or Councillor will be initiated by any elector submitting to the Election Appeal Board a petition that will include:
  - i. The grounds under and in accordance with this law, on which removal of a Chief or Councillor is sought,
  - ii. the evidence in support of the petition,
  - iii. the signature of the petitioner, and the signatures of at least 50% +1 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 under and in accordance with this law, on which removal of a Chief or Councillor 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 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 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. If a party is not satisfied with the decision they may seek a judicial review by the Federal Court.
- (l) If the Council position is declared vacant in accordance with this law, the Election Appeal Board may further declare the Chief or Councillor 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.

#### 13.4 By-election

- (a) A By-election will automatically be triggered if the Councillors in office drops to 6 or lower and/or the alternatives list, sec. 13.4 (e) is exhausted.
- (b) If the Head Councillor is unable or unwilling to serve as interim Chief if the Chief's position has been vacated, a By-election will be triggered.
- (c) No By-election will be held if less than 3 months remain 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.
- (d) 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 before the nomination meeting for the By-election. If a Councillor does resign to run for the office of Chief, the seat that becomes vacant will be included in the By-election.
- (e) Except as expressly provided otherwise in this law, the rules and procedures in this law will apply to By-elections.

### Article 14. Leadership Council

#### 14.1 Composition

- (a) The Aamjiwnaang Leadership Council will consist of one (1) Chief and nine (9) Councillors.
- (b) The Councillor with the highest votes will be considered the Head Councillor. The Head Councillor will be responsible for acting as Duty Chief in the absence of the Chief of Aamjiwnaang.

#### 14.2 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 the Council for three consecutive meetings without being authorized to do so by the Chief.
- (c) The Chief of Aamjiwnaang or a quorum of the 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.

### 14.3 Order and Proceedings

- (a) A majority of the whole Council, five (5), will constitute a quorum.
- (b) If no quorum is present within 30 minutes after the time appointed for the meeting, the Aamjiwnaang Council Clerk will call the roll and take the names of the Members of the Council and then present, and the Council will stand adjourned until the next meeting.
- (c) The Chief of Aamjiwnaang will be the chairperson at meetings of the 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 chairperson will be chosen from amongst the Councillors present until the arrival of the Chief.
- (f) The Chief or chairperson 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 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 the Aamjiwnaang Council Clerk, when duly moved and seconded, and placed before the meeting by the Chief or chairperson, will be open for consideration.
- (i) After a motion has been placed before the meeting by the Chief or chairperson, 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 chairperson and confine themselves to the question before the meeting.
- (k) In the event of more than one Council Member desiring to speak at one time, the Chief or chairperson will determine who is entitled to speak.
- (l) The Chief or chairperson 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 chairperson 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 a majority vote of the Councillors present.
- (p) The Chief or chairperson will not be entitled to vote unless the votes in favour and against are equal, in which case the Chief or chairperson 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 have their refusal recorded as an abstention.
- (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, the Aamjiwnaang Council Clerk will record it.
- (t) Any Member may require the motion or resolution under discussion to be read for their information at any period of the debate, but not to interrupt a Councillor 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 chairperson declares the meeting or a portion of the meeting to be closed for In-Camera discussion.
- (v) The Chief or chairperson 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 the Council deems necessary:
  - i. Community Services
  - ii. Development
  - iii. Education
  - iv. Environment
  - v. Finance
  - vi. Governance
  - vii. Health
  - viii. Housing
  - ix. Lands and Resources
  - 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 the 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 interest connected with the duties imposed on them,
- iii. make recommendations to the Aamjiwnaang Council about matters of interest as they may deem necessary, and
- iv. to consider and report upon all matters referred to them by the Aamjiwnaang Council.

## Article 15. Amendments

### 15.1 Review and Evaluation

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

### 15.2 The Process for Amendments

- a) Must be submitted in written form and presented to the Aamjiwnaang Leadership Council, setting out the specific area or areas in this law proposed for amendment.
- b) Upon receipt of an amendment proposal, the 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, provide comments concerning the proposed amendments in writing to the Aamjiwnaang Council.
- e) Following receipt of comments concerning the proposed amendments under and in accordance with this law, the Aamjiwnaang Council will review the comments and make such changes to the proposed amendments as they deem necessary to arrive at a final amended law.

- f) The 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.

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

Article 16. 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 who have voted in favour of the Aamjiwnaang Inaakonigewin – Dawaabmang'waa Niigaanzijig.
- c) The ratified law is accepted and approved through a Ministerial Order.  
Signature of the 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

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

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Councillor

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Councillor

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Councillor

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Councillor

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Councillor

## Appendix A - CANDIDATE CODE OF ETHICS

### 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 Councillor.

- 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 affect 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 providing remuneration of any kind for electoral support.
  - vii. Accept the final official election results and any decision of the Election Appeals Board.
  
- b) A Candidate is in breach of the Aamjiwnaang Inaakonigewin – Dawaabmang’waa Niigaanzijig or this Candidate's 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 Candidate's 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

Appendix B - OATH OF OFFICE AAMJIWNAANG

OATH OF OFFICE AAMJIWNAANG

I, \_\_\_\_\_, accept the duty, responsibility, and obligation of:  
The elected position of \_\_\_\_\_ for Aamjiwnaang; and do so solemnly swear that I will faithfully execute the duties of my office with personal and professional integrity in striving to achieve the aspirations of the Aamjiwnaang Community. Further, that I shall conduct myself in a manner that is honorable and respectful of the trust bestowed upon me by the people of Aamjiwnaang.

I shall work cooperatively, honestly, ethically, and compassionately for the benefit of all the people of the Aamjiwnaang and shall provide leadership that is in the best interest of the entire Aamjiwnaang membership and members yet unborn. I will be accountable to the people of Aamjiwnaang and will strictly maintain the necessary confidentiality and will be absent myself from the very appearance of a conflict of interest.

I so declare before my fellow elected Council representatives, members of Aamjiwnaang, the Elders and the Youth, and I make this commitment freely without mental reservation or purpose of evasion, as witnessed by my Community and Colleagues.

\_\_\_\_\_  
Signature

## Appendix C - OATH OF CONFIDENTIALITY

### OATH OF CONFIDENTIALITY

For band council, committee members, board members, trustees, volunteers, and employees of the Aamjiwnaang First Nation.

### **PREFACE**

1. The level of public support and respect that the Aamjiwnaang First Nation enjoys results not only from recognition of its mission, but the degree of integrity, objectivity and professionalism of its Band Council, Committee Member, Board Members, Trustees and employees.
2. Before, or upon, assuming their duties, Band Council, Committee Members, Board Members, Trustees, volunteers and employees shall sign a document acknowledging that they have read and agree to abide by the following terms:

### **Terms**

3. These terms incorporate the provisions of the Policy of Confidentiality.
4. These terms apply to all of the Aamjiwnaang First Nation organization.

### **Confidentiality**

5. While serving as an elected representative as Chief, in Band Council, as a Committee Member, Board Member, Trustee volunteer or employed by the Aamjiwnaang First Nation, I may acquire information of a sensitive, legal or confidential nature, including but not limited to plans, reports, proposals contracts, employee information, social assistance files, legal matters which is confidential to the Aamjiwnaang First Nation, whether or not it is marked confidential.
6. As elected or appointed representative, volunteer or employee of the Aamjiwnaang First Nation I hereby agree as follows:

- (a) Not to use or disclose, directly or indirectly, at any time, any information of a legal, sensitive or confidential nature, except as may be expressly authorized in accordance with the Confidentiality Policy;
- (b) Not to use or disclose any legal, sensitive or confidential information pertaining to Aamjiwnaang First Nation, its clients or band members to any person, business, organization or First Nation or use such information for any purposes other than that required to fulfill my duties;
- (c) Not to disclose, directly or indirectly, to any person, business, organization or First Nation the private affairs of the Aamjiwnaang tenant of the Aamjiwnaang First Nation industrial park, or any information concerning the affairs of Aamjiwnaang First Nation that I may have acquired in the course of, or incidental to, fulfilling my duties to the Aamjiwnaang First Nation, whether for my personal benefit or to the detriment or intended or probable detriment of the Aamjiwnaang First Nation;
- (d) Not to disclose the fact of a housing or loan agreement or arrears of any band member, nor disclose the name, address, phone number, or band number of any band member to any off-reserve agency such as creditors and collectors, nor disclose any client or employee information or list of suppliers, nor disclose any plans, studies or information received as part of my duties, either directly or indirectly;
- (e) Not to disclose any information concerning Aamjiwnaang First Nation that could adversely affect Aamjiwnaang First Nation's image or reputation;
- (f) Not permit any person whatsoever to examine or make copies of any reports or other Aamjiwnaang First Nation documents except as is necessary in carrying out my duties, excepting only those documents that are public knowledge and are meant for public information;
- (g) Not to place myself in a position of obligation to a person, business, organization, or First Nation who might benefit or appear to benefit from disclosure of sensitive, legal or confidential information;
- (h) Not benefit or appear to benefit from the use of sensitive, legal or confidential information not generally available to the public, including such information that was acquired in the course of carrying out my duties;

- (i) To discuss sensitive, legal or confidential information only on a “need to know” basis within the terms of the Confidentiality Policy;
- (j) To return all documents, papers, records and other matters in my possession, including all copies in whatever form, in my possession or control upon the termination of my duties, and to confirm in writing that I have done so;
- (k) Should I fail to comply with these terms, the Aamjiwnaang First Nation may take such appropriate measures as may be determined by the Aamjiwnaang First Nation including dismissal from a position or discipline up to and including termination of employment;
- (l) I understand that these terms survive the termination of Council Office, Committee, Board or Trustee appointment, volunteer position or my employment relationship;
- (m) I agree that in the event of any violation of the provisions of this Agreement, the Aamjiwnaang First Nation, in addition to any other right or relief, to which it may be entitled, shall be entitled to an injunction restraining further breaches of this Agreement.

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Revised:

September 22nd, 2024

## CONFLICT OF INTEREST

### PURPOSE

The transactions in which the Aamjiwnaang First Nation engages are diverse, multi-faceted and increasingly complex. It is imperative that the Chief and Council emulate the Seven Grandfather teachings in dealing with these matters. It is not possible to state a set of rules that would codify proper behavior in every situation. In addition to following the Seven Grandfather teaching, guidelines have been developed which, when looked at in total, define the philosophy and code of conduct the Aamjiwnaang First Nation must consistently maintain and which is relevant to all situations. It is imperative that a high standard of ethical, moral and legal conduct be evidenced in all business practices.

Public trust in the Aamjiwnaang First Nation depends to a large degree in the honesty, integrity, fairness and good faith of its Chief, Council Members, Committee Members, Board Members, Trustees and Employees. This trust is compromised when the Chief or Council Member's/Committee Member's/Board Member's/ Trustee's/Employee's interest and the Aamjiwnaang First Nation community (public) interest conflict.

These guidelines aim to strike a balance between protection of the Aamjiwnaang First Nation community (public) interest and protection of the Chief or Council Member's/Committee Member's/Board Member's/ Trustee's/Employee's interest.

### POLICY

Confidential or privileged information obtained as a result of election to the office of Chief, Band Council, Committee, Board, Trustee Membership or Employment with the Aamjiwnaang First Nation; is not to be used by such individuals for personal benefit or for the benefit of family, friends or associates. Use or disclosure of such information can result in civil or criminal penalties, both for the individuals involved and for the Aamjiwnaang First Nation.

The Chief and each Council Member/Committee Member/Board Member/Trustee/Employee owes primary business loyalty to the Aamjiwnaang First Nation and must avoid engaging in any private or personal business interest, which may conflict with the duties and responsibilities owed to the Aamjiwnaang First Nation.

### GUIDELINES

**Definition:** Conflict of interest exists in any situation in which the Chief or a Council Member/ Committee Member/Board Member/Trustee/Employee either himself/herself or some other Aamjiwnaang Inaakonigewin- Dawaabmang' waa Niigaanzijig

person(s) attempts to promote a private or personal interest which actually or apparently:

- Interferes with the objective exercise of the Chief's/Council Member's/Committee Member's/Board Member's/Trustee's/Employee's duties with Aamjiwnaang First Nation.
- Is advanced or enhanced because of the Chief's/ Council Member's/Committee Member's/Board Member's/Trustee's/Employee's position with Aamjiwnaang First Nation.

## **APPLICATION**

These guidelines apply to Aamjiwnaang First Nation Chief, Councillors, Committee Members, Board Members, Trustees, and all regular, contract, or temporary personnel.

If questions arise that are not specifically dealt with by these guidelines, they should be settled in accordance with the principles stated below.

## **ADMINISTRATION**

The responsibility for the administration of these guidelines within the Band Administration rests with the Director of Operations.

The responsibility for determining whether or not the Chief is in a conflict-of-interest rests with a quorum of Council.

The responsibility for determining whether or not a Council Member/ Committee Member/Board Member/Trustee/Employee is in a conflict-of-interest rests with the Management Committee.

The responsibility for administration of these guidelines with respect to a member to the Management Committee rests with a quorum of Council.

A Council Member/ Committee Member/Board Member/Trustee/Employee who is uncertain of the interpretation of any of these guidelines shall seek clarification from the Management Committee. If the Chief is uncertain of the interpretation of any of these guidelines shall seek clarification from a quorum of the Council.

## **PRINCIPLES**

The Chief and Council Members/ Committee Members/Board Members/Trustees/Employees shall perform their official duties and arrange their private affairs in such a manner that public confidence and trust in their honesty, integrity, fairness and good faith are conserved and enhanced.

Aamjiwnaang Inaakonigewin- Dawaabmang' waa Niigaanzijig

On appointment to office, and thereafter, the Chief, Council Members/ Committee Members/Board Members/Trustees/Employees shall take appropriate action to prevent conflicts of interest from arising. If a conflict of interest arises, the individual shall:

- a) report the matter immediately to the Management Committee of Council, and similarly, the Chief shall report the matter immediately to a quorum of Council;
- b) resolve the conflict in favor of the Aamjiwnaang First Nation community (public) interest.

The Chief, Council Members/ Committee Members/Board Members/Trustees/Employees shall not knowingly place themselves in a position where they are under, or appear to be under, obligation to any person or organization that might benefit from or seek to gain special consideration or favour.

The Chief, Council Members/ Committee Members/Board Members/Trustees/Employees shall 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.

After the Chief and Band Council Members leave office or the termination of committee/board/trustee/employee appointment; these individuals are expected to leave with the Aamjiwnaang First Nation, all gifts, all documents, papers and other matters in their possession or control that relate to Aamjiwnaang First Nation, furthermore, all such individuals after leaving office or appointment, are expected to refrain from taking improper advantage of their previous office or appointment.

## **FINANCIAL GAIN**

The Chief, Council Member/ Committee Member/Board Member/Trustee/Employee who is found to be in a conflict of interest which was motivated by or resulted in financial gain to the Chief, Council Member/ Committee Member/Board Member/Trustee/Employee or to an immediate family member of the Chief, Council Member/ Committee Member/Board Member/Trustee/Employee shall be considered to have committed very serious misconduct.

Financial Gain includes:

- a) Monetary gain;
- b) Increase in value of assets;
- c) Decrease in value of liabilities.

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

The Chief, Council Member/ Committee Member/Board Member/Trustee/Employee who is found to be in arrears shall immediately resign from the Committee or Board related to the arrears.

***Refer to the Appendix for definition of arrears.***

## **GIFTS AND OTHER BENEFITS**

Gifts, hospitality or other benefits that could influence or perceive to influence Chief, Council Members/ Committee Members/Board Members/Trustees/Employees in their judgment or in the performance of their official duties must be declined.

Chief, Council Members/ Committee Members/Board Members/Trustees/Employees shall not, either directly or indirectly demand or accept a gift, favour, or service from any individual, organization or corporation other than:

- a) The normal exchange of hospitality between persons doing business together;
- b) Token exchanged as part of protocol;
- c) The normal presentation of gifts to persons participating in public functions;
- d) The normal exchange of gifts between friends;
- e) A gift that is less than what is considered to be the upper limit of nominal value; (which is a gift worth less than \$100.00)
- f) A gift, favour, service authorized by a quorum of Band Council.

All Councillors shall report any gifts received to the Chief regardless of their value or nature. While costly gifts and hospitality are never to be accepted, it should be borne in mind that materiality may be determined not only by costliness, but by the circumstances surrounding the giving and acceptance.

## **PREFERENTIAL TREATMENT**

The Chief, Council Member/ Committee Member/Board Member/Trustee/Employee must avoid being placed, or appear to be placed, under obligation to any person or organization that might profit from special consideration by the Chief, Council Member/ Committee Member/Board Member/Trustee/Employee.

Chief, Council Member/ Committee Member/Board Member/Trustee/Employee must not accord preferential treatment in relation to any official matter to family members, friends, other persons, or organization in which the Chief, Council Member/ Committee Member/Board Member/Trustee/Employee, family members or friends have a financial or other interest.

The Chief, Council Member/ Committee Member/Board Member/Trustee/Employee must not, without permission, provide assistance in dealing with the Aamjiwnaang First Nation to any individual or entity where such assistance would result in preferential treatment to any person.

The Chief, Council Members/ Committee Members/Board Members/Trustees/Employees  
Aamjiwnaang Inaakonigewin- Dawaabmang' waa Niigaanzijig

who exercise a regulatory, or other discretionary control over others shall disqualify themselves from dealing with family members with respect to those functions unless a quorum of Band Council gives authorization to the Chief, Council Members/ Committee Members/Board Members/Trustees/Employees to act.

## **POLITICAL ACTIVITY**

All regular, contract or temporary personnel will immediately resign from active employment upon election to the Aamjiwnaang First Nation Council.

All regular, contract or temporary personnel will limit their involvement and participation in Aamjiwnaang First Nation elections to the extent that the performance of his/her work duties becomes compromised.

Such activity must be confined solely to periods when the regular, contract or temporary personnel are not engaged in Aamjiwnaang First Nation duties.

Such activity must not involve the use of Aamjiwnaang First Nation premises, supplies, equipment (e.g. photocopier, computer, telephone, fax) and/or personnel, etc., unless use is otherwise authorized by a quorum of Band Council.

## **Press and Media statements**

No statements may be made to the press or other media, including social media, on behalf of the Aamjiwnaang First Nation, or in such a manner as may be interpreted as representative of Aamjiwnaang First Nation without prior authorization from the Chief. This applies equally to confidential and public domain information. The Director of Operations and/or the Chief's delegate has authority to make public statements in the Chief's absence.

## **Community activities**

The Aamjiwnaang First Nation supports involvement in community activities by the Chief, Council Member/ Committee Member/Board Member/Trustee/Employee who is involved in an activity that could give rise to a conflict of interest shall inform the Band Council. If a conflict occurs, the Chief, Council Member/ Committee Member/Board Member/Trustee/Employee may be required to curtail, modify or cease the activity.

## **Outside employment**

The Aamjiwnaang First Nation Employees may engage in supplementary employment including self-employment; provided that:

- a) Such employment does not interfere with the performance of the employees' duties by encroaching on time or attention which should be devoted to the employees' work;

Aamjiwnaang Inaakonigewin- Dawaabmang' waa Niigaanzijig

- b) Such employment is confined solely to periods when the employee is not engaged in Aamjiwnaang First Nation duties;
- c) The employee does not use advantages derived from office, appointment or employment with Aamjiwnaang First Nation such as confidential information;
- d) Such employment is not performed in such a way as to appear to be an official act or to represent Aamjiwnaang First Nation opinion or policy;
- e) Such employment does not involve the use of Aamjiwnaang First Nation premises, supplies, equipment (e.g. photocopier, computer, telephone, fax) and/or personnel, etc., unless use is otherwise authorized by a quorum of Band Council.

## **Disclosure**

The Chief shall maintain a confidential disclosure system.

Chief, Council Members/ Committee Members/Board Members/Trustees must disclose to the Chief any situation, matter; outside employment or interest where they have a conflict of interest or the potential for a conflict of interest. The Chief may request the disclosure be made in writing.

Where disclosure is required of the Chief, it shall be made to Council.

The Director of Operations shall maintain a confidential disclosure system.

Employees must disclose to the Director of Operations any situation, matter, outside employment or interest where they have a conflict of interest or the potential for a conflict of interest. The Director of Operations may request that disclosure be made in writing.

Where disclosure is required of the Director of Operations, it shall be made to the Chief.

## **Meeting protocol – onus of disclosure**

Prior to the commencement of a meeting, the Chief or chair shall ask of those members present whether or not a conflict of interest exists. The onus is on the individual member to declare the conflict, in accordance with this policy, if one is present.

If a conflict of interest, as defined in this policy, is determined to exist, the Chief or chair will then acknowledge the conflict; the Chief or chair will then excuse the member who is in conflict from the meeting room immediately prior to the conflicting agenda item, the member in conflict will then leave without discussion or otherwise making input into the matter.

## **Review of decision**

Where a Council Member/ Committee Member/Board Member/Trustee/Employee is not Aamjiwnaang Inaakonigewin- Dawaabmang' waa Niigaanzijig

satisfied with the decision of the Management Committee that a conflict of interest exists, the Council Member/ Committee Member/Board Member/Trustee/Employee may, within ten days of being informed of the decision, request in writing the Aamjiwnaang First Nation Council review the decision of the Management Committee.

Where the Aamjiwnaang First Nation Council reviews the decision of the Management Committee, the Council's decision as to whether or not there was a conflict of interest, as defined in this policy, exists shall be final.

**Compliance**

The Chief, Council Member/ Committee Member/Board Member/Trustee/Employee is 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, the Chief, Council Member/ Committee Member/Board Member/Trustee/Employee may elect to sell the asset in an arm's length transaction or place that asset in trust over which the Chief, Council Member/ Committee Member/Board Member/Trustee/Employee has no power of management or decision regarding assets..
  
- c) Donation: in the matter of a gift, Chief, Council Member/ Committee Member/Board Member/Trustee/Employee may elect to donate the gift to be used as a fundraiser to benefit a community event or other community endeavor. The details of the donation shall be kept anonymous. The donor, intended recipient, and amount shall be redacted from the community notification to maintain confidentiality, integrity, and conflict of interest.

I have carefully reviewed the conflict of interest policy and understand it. I understand that the community of Aamjiwnaang expects me to be in compliance with it at all times.

\_\_\_\_\_

Name

\_\_\_\_\_

Witness

\_\_\_\_\_

Title

\_\_\_\_\_

Title

\_\_\_\_\_

Date

\_\_\_\_\_

Date

## **APPENDIX**

### **Immediate Family shall be defined as:**

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

### **Arrears shall be defined as:**

Missing two consecutive payments within any 12-month period.

## Appendix E - Authority per Aamjiwnaang Chi'Naaknigewin

### 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 of the 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 the 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 - Personal Information Form



**AAMJIWNAANG**  
978 Tashmoo Ave, Sarnia, Ontario, N7T 7H5  
Tel: 519-336-8410 Fax: 519-336-0382

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?**

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Appendix G - Mail-in Voter Declaration to Nominate Candidates

Mail-in Voter Declaration to Nominate Candidates

In the matter of the Election of the Aamjiwnaang First Nation, held according to the Aamjiwnaang Inaakonigewin- Dewaabmang'waa Niigaanzijig,

I, \_\_\_\_\_ solemnly declare that:  
(Please print your name)

- 1. I am a member of the Aamjiwnaang First Nation
- 2. My band number is 172\_\_\_\_\_ and/or my date of birth is \_\_\_\_\_ .
- 3. My current mailing address is:  
\_\_\_\_\_
- 4. I am at least 18 years of age
- 5. I do not know of any reason why I would be disqualified from voting in this Election.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is an offence to make a false statement in this declaration.

\_\_\_\_\_  
**Signature of Elector/Voter** \_\_\_\_\_  
Date

**Witness Declaration**

Declared before me \_\_\_\_\_ at \_\_\_\_\_  
(name of witness) (municipality/city)  
this \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_ .  
(day of month) (month)

\_\_\_\_\_  
**Signature of Witness**

\_\_\_\_\_  
Address

\_\_\_\_\_  
City Province Postal Code

( ) \_\_\_\_\_  
Telephone # of Witness

## Appendix H – Oath of Office Appeals Board

### OATH OF OFFICE Appeals Board

I, \_\_\_\_\_, accept the duty, responsibility, and obligation of:  
The appointed position of Board member for the Aamjiwnaang Appeals Board; and do so solemnly swear that I will faithfully execute the duties of my office with personal and professional integrity in striving to achieve the aspirations of the Aamjiwnaang Community. Further, that I shall conduct myself in a manner that is honorable and respectful of the trust bestowed upon me by the people of Aamjiwnaang.

I shall work cooperatively, honestly, ethically, and compassionately for the benefit of all the people of the Aamjiwnaang and shall provide leadership that is in the best interest of the entire Aamjiwnaang membership and members yet unborn. I will be accountable to the people of Aamjiwnaang and will strictly maintain the necessary confidentiality and will be absent myself from the very appearance of a conflict of interest.

I so declare before my fellow Appeals Board Members and the Aamjiwnaang Council, that I make this commitment freely without mental reservation or purpose of evasion, as witnessed by my Community and Colleagues.

---

Signature

Appendix I – In-Person Nomination Form

In-Person Nomination Form

*Aamjiwnaang First Nation*

*Insert Nomination Meeting date*

I nominate _____			
For the position of    Chief <input type="checkbox"/> Councillor <input type="checkbox"/>			
<b>NOMINATOR</b>			
My name is _____ Band/Treaty/Registry/Status # _____			
Signature _____			
Phone Number (____) _____			
<b>SECONDER</b>			
I hereby second the nomination			
My name is _____ Band/Treaty/Registry/Status # _____			
Signature _____			
Phone Number (____) ____ - _____			
<b>CANDIDATE</b>			
<input type="checkbox"/> I accept the nomination and my information package.			
<input type="checkbox"/> I decline the nomination			
I want my name to appear on the ballot as:			
_____ Surname		_____ Given name(s) (nick name/Alias)	
_____ <b>Signature</b>		_____ Band/Treaty/Registry/Status Number	(____) ____ - _____ Phone number
_____ Address	_____ First Nation/Municipality	_____ Province/Territory	_____ Postal code
E-mail Address _____			
Candidate refused to provide address. Initials of EO/DEO: _____			

Appendix J – Candidate’s Withdrawal Form

Candidate’s Withdrawal Form

I, \_\_\_\_\_, Band/Treaty/Registry/Status # \_\_\_\_\_, hereby withdraw  
*(Name)*

my name as a candidate for **Chief**  **and/or Councillor**

for the \_\_\_\_\_ election  
*(Name of First Nation)*

to be held on the \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Print Candidate’s name

\_\_\_\_\_  
Signature of Candidate

**Witnessed by:**

\_\_\_\_\_  
Print Witness name

\_\_\_\_\_  
Witness signature