

**MISSISSAUGA FIRST NATION
CUSTOM ELECTION CODE**

**FINAL REVISED VERSION
FOR THE RATIFICATION VOTE**

79.
GM AB
R.S.
ev AB



TABLE OF CONTENTS

PART I – DEFINITIONS.....9

1. DEFINITIONS IN CODE.....9

PART II – COMPOSITION, ELECTION AND TERM OF COUNCIL.....13

2. COMPOSITION OF CHIEF AND COUNCIL.....13

3. COUNCILLOR POSITIONS RESERVED FOR MEMBERS NOT
ORDINARY RESIDENT.....13

4. PROCESS OF ELECTION FOR CHIEF AND COUNCILLORS.....13

5. TERM OF OFFICE.....13

6. VACANCY IN TERM OF OFFICE.....13

7. EXTENSION OF TERM OF OFFICE.....13

8. BY-ELECTION TERM OF OFFICE.....14

9. ELECTION APPEAL TERM OF OFFICE.....14

PART III – CALLING OF ELECTION.....15

10. SETTING ELECTION DATE.....15

11. TENDERING AND SELECTION OF AN ELECTORAL OFFICER.....15

12. APPLICATION TO DEPUTY ELECTORAL OFFICER.....15

13. ELECTORAL OFFICER'S CONTRACT FOR SERVICES.....15

14. FAILURE TO SELECT ELECTORAL OFFICER.....16

15. QUALIFICATIONS OF ELECTORAL OFFICER.....16

16. OATH OF OFFICE OF ELECTORAL OFFICER.....16

17. RESPONSIBILITIES AND ETHICS OF ELECTORAL OFFICER.....16

18. APPOINTMENT OF INTERPRETERS.....17

19. ISSUANCE OF INSTRUCTIONS.....17

20. INFORMATION OF ELECTORS.....17

21. MEMBERSHIP CLERK DISCLOSURE OF ADDRESSES.....17

22. ELECTORS RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.....17

23. USE OF ELECTORS ADDRESSES.....18

24. CONSENT TO DISCLOSE ADDRESS FORM.....18

25. RECEIPT OF ADDRESS THROUGH OTHER SOURCES.....18

26. DISCLOSURE OF ELECTORS ADDRESSES.....18

27. PREPARATION AND POSTING OF VOTERS LIST.....18

28. CONFIRMATION OF VOTERS.....19

29. REVISIONS TO VOTERS LIST.....19

30. ADDITIONS TO VOTERS LIST.....19

AG
EM
R.S.
er
BB
BB

MISSISSAUGA FIRST NATION CUSTOM ELECTION CODE
FINAL REVISED VERSION FOR THE RATIFICATION VOTE

31. REMOVAL FROM VOTERS LIST.....20
32. NOTICE OF ELIGIBILITY CHALLENGE.....20
33. ADDITIONS OR DELETIONS FROM VOTERS LIST.....20
34. VOTING WHERE NAME NOT ON VOTERS LIST.....20

PART IV – NOMINATION PROCESS.....21

35. POSTING NOTICE OF NOMINATION MEETING.....21
36. CONTENT OF NOTICE OF NOMINATION MEETING.....21
37. MAILING NOMINATION MEETING PACKAGE.....21
38. NOMINATION BY MAIL-IN NOMINATION FORM.....22
39. RECORD OF SENT NOMINATION MEETING PACKAGES.....23
40. RECORD OF RETURNED NOMINATION MEETING PACKAGES.....23
41. RECEIPT OF COMPLETED MAIL-IN NOMINATION FORMS.....23
42. NON-RECEIPT OF MAIL-IN NOMINATION FORMS.....23
43. HOW TO NOMINATE OR SECOND A CANDIDATE.....23
44. TIMEFRAME FOR NOMINATION MEETING.....24
45. DURATION OF NOMINATION MEETING.....24
46. CHAIRING OF NOMINATION MEETING.....24
47. MAINTAINING ORDER AND SECURITY.....24
48. ATTENDANCE AT NOMINATION MEETING.....24
49. OPENING OF NOMINATION MEETING.....24
50. OPENING OF MAIL-IN NOMINATION FORMS.....25
51. RECORD OF REJECTED MAIL-IN NOMINATION FORMS.....25
52. CALLING OUT OF MAIL-IN NOMINATIONS.....25
53. TWO MAIL-IN NOMINATION FORMS FOR SAME OFFICE.....26
54. NOMINATION AT THE NOMINATION MEETING.....26
55. LIMITATION ON NOMINATION OR SECONDING BY AN ELECTOR.....26
56. RECORDING OF NOMINATIONS.....26
57. END OF NOMINATION MEETING.....26
58. LIST OF NOMINEES.....27

PART V – CANDIDATES FOR CHIEF AND COUNCILLORS.....28

59. QUALIFIED PERSON TO BE CANDIDATE.....28
60. CANDIDATE FOR ONLY ONE OFFICE.....28
61. ACCEPTANCE OF NOMINATION.....28
62. DEPOSIT FOR POSITIONS OF CHIEF OR COUNCILLOR.....29
63. WITHDRAW OF CANDIDACY.....29
64. DEATH OF CANDIDATE.....29
65. RULES OF CAMPAIGNING BY CANDIDATES.....29
66. BREACH OF CAMPAIGN RULES.....30

7A
AM
R.S.
AB
B
em
Bb

PART VI – PRE-ELECTION PROCEDURE.....31

67. WHERE OFFICES FILLED BY ACCLAMATION.....31
68. TIMEFRAME FOR ELECTION.....31
69. PREPARATION OF BALLOTS.....31
70. WHERE CANDIDATES HAVE SAME NAME.....32
71. USE OF NICKNAME ON BALLOT.....32
72. POSTING THE NOTICE OF ELECTION.....32
73. CONTENT OF NOTICE OF ELECTION.....32
74. MAILING THE MAIL-IN BALLOT PACKAGE.....33
75. ELECTOR REQUEST FOR MAIL-IN BALLOT PACKAGE.....34
76. RECORD OF MAIL-IN BALLOT PACKAGES.....34
77. RECORD OF RETURNED MAIL-IN BALLOT PACKAGES.....34
78. VOTING BY MAIL-IN BALLOT.....34
79. ASSISTANCE TO MARK MAIL-IN BALLOT.....35
80. RECEIPT OF COMPLETED MAIL-IN BALLOTS.....35
81. NON-RECEIPT OF MAIL-IN BALLOTS.....35
82. EQUIPMENT FOR THE ELECTION.....35
83. LOCATION OF POLLING STATION.....36
84. VOTING COMPARTMENTS.....36
85. SECURITY OF POLLING STATION.....36

PART VII – ELECTION DAY.....37

86. POLLING HOURS.....37
87. VERIFICATION OF THE BALLOT BOX.....37
88. SECRECY AND SECURITY.....37
89. NO PROXY VOTING.....37
90. MAINTENANCE OF ORDER AT POLLING STATION.....37
91. NO DISTRIBUTION ON ELECTION DAY.....38
92. SCRUTINEERS.....38
93. VERIFICATION OF ELECTORS.....38
94. RECORD OF BALLOTS ISSUED.....38
95. ELECTOR WHO RECEIVED MAIL-IN BALLOT.....38
96. RESTRICTION FROM VOTING TWICE.....39
97. METHOD OF VOTING.....39
98. VOTING PROCEDURE.....39
99. VERIFICATION OF BALLOT.....39
100. ATTENDANCE IN VOTING COMPARTMENT.....40
101. ASSISTANCE IN VOTING.....40
102. SPOILED BALLOT.....40
103. FORFEIT OF RIGHT TO VOTE.....40
104. CLOSE OF POLLS.....41

Handwritten initials and signatures:
AG
AM
RS
AB
[Signature]

PART VIII – COUNTING OF VOTES.....42

105. OPENING OF THE COUNTING OF VOTES.....42
106. ATTENDANCE AT COUNTING OF THE VOTES.....42
107. ACCESS TO THE COUNTING OF THE VOTES.....42
108. OPENING MAIL-IN BALLOTS.....42
109. RECORD OF REJECTED MAIL-IN BALLOTS.....43
110. OPENING OF BALLOT BOX.....43
111. CALLING OUT NAMES OF VOTES CAST.....44
112. TALLY SHEETS BY ELECTORAL OFFICER.....44
113. REJECTION OF BALLOTS.....44
114. RECORD OF REJECTED BALLOTS.....44
115. OBJECTIONS TO BALLOTS.....44
116. RECORD OF BALLOT OBJECTIONS AND DECISIONS.....45
117. WHERE A TIE VOTE OCCURS.....45
118. CAST BALLOT TO BREAK TIE VOTE.....45

PART IX – POST-ELECTION PROCEDURES.....46

119. ANNOUNCEMENT OF ELECTED CANDIDATES.....46
120. ISSUANCE OF ELECTION REPORT.....46
121. POSTING OF ELECTION REPORT.....46
122. RETENTION AND DESTRUCTION OF ELECTION MATERIAL.....47
123. ELECTION APPEALS.....47
124. CONDITION OF ASSUMING OFFICE.....47
125. FAILURE TO SWEAR OATH OF OFFICE.....47

PART X – BY-ELECTION.....49

126. HOLDING OF A BY-ELECTION.....49
127. THREE MONTHS REMAINING IN TERM.....49
128. PRESENT COUNCIL MEMBER MAY NOT BE A CANDIDATE.....49
129. CODE RULES AND PROCEDURES APPLY.....49

PART XI – RULES OF PROCEDURE FOR COUNCIL.....50

130. POWERS OF THE COUNCIL.....50
131. QUORUM OF THE COUNCIL.....50
132. MAJORITY VOTE.....50
133. REMUNERATION.....51
134. RESIGNATION.....51

Handwritten signatures and initials:
AG
AM
RS
AB
BB

MISSISSAUGA FIRST NATION CUSTOM ELECTION CODE
FINAL REVISED VERSION FOR THE RATIFICATION VOTE

135. VACANCY OF OFFICE.....51
136. FIRST MEETING OF THE COUNCIL.....51
137. REGULAR MEETINGS OF THE COUNCIL.....52
138. CALLING OF MEETINGS OF THE COUNCIL.....52
139. NOTICE OF MEETINGS OF THE COUNCIL.....52
140. WHERE NOTICE OF MEETINGS OF THE COUNCIL NOT REQUIRED.....52
141. ATTENDANCE AT COUNCIL MEETINGS.....53
142. CHAIRPERSON OF COUNCIL MEETINGS.....53
143. CALLING MEETINGS TO ORDER.....53
144. MAINTENANCE OF ORDER.....53
145. BUSINESS AT MEETINGS OF THE COUNCIL.....53
146. MINUTES OF MEETINGS OF THE COUNCIL.....53
147. SPEAKING TO MATTERS AT MEETINGS OF THE COUNCIL.....54
148. ORDER WHEN SPEAKING TO MATTERS.....54
149. PRESENTATION OF MOTIONS OR QUESTIONS.....54
150. READING OF MOTIONS OR QUESTIONS.....54
151. WITHDRAW OF MOTION.....54
152. VOTE ON MOTIONS OR QUESTIONS.....55
153. RIGHT TO VOTE.....55
154. ABSTENTION TO VOTE.....55
155. NO PROXY VOTING.....55
156. NO VOTE WHERE CONFLICT OF INTEREST.....55
157. WHO MAY ALLEGE A CONFLICT OF INTEREST.....55
158. TIMEFRAME FOR DECLARING OR ALLEGING A CONFLICT OF INTEREST.....55
159. MEMBERS OF COUNCIL SELF-DECLARATION OF CONFLICT OF INTEREST....56
160. ALLEGED CONFLICT OF INTEREST BY OTHERS.....56
161. PORTFOLIOS.....57
162. RESPONSIBILITIES OF PORTFOLIOS.....57
163. ADVISORY AND SPECIAL COMMITTEES.....57
164. DUTIES OF ADVISORY AND SPECIAL COMMITTEES.....58

PART XII – REMOVAL OF CHIEF OR COUNCILLOR.....59

165. CONDITIONS FOR REMOVAL FROM OFFICE.....59
166. PROCESS TO REMOVE ELECTED OFFICIAL.....59
167. PETITION REQUIREMENTS.....59
168. BAND COUNCIL RESOLUTION REQUIREMENTS.....60
169. WHERE REQUIREMENTS ARE NOT FOLLOWED.....60
170. WHERE REQUIREMENTS ARE FOLLOWED.....60
171. TIMEFRAME FOR PETITION OR BAND COUNCIL RESOLUTION.....61
172. DECISION OF APPEAL BOARD HEARING.....61

Handwritten initials:
JG.
GM
R.S.
AB
AB
AB

PART XIII – APPEALS BOARD.....62

173. ESTABLISHMENT OF APPEALS BOARD.....62
174. COMPOSITION OF APPEALS BOARD.....62
175. DUTIES AND RESPONSIBILITIES.....62
176. QUALIFICATIONS.....62
177. SELECTION PROCESS.....63
178. TERM OF BOARD MEMBERS.....63
179. CEASING TO BE A BOARD MEMBER.....63
180. RESIGNING AS BOARD MEMBER.....64
181. TRAINING.....64
182. RESOURCE PERSONS.....64
183. REMUNERATION.....64
184. SELECTION OF APPEALS BOARD FOR HEARING.....65
185. ROLE AND AUTHORITY OF APPEALS BOARD.....65
186. DUTY OF FAIRNESS.....65
187. FEES FOR SERVICE.....66
188. REQUESTING APPEAL HEARING.....66
189. TIMEFRAME FOR APPEAL.....66
190. REVIEW AND RESPONSE TO REQUESTS FOR APPEAL HEARING.....67
191. NOTICE TO PARTIES.....67
192. LOCATION OF APPEAL HEARINGS.....67
193. CHAIRPERSON AND RECORDER OF DECISION.....67
194. GROUND RULES AND PROCEDURES.....67
195. FORMAT AND STRUCTURE OF HEARING.....68
196. ATTENDANCE AT APPEAL HEARING.....68
197. PARTICIPATION AT APPEAL HEARING.....68
198. NO RECORDING OF APPEAL HEARING.....68
199. TRANSLATION SERVICES.....68
200. EXCHANGE OF WRITTEN INFORMATION.....69
201. WITNESSES AT APPEAL HEARING.....69
202. MORAL SUPPORT PERSON.....69
203. REPRESENTATIVE OR LEGAL COUNSEL.....69
204. INTERVENERS.....70
205. TERMINATION OF APPEAL HEARING.....70
206. DECISION OF APPEAL BOARD.....71
207. NO APPEAL OF APPEALS BOARD DECISIONS.....71
208. WAIVER OF LIABILITY BY PARTIES.....71
209. NO COMPELLABILITY.....71
210. NOT PRODUCED AS EVIDENCE.....71

Handwritten initials and signatures:
JG.
R.S.
AB
AB
in
BB

PART XIV – AMENDMENT AND COMING INTO FORCE.....73

211. MINOR AMENDMENTS TO CODE.....73
212. PROCESS TO AMEND THE CODE.....73
213. AMENDMENT PETITION REQUIREMENTS.....73
214. AMENDMENT BAND COUNCIL RESOLUTION REQUIREMENTS.....74
215. TIMEFRAME FOR PETITION OR BAND COUNCIL RESOLUTION.....74
216. AMENDMENT PROCESS.....74
217. RATIFICATION VOTE PROCESS.....75
218. RATIFICATION VOTE TIMEFRAME.....75
219. RATIFICATION VOTE RESULT.....75
220. RATIFICATION VOTE APPEAL.....75
221. ELECTIONS FOLLOWING RATIFICATION VOTE.....75
222. COMING INTO FORCE.....75

SCHEDULES – CHART OF TIMEFRAMES.....76

A. ELECTION VOTE TIMEFRAMES.....76
B. APPEAL HEARING TIMEFRAMES.....79
C. RATIFICATION VOTE TIMEFRAMES.....81

Handwritten notes:
79.
AM
RS AB
AB
er BB

PART I - DEFINITIONS

DEFINITIONS IN CODE

1. In this Code, except where the context otherwise indicates, the following definitions apply:
 - a. "Appeals Board" means the body appointed by Band Council Resolution to review and make decisions concerning petitions for removal from office, ratification vote appeals, and election vote appeals in accordance with Part XII of this Code;
 - b. "Band Council Resolution" means a resolution of Chief and Council, and "BCR" and "Resolution" shall have corresponding meanings;
 - c. "Candidate" means a person who:
 - i. Is a Member of Mississauga First Nation;
 - ii. Has or will attained the age of eighteen (18) years of age on or before the day of the Election vote;
 - iii. Has been nominated as a Candidate in accordance with Part V of this Code.
 - d. "Chief" means the person who is elected to serve as the spokesperson of Mississauga First Nation, working together with the direction and assistance of the Councillors;
 - e. "Child" in respect of a person, means the person's natural child; adopted child; step-child; or a child whom the person has demonstrated a settled intention to treat as a child of his or her family except under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful or customary custody; and "Children" shall have a corresponding meaning;
 - f. "Code" means this Mississauga First Nation Custom Election Code;
 - g. "Common Law Partner" are persons in a relationship between two (2) persons who are cohabiting in a conjugal relationship for a minimum of twenty-four (24) months, and includes same sex relationships;
 - h. "Conflict of Interest" means:

72.
64
R.S.
AB
AB
JA
BB

- i. Where a person has a personal interest in the matter;
 - ii. Where a person has a family interest in the matter in relation to their Immediate or Extended Family;
 - iii. Where a person has an interest in relation to their close personal friend;
 - iv. Where a person has a financial interest in the matter; and
 - v. Where a person has a professional or business interest in the matter.
- i. "Corrupt or Fraudulent Practice" includes, but is not limited to, direct or indirect bribery, or providing a financial or material incentive to an Elector in exchange for a vote;
- j. "Council" means collectively, the Chief and Council of Mississauga First Nation;
- k. "Councillor" means individually a member of Council of Mississauga First Nation;
- l. "Deputy Electoral Officer" means a person selected by the Council to assist the Electoral Officer in the conduct of the election process;
- m. "Director of Operations" means the most senior employee of Mississauga First Nation who is responsible for overseeing the administration of Mississauga First Nation and "Band Manager" and "Chief Executive Officer" shall have corresponding meanings;
- n. "Elder" means a Member who is fifty (50) years of age or older;
- o. "Electoral Officer" means a person, appointed by Band Council Resolution before each election, who has been authorized to conduct the election under this Code;
- p. "Elector" means a person who is:
- i. A Member of Mississauga First Nation;
 - ii. Has attained the age of eighteen (18) years of age on or before the day of the vote; and
 - iii. Includes Members residing on and off Mississauga First Nation;
- q. "Executive Administrative Assistant" means an employee of Mississauga First Nation who is responsible for providing secretarial and other support to the Council;

77
Cam
R.S.
AB
AB
er
bb

- r. "Extended Family" in respect of a person, means the person's grandparent, grandchild, first degree aunt or uncle, first degree niece or nephew, and individuals who reside in the same household;
- s. "Immediate Family" in respect of a person, means the person's natural parent, adopted parent, step-parent, or individual whom has demonstrated the settled intention to act as a parent; mother or father in-law; Child; Spouse or Common-Law Partner; sister; brother; sister or brother in-law; and legal guardian;
- t. "Majority Vote" means fifty percent plus one (50% +1) of the Council present but does not include the Chairperson;
- u. "Member" means a person whose name appears or is entitled to appear on the Membership List of Mississauga First Nation in accordance with its membership code, and "Membership" and "Band Member" shall have corresponding meanings;
- v. "Membership Clerk" means an employee of Mississauga First Nation who is responsible for maintaining the Membership List of Mississauga First Nation;
- w. "Mississauga First Nation" means the Mississauga First Nation, also commonly referred to as Mississagi, Mississauga #8, Mississauga Reserve, or Mississauga Indian Band;
- x. "Ordinary Resident" shall be determined by the facts in each case, and without limiting the foregoing, some of the factors that can be considered are:
 - i. Where a person normally eats and sleeps;
 - ii. Where a person receives personal mail;
 - iii. The residence of his or her Immediate Family; and
 - iv. A place in proximity to the person's place of employment.

A person can only be an Ordinary Resident in one place at a time, and a person is an Ordinary Resident in that place until another place of ordinary residence is acquired. A person may be temporarily absent from a place of ordinary residence for education, medical or temporary employment reasons.

- y. "Polling Station" means a building, hall or room which is selected to be the site where the election vote shall be conducted;

Handwritten initials and signatures: "AG", "AM", "R", "AB", "AB", "AB", "AB".

- z. "Program Manager" means a senior employee of Mississauga First Nation who is responsible for overseeing a program or department of Mississauga First Nation, and "Program Coordinators" and "Program Managers" shall have corresponding meanings;
- aa. "Quorum" means fifty percent plus one (50% + 1) of the Council;
- bb. "Ratification Officer" means the person whom is contracted by the Council to conduct the ratification vote on the proposed amendments to this Code;
- cc. "Rules of Campaigning" means guidelines, general rules of behaviour, and standards established in accordance with Part V of this Code to govern the conduct of Candidates running for office and their supporters relating to their participation in the election process;
- dd. "Spouse" means a person who is married to another, whether by a traditional ceremony, religious or civil ceremony, and/or includes a Common-Law Partner, and includes same-sex relationships;
- ee. "Valid Photo Identification" means a form of identification which contains the name and photograph of the bearer, through such identification as:
- i. A drivers license;
 - ii. A health card;
 - iii. A Certificate of Indian Status card; and
 - iv. A passport.
- ff. "Youth" means a Member who is between thirteen (13) and seventeen (17) years of age.

Handwritten initials and signatures in the bottom left corner, including "Jg.", "BM", "R.S.", "AB", "AB", "Y", and "BB".

PART II – COMPOSITION, ELECTION AND TERM OF COUNCIL

COMPOSITION OF CHIEF AND COUNCIL

2. The Council shall consist of one (1) Chief and nine (9) Councillors.

COUNCILLOR POSITIONS RESERVED FOR MEMBERS NOT ORDINARY RESIDENT

3. A maximum of two (2) Councillor positions shall be reserved for Members who are not an Ordinary Resident of Mississauga First Nation but resides within a fifty (50) kilometer radius of Mississauga First Nation. For greater certainty, if a Member who is not an Ordinary Resident of Mississauga First Nation is not elected as Councillor, that position or positions will be filled by a Member who is an Ordinary Resident of Mississauga First Nation.

PROCESS OF ELECTION FOR CHIEF AND COUNCILLORS

4. Chief and Councillors shall be elected by a vote held in accordance with this Code.

TERM OF OFFICE

5. The term of office for the positions of Chief and Councillors shall be three (3) years. The term of office for the positions of Chief and Councillors commences on the day immediately following the election vote and expires three (3) years from that date or on the date of the next election for their office, and subject to section 7 of this Code.

VACANCY IN TERM OF OFFICE

6. The position of Chief or Councillor may become vacant during the term of office in accordance with Part XI of this Code.

EXTENSION OF TERM OF OFFICE

7. The term of office may, under mitigating circumstances, be continued beyond three (3) years if such continuation is not opposed by the votes

of more than fifty percent (50%) of the members of Council. This continuation shall not exceed sixty (60) consecutive days.

BY-ELECTION TERM OF OFFICE

8. The successful candidate in a by-election shall hold office for the remainder of the original term of office of the Chief or Councillor whom he or she is elected to replace.

ELECTION APPEAL TERM OF OFFICE

9. In the event that a successful election appeal results in a new general election, the term of the newly elected Council shall commence on the date immediately following the election vote and it shall have a term as set out in section 5 of this Code.

79
GM
R
B
B
K

PART III – CALLING OF ELECTION

SETTING ELECTION DATE

10. Council shall, by Band Council Resolution, establish the date on which the election is to be held, which must be a minimum of fifty-five (55) consecutive days prior to the third anniversary of the last general election, and subject to section 7 of this Code, no later than ten (10) consecutive days following the third anniversary of the last general election.

TENDERING AND SELECTION OF AN ELECTORAL OFFICER

11. The Council shall be responsible for selecting an Electoral Officer and a Deputy Electoral Officer through a tendering process that shall occur a minimum of fifty-five (55) consecutive days before the expiration of the Council's term of office.

APPLICATION TO DEPUTY ELECTORAL OFFICER

12. For greater certainty, all references to the Electoral Officer in this Code include the Deputy Electoral Officer.

ELECTORAL OFFICER'S CONTRACT FOR SERVICES

13. Upon the selection of an Electoral Officer through a tendering process in accordance with section 11 of this Code, the Council and the Electoral Officer shall enter into a contract for services in which the contract shall include, but not be limited to, the following provisions:
 - a. The Electoral Officer's full name and address
 - b. The responsibilities of the Electoral Officer;
 - c. The remuneration of the Electoral Officer;
 - d. The term of the contract for services;
 - e. The date of the election;
 - f. The type of election that is to be conducted (general election or by-election);
 - g. That the election shall be conducted in accordance with this Code;
 - h. The participation of the Electoral Officer in any election appeal; and
 - i. Any special instructions.

79.
CM
R.S.
BB
BB

FAILURE TO SELECT ELECTORAL OFFICER

14. If an Electoral Officer has not been selected in accordance with section 11 of this Code, the Director of Operations shall be responsible for issuing the tender and selecting the Electoral Officer within seven (7) consecutive days following the time provided for section 11 of this Code.

QUALIFICATIONS OF ELECTORAL OFFICER

15. The Electoral Officer must be a person who:
- a. Is not a Member of Mississauga First Nation;
 - b. Does not have Immediate Family that are Members of Mississauga First Nation;
 - c. Does not have a Conflict of Interest as defined herein;
 - d. Is at least twenty-one (21) years of age; and
 - e. Has experience in the conduct of elections or has received appropriate training.

OATH OF OFFICE OF ELECTORAL OFFICER

16. The Electoral Officer must swear an oath to uphold the office in accordance with this Code.

RESPONSIBILITIES AND ETHICS OF ELECTORAL OFFICER

17. The Electoral Officer is responsible for managing and executing all pre-electoral, electoral and post-electoral processes and procedures included in this Code. The Electoral Officer must:
- a. Uphold and abide by the rules and regulations established in this Code;
 - b. Remain neutral and professional in the conduct of the duties of his or her office, and refrain from providing any preferential treatment or expressing support for or opposition to any Candidate;
 - c. Not accept anything of value (including but not limited to money, offers of employment, gifts, travel) in exchange for preferential treatment or access to a public official or non-public information; and
 - d. Not discriminate against anyone because of race, religion, sex, age or handicap.

Handwritten initials and signatures: JG, Cam, R.S., BB, BB, BB.

APPOINTMENT OF INTERPRETERS

18. The Electoral Officer may appoint interpreters to provide interpretation services in the election process, as may be required.

ISSUANCE OF INSTRUCTIONS

19. In addition to the provisions of this Code, the Electoral Officer may make such decisions and issue such instructions consistent with the provisions of this Code, as he or she may deem necessary for the effective administration of the election.

INFORMATION OF ELECTORS

20. At least fifty-two (52) consecutive days before the day on which an election is to be held, the Membership Clerk shall provide to the Electoral Officer:
- a. The names of all Electors;
 - b. The Band membership numbers of all Members set forth in subsection (a);
 - c. The dates of birth of all Members set forth in subsection (a); and
 - d. The last known addresses, if any, of all Electors that are not an Ordinary Resident on Mississauga First Nation.

MEMBERSHIP CLERK DISCLOSURE OF ADDRESSES

21. In relation to this Code, and with the exception of providing the address of Electors to the Electoral Officer in accordance with subsection 20(d) of this Code, the Membership Clerk shall not disclose the address of Electors to any Member, Candidate, or person.

ELECTORS RESPONSIBILITY TO PROVIDE CURRENT ADDRESSES

22. To fulfill the requirements of section 21 of this Code, all Members are responsible for providing the Membership Clerk with their current addresses. For greater certainty, Mississauga First Nation assumes no responsibility where a Member fails to provide his or her accurate and current address to the Membership Clerk.

Handwritten notes:
Fg
Calm
R.S.
BB
BB
BB

USE OF ELECTORS ADDRESSES

23. An Elector's address shall be used by the Electoral Officer only for the purpose of providing the notice of nomination meeting, nomination meeting package, notice of election, mail-in ballot packages or other election documents to Electors who are entitled to receive them under this Code.

CONSENT TO DISCLOSE ADDRESS FORM

24. An Elector may submit to the Electoral Officer a written consent to disclose address form form, which shall authorize the Electoral Officer to provide the Elector's address to all Candidates who request it. The Electoral Officer shall not provide Candidates with the address of an Elector who does not submit this form.

RECEIPT OF ADDRESS THROUGH OTHER SOURCES

25. For greater certainty, the Electoral Officer is not responsible if a Candidate receives the address of an Elector through a source or means other than in accordance with section 24 of this Code from the Electoral Officer, and such a release, unless it is independently a violation of this Code, shall not vitiate an election conducted under this Code.

DISCLOSURE OF ELECTORS ADDRESSES

26. A Candidate for election as Chief or Councillor may obtain from the Electoral Officer the addresses of Electors who have issued their written consent to disclose address form form, to distribute his or her campaign material, which must be in compliance with the Rules of Campaigning set forth at section 65 of this Code.

PREPARATION AND POSTING OF VOTERS LIST

27. A minimum of forty-eight (48) consecutive days before the day of the election vote, the Electoral Officer shall prepare and post a voters list containing the names of all of the Electors in alphabetical order. The voters list shall be posted in Mississauga First Nation at the following public locations:

Handwritten notes:
70
CMM
R.S.
AB
AB
gr
AB

- a. Band administration office;
- b. Community hall;
- c. Day care centre;
- d. Education centre;
- e. Food bank;
- f. Library;
- g. Red Pine Lodge;
- h. Sports complex; and
- i. Women's shelter.

CONFIRMATION OF VOTERS

28. On request by an Elector, the Electoral Officer shall confirm whether the name of a person is on the voters list.

REVISIONS TO VOTERS LIST

29. The Electoral Officer shall revise the voters list upon presentation of documentary evidence which demonstrates that:
- a. The name of an Elector has been omitted from the voters list;
 - b. The name of an Elector is incorrectly set out in the voters list; or
 - c. The name of a person not qualified to vote is included in the voters list.

ADDITIONS TO VOTERS LIST

30. An Elector may, no later than two (2) consecutive days prior to the date of the election vote, demonstrate that the name of an Elector has been omitted from or incorrectly set out in the voters list by presenting in writing to the Electoral Officer evidence that the Elector:
- a. Is entitled to have his or her name entered on the voters list; and
 - b. Will be at least eighteen (18) years of age on the date on which the election is to be held.

REMOVAL FROM VOTERS LIST

31. An Elector 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 twenty-five (25) consecutive days prior to the date of the election vote, evidence that the person:

- a. Is neither on the Membership List nor entitled to have his or her name entered on the Membership List; or
- b. Will not be at least eighteen (18) years of age on the date on which the election is to be held.

NOTICE OF ELIGIBILITY CHALLENGE

32. 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 that the name of a person not qualified to vote appears on the voters list, the Electoral Officer shall send out a written notice to the person whose eligibility is challenged at least twenty (20) consecutive days prior to the date of the election vote. The notice shall include the reasons for seeking the removal of the name from the voters list, any supporting documents, and state that the person may provide documentary proof to the Electoral Officer refuting the challenge, and that such evidence may be presented until the close of the polls on the day of the election.

ADDITIONS OR DELETIONS FROM VOTERS LIST

33. After considering all information and representations relating to amendments of the voters list, the Electoral Officer shall add or delete names from the voters list based on whether persons qualify as Electors. This decision of the Electoral Officer is final and is not subject to appeal or review by any court or judicial body.

VOTING WHERE NAME NOT ON VOTERS LIST

34. A person whose name does not appear on the voters list shall be entitled to vote on the day of the Election vote if, to the Electoral Officer's satisfaction, he or she presents documentary proof to the Electoral Officer demonstrating his or her qualifications as an Elector.

Handwritten initials:
JJ
GM
RS
AB
BB
BB

PART IV – NOMINATION PROCESS

POSTING NOTICE OF NOMINATION MEETING

35. The Electoral Officer shall, at least twenty (20) consecutive days before the date on which the nomination meeting is to be held, post a notice of nomination meeting in Mississauga First Nation at the following public locations:
- a. Band administration office;
 - b. Community hall;
 - c. Day care centre;
 - d. Education centre;
 - e. Food bank;
 - f. Library;
 - g. Red Pine Lodge;
 - h. Sports complex; and
 - i. Women's shelter.

CONTENT OF NOTICE OF NOMINATION MEETING

36. The notice of nomination meeting shall include:
- a. The date, time, duration and location of the nomination meeting;
 - b. The date on which the election vote will be held and the location of all Polling Stations;
 - c. The name and phone number of the Electoral Officer;
 - d. The statement that an Elector can nominate or second the nomination of a Candidate through submitting a mail-in nomination form or in person at the nomination meeting;
 - e. The statement that any Elector may vote either by mail-in ballot prior to the date of the election vote or in person at the Polling Station on the date of the election vote; and
 - f. The statement that if the Elector wants to receive campaign information from Candidates, the Elector must provide the Electoral Officer with a consent to disclose address form.

MAILING NOMINATION MEETING PACKAGE

37. At least twenty (20) consecutive days before the date on which the nomination meeting is to be held, the Electoral Officer shall mail to

Handwritten initials and signatures: JG, SM, RB, BB, y, BB.

every Electoral who is not an Ordinary Resident on Mississauga First Nation for which he or she has received an address, a nomination meeting package which shall include:

- a. The notice of nomination meeting;
- b. The mail-in nomination form in which the Elector may nominate or second Candidates;
- c. The statement that the Elector may either nominate or second a Candidate through submitting a mail-in nomination form prior to the nomination meeting or in person at the nomination meeting;
- d. The letter of instruction explaining how to complete and submit the mail-in nomination form and voter declaration form;
- e. Information on the rules to be a Candidate in an election vote;
- f. The statement of how many Candidates the Elector may nominate for the position of Chief and/or Council;
- g. The voter declaration form to be completed by the Elector which shall set out the name of the Elector; the Band membership number of the Elector; the date of birth of the Elector; a photocopy of the Elector's Valid Photo Identification; and the name, address, and telephone number of the person who witnessed the Elector signing the voter declaration form;
- h. The statement that the mail-in nomination form and voter declaration form must be properly completed to be valid;
- i. The statement that the completed mail-in nomination form and voter declaration form must be received by the Electoral Officer prior to the opening of the nomination meeting to be valid;
- j. A postage-paid return envelope, pre-addressed to the Electoral Officer;
- k. An optional consent to disclose address form and instructions as to how to complete it; and
- l. Other such information as may be required.

NOMINATING BY MAIL-IN NOMINATION FORM

38. An Elector may nominate Candidates by mail-in nomination form by:

- a. Completing a mail-in nomination form clearly stating the name of the Candidate that the Elector is nominating;
- b. Completing and signing the voter declaration form in the presence of a witness who is at least eighteen (18) years of age;
- c. Placing the completed mail-in nomination form and the voter declaration form in the postage-paid envelope pre-addressed to the Electoral Officer; and

79.
SM
R.S.
BB
BB
BB

- d. Delivering, mailing or otherwise ensuring receipt by the Electoral Officer of the envelope before the opening of the nomination meeting.

RECORD OF SENT NOMINATION MEETING PACKAGES

39. The Electoral Officer shall record the names of the Electors to whom a nomination meeting package was mailed, the addresses of those Electors, and the date on which the nomination meeting package was mailed.

RECORD OF RETURNED NOMINATION MEETING PACKAGES

40. The Electoral Officer shall retain all nomination meeting packages sent to Electors that may be returned by mail to him or her. The Electoral Officer shall record the name of the Elector to whom the nomination meeting package was sent to, the address of that Elector, and the date in which the nomination meeting package was returned.

RECEIPT OF COMPLETED MAIL-IN NOMINATION FORMS

41. All postage-paid return envelopes pre-addressed to the Electoral Officer containing completed mail-in nomination forms shall be retained unopened by the Electoral Officer in a secure location until the date of the nomination meeting.

NON-RECEIPT OF MAIL-IN NOMINATION FORMS

42. All mail-in nomination forms not received by the Electoral Officer prior to the opening of the nomination meeting will not be valid or included in the nomination process.

HOW TO NOMINATE OR SECOND A CANDIDATE

43. An Elector may nominate or second the nomination of any qualified person to serve as the Chief or Councillor either in person at the nomination meeting or by submitting a mail-in nomination form. For greater certainty, an Elector cannot nominate or second a Candidate in person at the nomination meeting and by also submitting a mail-in

Handwritten initials and signatures on the left margin, including "R.L.", "AB", "ev", and "bb".

nomination form. Furthermore, nominating or seconding a Candidate by proxy is not permitted.

TIMEFRAME FOR NOMINATION MEETING

44. The nomination meeting shall be held at least thirty (30) consecutive days prior to the date of the election vote.

DURATION OF NOMINATION MEETING

45. The nomination meeting shall remain open for at least three (3) consecutive hours.

CHAIRING OF NOMINATION MEETING

46. The Electoral Officer is responsible for chairing the nomination meeting.

MAINTAINING ORDER AND SECURITY

47. The Electoral Officer shall maintain order at all times during the nomination meeting and may cause to be removed any person who, in his or her opinion, is disrupting or otherwise interfering with the proceedings.

ATTENDANCE AT NOMINATION MEETING

48. All Members may attend the nomination meeting to witness the nomination of Candidates, unless removed in accordance with section 47 of this Code. For greater certainty, persons who are not Members are not entitled to attend the Nomination meeting.

OPENING OF NOMINATION MEETING

49. At the time and place set for the nomination meeting, the Electoral Officer shall declare the nomination meeting open for the purpose of receiving the nomination of Candidates for the available Council positions.

79.
R.L.
B.B.
ev
A.B.
B.B.

OPENING OF MAIL-IN NOMINATION FORMS

50. The Electoral Officer shall open each envelope containing a mail-in nomination form that was received before the opening of the nomination meeting and shall:

a. Reject the mail-in nomination form if:

- i. It is not accompanied by the voter declaration form;
- ii. The voter declaration form does not contain the Band membership number of the Elector; the date of birth of the Elector; or the name, address, telephone number, or signature of the person who witnessed the Elector signing the voter declaration form;
- iii. The name of the Elector set out in the voter declaration form is not on the voters list; or
- iv. The person nominated is not a qualified to be a Candidate in the election vote.

b. Accept the mail-in nomination form if:

- i. It is accompanied by the voters declaration form;
- ii. The voter declaration form contains the Band membership number of the Elector; the date of birth of the Elector; and the name, address, telephone number, and signature of the person who witnessed the Elector signing the voter declaration form;
- iii. The name of the Elector set out in the voter declaration form is on the voters list; and
- iv. The person nominated is qualified to be a Candidate in the election vote.

RECORD OF REJECTED MAIL-IN NOMINATION FORMS

51. The Electoral Officer shall mark as 'rejected', sign and retain all rejected mail-in nomination forms and shall include a statement on it as to the reasons for why it was rejected.

CALLING OUT OF MAIL-IN NOMINATIONS

52. Once the nomination meeting has started, the Electoral Officer shall call out the names of all nominations and secondments received on

79.
GW
R.S.
BB
BB
BB

mail-in nomination forms that have been accepted in accordance with subsection 50(b) of this Code.

TWO MAIL-IN NOMINATION FORMS FOR SAME OFFICE

53. Where a Candidate receives two nominations by mail-in nomination form for the same office, the second nomination shall constitute a secondment of the first nomination.

NOMINATING AT THE NOMINATION MEETING

54. Following the opening of the mail-in nomination forms, Electors in attendance at the nomination meeting may nominate and/or second Candidates. An Elector present at a nomination meeting who is eligible to do so, may second the nomination of a Member that has been nominated by mail-in nomination form.

LIMITATION ON NOMINATION OR SECONDING BY AN ELECTOR

55. Any Elector may nominate or second no more than:
- a. One (1) eligible person for the office of Chief; and
 - b. The number of eligible persons equivalent to the vacancies for the office of Councillor.

RECORDING OF NOMINATIONS

56. To be a Candidate for an office, a person must be qualified for the office, and must be both nominated and have the nomination seconded. The Electoral Officer shall record the name of the Candidate, the nominator and the seconder, and confirm by those present at the meeting that the proposed Candidate is qualified to be a Candidate in the election vote.

END OF NOMINATION MEETING

57. At the end of the nomination meeting, the Electoral Officer shall:
- a. If only one (1) person has been nominated for election as Chief, declare that person to be elected;

Handwritten initials and signatures on the left margin, including "JG", "CWH", "RS", "AS", "BB", and "BB".

- b. If the number of persons nominated to serve as Councillors does not exceed the number to be elected, declare those persons to be elected; and
- c. Where more than the required number of persons are nominated for election as Chief or Councillors, announce that an election will be held.

LIST OF NOMINEES

58. Within three (3) consecutive days following the nomination meeting and the timeframe by which Candidates must accept the nomination in accordance with section 61 of this Code, the Electoral Officer shall post the list of nominees and the offices for which they are nominated at the following public locations in Mississauga First Nation:

- a. Band administration office;
- b. Community hall;
- c. Day care centre;
- d. Education centre;
- e. Food bank;
- f. Library;
- g. Red Pine Lodge;
- h. Sports complex; and
- i. Women's shelter.

79.
C.M.
R.S.
B.B.
J.W.
B.B.

PART V – CANDIDATES FOR CHIEF AND COUNCILLORS

QUALIFIED PERSON TO BE CANDIDATE

59. For an Elector to be a Candidate in an Election vote, he or she must:
- a. Be a Member of Mississauga First Nation;
 - b. Be at least eighteen (18) years of age;
 - c. Not have been convicted of an indictable offence where a pardon has not been granted;
 - d. Not be a senior employee of Mississauga First Nation such as a Chief Executive Officer, Director of Operations, Band Manager, or Program Director;
 - e. If running for the position of Chief, be an Ordinary Resident on Mississauga First Nation;
 - f. If running for the position of Councillor, be an Ordinary Resident on Mississauga First Nation, with the exception of subsection (g);
 - g. If running for the position of Councillor reserved for a person who is not an Ordinary Resident on Mississauga First Nation, resides within a fifty (50) kilometer radius of Mississauga First Nation;
 - h. Not have an active litigation against Mississauga First Nation; and
 - i. Not be prevented from running for elected office under Part V of this Code.

CANDIDATE FOR ONLY ONE OFFICE

60. A Member may not be a Candidate for both Chief and Councillor in a single election. A Member nominated as a Candidate for both the office of Chief and the office of Councillor must declare which office he or she intends to seek, if any.

ACCEPTANCE OF NOMINATION

61. A Member that has been nominated as a Candidate in the election vote that desires to accept a nomination must sign and file with the Electoral Officer by mail, facsimile transmission or in person within three (3) consecutive days of the nomination meeting:
- a. A written statement accepting the nomination;
 - b. A written declaration that he or she is qualified to be a Candidate in compliance with section 59 of this Code;

78
GM
RS
BB
AS
gr
BB

- c. A written statement that he or she shall comply with the Rules of Campaigning as set forth in section 65 of this Code; and
- d. The deposit as required in section 62 of this Code.

Failure to submit the above within three (3) consecutive days of the nomination meeting shall result in that Member forfeiting his or her candidacy and he or she not being a Candidate in the election vote.

DEPOSIT FOR POSITIONS OF CHIEF OR COUNCILLOR

- 62. All Candidates for the position of Chief or Councillor must post a deposit of one hundred dollars (\$100.00) in the form of cash or a money order made payable to Mississauga First Nation and may be deposited directly with the Electoral Officer or the Director of Operations. A receipt will be provided for all deposits received, which shall include the name of the person who paid the deposit, the date it was received, and the signature of the Electoral Officer or the Director of Operations who received the deposit. Funds received as deposits shall be placed in the general account of Mississauga First Nation.

WITHDRAWAL OF CANDIDACY

- 63. A Candidate may withdraw his or her candidacy by submitting to the Electoral Officer a written statement withdrawing his or her nomination within three (3) consecutive days of the date on which the nomination meeting was held. A Candidate who withdraws his or her candidacy shall forfeit any deposit that may have been provided.

DEATH OF CANDIDATE

- 64. A Candidate who dies before the close of the election vote shall be considered to have withdrawn his or her candidacy.

RULES OF CAMPAIGNING BY CANDIDATES

- 65. All Candidates must comply with the following Rules of Campaigning:
 - a. There shall be no coercion or voters;
 - b. Candidates, or their surrogates, shall not offer bribes or indirectly influence an Elector to vote or refrain from voting for a particular

Handwritten signatures and initials:
79.
Calm
R L
BB
BB

- Candidate, nor shall a Candidate or Elector accept or agree to accept a bribe that is offered;
- c. Candidates, or their surrogates, shall not use any pretence or contrivance, inducing an Elector to vote or refrain from voting or to vote or refrain from voting for a particular Candidate in an election;
 - d. Candidates shall respect the right and freedom of other Candidates to organize and campaign;
 - e. Candidates shall respect the rights of Electors to obtain information from other Candidates;
 - f. Ethically, focusing on political issues and platforms;
 - g. Candidates shall not conduct smear campaigns or ones of rumour and innuendo about other Candidates;
 - h. Candidates shall conduct their campaign non-violently, without intimidating Electors or opposing Candidates; and
 - i. Candidates shall not interfere with the Electoral Officer in the performance of their duties.

BREACH OF CAMPAIGN RULES

- 66. A Member may file an appeal with the Appeals Board in accordance with Parts XII and XIII of this Code where he or she alleges that a Candidate breached the Rules of Campaigning.

Handwritten notes:
79.
Cam
R.S.
BB
AB
Cam
BB

PART VI – PRE-ELECTION PROCEDURE

WHERE OFFICES FILLED BY ACCLAMATION

67. Where the office of Chief and all offices of Councillor are filled by acclamation, the Electoral Officer shall within five (5) consecutive days following the nomination meeting, prepare a notice that sets out the names of the persons who have been acclaimed and state that an election will not be held and:
- a. Mail the notice to every Elector who does not Ordinary Reside on Mississauga First Nation; and
 - b. Post the notice at the following public locations in Mississauga First Nation:
 - i. Band administration office;
 - ii. Community hall;
 - iii. Day care centre;
 - iv. Education centre;
 - v. Food bank;
 - vi. Library;
 - vii. Red Pine Lodge;
 - viii. Sports complex; and
 - ix. Women's shelter.

TIMEFRAME FOR ELECTION

68. The election shall be held at least thirty (30) consecutive days after the day on which the nomination meeting was held.

PREPARATION OF BALLOTS

69. The Electoral Officer shall prepare ballot papers setting out:
- a. The names of the Candidates nominated for election as Chief;
 - b. The names of the Candidates nominated for election as Councillors; and
 - c. The maximum number of Candidates that may be elected for the position of Chief and Councillor.

Handwritten notes:
79.
Camm
R.S.
AB
w
BB

WHERE CANDIDATES HAVE SAME NAME

70. Where two (2) or more Candidates have the same name, the Electoral Officer shall add to the ballots such additional information as is necessary to distinguish between those Candidates.

USE OF NICKNAME ON BALLOT

71. The ballot may, at the request of a Candidate, include his or her commonly used nickname.

POSTING THE NOTICE OF ELECTION

72. The Electoral Officer shall, within five (5) consecutive days after the day on which the nomination meeting was held, prepare and post a notice of election at the following public locations in Mississauga First Nation:
- a. Band administration office;
 - b. Community hall;
 - c. Day care centre;
 - d. Education centre;
 - e. Food bank;
 - f. Library;
 - g. Red Pine Lodge;
 - h. Sports complex; and
 - i. Women's shelter.

CONTENT OF NOTICE OF ELECTION

73. The notice of election shall include:
- a. The date of the election vote;
 - b. The location and times at which the Polling Stations will open and close;
 - c. The time and location of the counting of the votes;
 - g. The name and phone number of the Electoral Officer;
 - h. The statement that any Elector may vote either by mail-in ballot prior to the date of the election vote or in person at the Polling Station on the date of the election vote; and

gg.
GM
RS
BB
BB
BB

- d. A statement that the voters list is posted for public viewing and its location.

MAILING THE MAIL-IN BALLOT PACKAGE

74. The Electoral Officer shall, at least twenty-eight (28) consecutive days prior to the date on which the election is to be held, mail to every Elector who is not an Ordinary Resident on Mississauga First Nation and to every Elector whose written request to vote by Mail-In Ballot has been received, a mail-in ballot package consisting of:

- a. The notice of election set out in section 73 of this Code;
- b. The statement that the Elector may vote either by submitting the mail-in ballot prior to the date of the election or in person at a Polling Station on the date of the election;
- c. If applicable, a list of the names of any Candidates that were acclaimed;
- d. The mail-in ballot in which the Elector may vote for Candidates to the positions of Chief and/or Councillor;
- e. The letter of instruction explaining how to complete and submit the mail-in ballot and voters declaration form;
- f. Instructions that if an Elector is unable to mark the mail-in ballot in his or her own and requires the assistance of another person, that the person who provides such assistance must complete the enclosed assistance to mark ballot form;
- g. The mail-in ballot initialed on the back by the Electoral Officer;
- h. The voter declaration form to be completed by the Elector which shall set out the name of the Elector; the Band membership number of the Elector; the date of birth of the Elector; a photocopy of the Elector's Valid Photo Identification; and the name, address, and telephone number of the person who witnessed the Elector signing the voter declaration form;
- i. The statement that the mail-in ballot and voter declaration form must be properly completed to be valid;
- j. The statement that the completed mail-in ballot and voter declaration form must be returned to the Electoral Officer prior to the close of the Polling Station to be valid;
- k. A second inner envelope marked "ballot" for insertion of the completed mail-in ballot; and
- l. A postage-paid return envelope, pre-addressed to the Electoral Officer.

[Handwritten initials and signatures]

ELECTOR REQUEST FOR MAIL-IN BALLOT PACKAGE

75. An Elector who is not an Ordinary Resident on Mississauga First Nation who has not received a mail-in ballot package, or an Elector who is an Ordinary Resident on Mississauga First Nation but is unable to vote in person on the day of the election may, at least ten (10) consecutive days prior to the date on which the election is to be held, request a mail-in ballot package from the Electoral Officer. Upon receipt of the request, the Electoral Officer shall mail or deliver a mail-in ballot package to the Elector.

RECORD OF MAIL-IN BALLOTS PACKAGES

76. The Electoral Officer shall record on the voters list the names of the Electors to whom a mail-in ballot package was mailed or otherwise provided to, the addresses of those Electors, and the date on which the mail-in ballot package was mailed or otherwise provided.

RECORD OF RETURNED MAIL-IN BALLOT PACKAGES

77. The Electoral Officer shall retain all mail-in ballot packages sent to Electors that may be returned by mail to him or her. The Electoral Officer shall record the name of the Elector to whom the mail-in ballot package was sent to, the address of that Elector, and the date in which the mail-in ballot package was returned.

VOTING BY MAIL-IN BALLOT

78. An Elector shall vote by mail-in ballot by:

- a. Placing an "X" or other mark on the mail-in ballot opposite the name of the Candidate or Candidates for whom he or she desires to vote;
- b. If applicable, ensuring that the assistance to mark ballot form is completed by the person who assisted the Elector in marking the mail-in ballot;
- c. Folding the mail-in ballot in a manner that conceals the names of the Candidates or any marks, but exposes the Electoral Officer's initials on the back;
- d. Placing the mail-in ballot in the inner envelope marked "ballot" and sealing the envelope;
- e. Completing and signing the voter declaration form in the presence of a witness who is at least eighteen (18) years of age;

Handwritten initials and signatures on the left side of the page, including "JG.", "GM", "R.S.", "BB", "BB", and "BB".

- f. Placing the inner envelope marked "ballot", the completed voter declaration form, and assistance to mark ballot form if applicable, in the postage-paid envelope pre-addressed to the Electoral Officer; and
- g. Delivering, mailing or otherwise ensuring receipt by the Electoral Officer of the envelope before the close of Polling Station on the day of the election.

ASSISTANCE TO MARK MAIL-IN BALLOT

- 79. Where an Elector is unable to vote in the manner set out in section 78(a) of this Code, the Elector may enlist the assistance of another person to mark the mail-in ballot and complete and sign the voter declaration form. A person who has assisted an Elector to mark his or her mail-in ballot shall sign the assistance to mark ballot form declaring that the Elector is the person whose name is set out in the voters declaration form; the person assisted the Elector to mark the mail-in ballot; and that the mail-in ballot was marked according to the directions of the Elector.

RECEIPT OF COMPLETED MAIL-IN BALLOTS

- 80. All mail-in ballots shall be retained unopened by the Electoral Officer in a secure location until the date of the election.

NON-RECEIPT OF MAIL-IN BALLOTS

- 81. Any mail-in ballots not received by the Electoral Officer prior to the close of the Polling Stations on the date of the election will not be valid or included in the election.

EQUIPMENT FOR THE ELECTION

- 82. The Electoral Officer shall, before the Polling Station is open, supply the Polling Station with:
 - a. Sufficient ballot boxes;
 - b. A sufficient number of ballots;
 - c. A sufficient number of voting compartments enabling Electors to mark their ballots free from observation;
 - d. Instruments for marking the ballots;

J.
GM
Rob
B
SB
BB

- e. A sufficient number of voting instructions;
- f. All other equipment necessary to establish and equip the Polling Stations; and
- g. A copy of the final voters list.

LOCATION OF POLLING STATION

- 83. The Electoral Officer will establish at least one (1) Polling Station on Mississauga First Nation.

VOTING COMPARTMENTS

- 84. The Electoral Officer shall provide at least one (1) voting compartment in each Polling Station where Electors can mark their ballots free from observation.

SECURITY OF POLLING STATION

- 85. The Electoral Officer may appoint security to maintain order in the Polling Station.

Handwritten notes:
B.
Call
R.L.
B
an
BB

PART VII – ELECTION DAY

POLLING HOURS

86. The Polling Station shall be open from 9 a.m. until 8 p.m. local time on the day of the election.

VERIFICATION OF THE BALLOT BOX

87. The Electoral Officer shall, immediately before the opening of the Polling Station:
- Open each 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;
 - Lock and properly seal each ballot box in a manner preventing it from being opened without breaking the seal; and
 - Place each ballot box in public view for the receipt of the ballots.

SECRECY AND SECURITY

88. Voting shall be by secret ballot.

NO PROXY VOTING

89. No Elector may vote by proxy or authorize another person to vote on his or her behalf, with the exception of receiving the assistance of a person to mark the ballot in accordance with sections 79 and 101 of this Code.

MAINTENANCE OF ORDER AT POLLING STATION

90. The Electoral Officer shall maintain order at all times in the Polling Station and may remove any person who in any way interferes, disrupts or attempts to influence the orderly conduct of the poll.

Handwritten initials and signatures:
AJ
Call
R.S.
BB
BB

NO DISTRIBUTION ON ELECTION DAY

91. No person shall, on the day the election is held, on the premises of the Polling Station:
- a. Distribute any election-related printed materials except such materials as may be distributed by the Electoral Officer for the purpose of conducting the election;
 - b. Attempt to interfere with or influence any Elector in marking his or her ballot; or
 - c. Attempt to obtain information as to how an Elector is about to vote or has voted.

SCRUTINEERS

92. A Candidate shall be entitled to not more than two (2) scrutineers in the Polling Station at any one time. Scrutineers must present to the Electoral Officer a letter signed by the Candidate authorizing the agent to remain in the Polling Station.

VERIFICATION OF ELECTORS

93. Each person, on arriving at the Polling Station, shall give his or her name and a piece of Valid Photo Identification to the Electoral Officer. The Electoral Officer shall, if the person's name is on the voters list, place his or her initials on the ballot, and provide the ballot to the Elector.

RECORD OF BALLOTS ISSUED

94. The Electoral Officer shall cause to be placed in the proper column of the voters list a mark opposite the name of every person receiving a ballot.

ELECTOR WHO RECEIVED MAIL-IN BALLOT

95. An Elector to whom a mail-in ballot package was mailed or otherwise provided prior to the date of the election, may obtain a ballot and vote in person at a Polling Station if:
- a. The Elector returns the mail-in ballot to the Electoral Officer; or

Handwritten initials and signatures in the left margin, including 'J', 'C', 'R', 'B', 'S', and 'B'.

- b. Where the Elector has not exercised his or her right to vote through the mail-in ballot process set forth in this Code.

RESTRICTION FROM VOTING TWICE

96. To ensure no Elector shall attempt to exercise his or her right to vote by both mail-in ballot and in person at the Polling Station, the Electoral Officer shall verify the list of Electors who voted in person on the voters list against the mail-in ballots when opened. Should an Elector be recorded as having voted both in-person and by mail-in ballot, the mail-in ballot will not be counted in the tabulation of the election votes.

METHOD OF VOTING

97. The Electoral Officer shall, when requested to do so, explain the method of voting to an Elector.

VOTING PROCEDURE

98. After receiving a ballot, an Elector shall:
 - a. Immediately proceed to the compartment provided for marking ballots;
 - b. Placing an "X" or other mark opposite the name of the Candidate or Candidates for whom he or she desires to vote;
 - c. Fold the ballot in a manner that conceals the names of the Candidates and any marks, but exposes the initials of the Electoral Officer on the back of the ballot; and
 - d. Return the ballot to the Electoral Officer.

VERIFICATION OF BALLOT

99. On receiving a completed ballot from an Elector, the Electoral Officer shall, without unfolding the ballot, verify his or her initials placed on the back of the ballot and deposit it in the ballot box in the presence of the Elector. If the ballot does not bear the initials of the Electoral Officer, the Electoral Officer shall write "rejected" on the ballot, not deposit it in the ballot box, and shall preserve the ballot.

Handwritten initials and signatures in the left margin, including 'Jg.', 'Am', 'R.S.', 'AB', 'JW', and 'BB'.

ATTENDANCE IN VOTING COMPARTMENT

100. While an Elector is in the compartment for the purpose of marking his or her ballot, no other person shall, except as provided in section 101 of this Code, be allowed in the same compartment or be in any position from which he or she can see the manner in which the Elector marks his or her ballot.

ASSISTANCE IN VOTING

101. Where an Elector is unable to vote in the manner set out in section 98(a) of this Code, the Elector may enlist the assistance of another person to mark the ballot in the manner directed by the Elector. The person who has assisted an Elector to mark his or her ballot shall sign the assistance to mark ballot form declaring that the person assisted the Elector to mark the ballot and the ballot was marked according to the directions of the Elector.

SPOILED BALLOT

102. An Elector who has inadvertently dealt with his or her ballot paper in such a manner that it cannot be conveniently used shall, on one (1) occasion only, be entitled to obtain another ballot paper upon returning the spoiled ballot to the Electoral Officer. The Electoral Officer shall write the word "cancelled" upon the spoiled ballot paper and preserve it.

FORFEIT OF RIGHT TO VOTE

103. Any Elector who has received a ballot and who leaves the Polling Station without delivering the completed ballot to the Electoral Officer or refuses to vote after receiving a ballot, shall forfeit his or her right to vote at the election. The Electoral Officer shall make an entry in the voters list in the column for remarks opposite the name of the Elector to show that the Elector received a ballot, did not return the ballot, and declined to vote. Where the ballot has been returned to the Electoral Officer, the Electoral Officer shall mark upon the face of the ballot the word "declined" and all ballots so marked shall be preserved. For greater certainty, any Elector who has forfeited his or her right to vote will not be able to attempt to vote later in the same election.

Handwritten signatures and initials in the left margin, including a large signature at the top, and several sets of initials (e.g., 'RS', 'BB', 'BB') below it.

CLOSE OF POLLS

104. At the time set out in the notice of election for the close of the polls, the Electoral Officer shall announce the polls are closed and shall immediately cease to allow any Elector, except those that are inside of the Polling Station, from voting.

J.
GM *AR*
R *B*
W *BB*

PART VIII – COUNTING OF VOTES

OPENING OF THE COUNTING OF THE VOTES

105. At the time published in the notice of election for the counting of the votes, the Electoral Officer shall declare the counting of the votes open.

ATTENDANCE AT COUNTING OF THE VOTES

106. All Members who are in attendance at the Polling Station at the opening of the counting of the votes may remain to witness the counting of the votes. For greater certainty, persons who are not Members may not attend the counting of the votes.

ACCESS TO THE COUNTING OF THE VOTES

107. Upon the announcement of the opening of the votes, the Electoral Officer shall restrict access of any Elector who is not within the Polling Station at the opening of the counting of the votes from entering or attending the counting of the votes. Any Elector who is in attendance within the Polling Station at the opening of the counting of the votes may leave the counting of the votes at any time but shall be restricted from returning to the counting of the votes.

OPENING MAIL-IN BALLOTS

108. The Electoral Officer shall in the presence of any Electors, Candidates or their scrutineers who are present, open each envelope containing a mail-in ballot that was received before the close of the polls and, without unfolding the mail-in ballot:

- a. Reject the mail-in ballot if:
- i. The mail-in ballot does not contain the initials of the Electoral Officer;
 - ii. It is not accompanied by a voter declaration form;
 - iii. The voter declaration form does not contain the Band membership number of the Elector, the date of birth of the Elector, a photocopy of a Valid Photo Identification of the

gg.
GM
R.S.
AB
BB

- iv. It is not accompanied by a photocopy of a Valid Photo Identification of the Elector;
 - v. If applicable, if it is not accompanied by the assistance to mark ballot form;
 - vi. The name of the Elector set out in the voter declaration form is not on the Voters List; or
 - vii. The voters list shows that the Elector has already voted.
- b. Accept the mail-in ballot, place a mark on the voters list opposite the name of the Elector, and deposit the mail-in ballot in the ballot box if:
- i. The mail-in ballot contains the initials of the Electoral Officer;
 - ii. The mail-in ballot is accompanied by a voter declaration form;
 - iii. The voter declaration form contains the Band membership number of the Elector; the date of birth of the Elector; a photocopy of a Valid Photo Identification of the Elector; and the name, address, telephone number, and signature of the person who witnessed the Elector signing the voter declaration form;
 - iv. The voter declaration form is accompanied by a photocopy of a Valid Photo Identification of the Elector;
 - v. If applicable, is accompanied by the assistance to mark ballot form;
 - vi. The name of the Elector set out in the voter declaration form is on the voters list; or
 - vii. The voters list does not show the Elector having already voted.

RECORD OF REJECTED MAIL-IN BALLOTS

109. The Electoral Officer shall sign and retain all rejected mail-in ballots and shall include a statement on it as to the reasons for why it was rejected.

OPENING OF BALLOT BOX

110. Immediately after the mail-in ballots have been deposited in the ballot box, the Electoral Officer shall in the presence of the Electors, the

Candidates or their scrutineers who are present, open all ballot boxes and examine each ballot.

CALLING OUT NAMES OF VOTES CAST

111. The Electoral Officer shall call out the names of the Candidates for whom the votes were cast on all valid ballots.

TALLY SHEETS BY ELECTORAL OFFICER

112. The Electoral Officer shall mark a tally sheet in accordance with the names being called out under section 111 of this Code, for the purpose of arriving at the total number of votes cast for each Candidate.

REJECTION OF BALLOTS

113. In examining the ballots, the Electoral Officer must reject any ballots that:
- a. Does not contain the initials of the Electoral Officer;
 - b. Does not give a clear indication of the Elector's intention;
 - c. Contains votes for more Candidates than the offices available for election; or
 - d. Contains a mark by which the Elector can be identified.

RECORD OF REJECTED BALLOTS

114. The Electoral Officer shall retain all rejected ballots and include a statement on it as to the reasons for why it was rejected.

OBJECTIONS TO BALLOTS

115. Should an Elector object to any ballot, the Electoral Officer shall take note of the objection and decide any questions arising from the objection.

Jg.
AM
RS
AB
sw
bb

RECORD OF BALLOT OBJECTIONS AND DECISIONS

116. The Electoral Officer shall number objections to ballots raised pursuant to section 115 of this Code and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed", as the case may be, with his or her initials.

WHERE A TIE VOTE OCCURS

117. If it is not possible to determine the successful Candidate for either a Chief or Councillor position due to an equal number of votes having been cast (i.e., tie vote), the Electoral Officer shall immediately conduct a recount of the valid ballots cast for that position.

CAST BALLOT TO BREAK TIE VOTE

118. If the recount determines that there is still a tie vote, the Electoral Officer shall cast a ballot in order to break the tie by placing the names of the Candidates having the same number of votes on a paper and placing each in an empty container. Without looking, he or she shall draw as many papers as there are positions available. The Candidate whose name appears on the piece of paper the Electoral Officer has drawn from the container shall be announced the successful Candidate.

Handwritten notes:
BB.
Com
R
AB
BB

PART IX – POST-ELECTION PROCEDURES

ANNOUNCEMENT OF ELECTED CANDIDATES

119. After completing the counting of the votes and establishing the successful Candidates, the Electoral Officer shall declare to be elected the Candidates or Candidates having the highest number of votes.

ISSUANCE OF THE ELECTION REPORT

120. Following the declaration of elected Candidates made pursuant to section 119 of this Code, the Electoral Officer shall complete and sign an election report which shall contain:
- a. The names of all Candidates;
 - b. The number of ballots cast for each Candidate; and
 - c. The number of rejected ballots.

POSTING OF ELECTION REPORT

121. Within five (5) consecutive days after completion of the counting of the votes, the Electoral Officer shall:
- a. Forward a copy of the election report to Indian and Northern Affairs Canada;
 - b. Forward a copy of the election report to the Director of Operations;
 - c. Mail a copy of the election report to every Elector who is not an Ordinary Resident on Mississauga First Nation; and
 - d. Post a copy of the election report in Mississauga First Nation at the following public locations:
 - i. Band administration office;
 - ii. Community hall;
 - iii. Day care centre;
 - iv. Food bank;
 - v. Library;
 - vi. Red Pine Lodge;
 - vii. Sports complex; and
 - viii. Women's shelter.

Handwritten initials and signatures:
BB
Cam
R. B.
BB
BB
BB

RETENTION AND DESTRUCTION OF ELECTION MATERIAL

122. The Electoral Officer shall deposit all ballot papers in sealed envelopes, including those rejected, spoiled and unused, and shall retain these ballots and all materials in connection with the election. All ballots and materials shall be retained for sixty (60) consecutive 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 shall destroy them in the presence of two (2) witnesses who shall sign a written statement that they witnessed the destruction of those papers.

ELECTION APPEALS

123. An appeal of an election must be submitted in writing to the Appeals Board within forty-five (45) consecutive days from the date of the election and in accordance with Part XIII of this Code.

CONDITION OF ASSUMING OFFICE

124. All Members elected for the positions of Chief or Councillor must sign and file an oath of office with the Electoral Officer within fourteen (14) consecutive days of being declared the successful Candidate in an election. By signing the oath of office, the Member shall swear to:

- a. Uphold and comply with this Code and all laws of Mississauga First Nation;
- b. Fulfill the duties and responsibilities of his or her office under this Code and all laws of Mississauga First Nation;
- c. Carry out his or her duties faithfully, honestly, impartially and to the best of his or her abilities;
- d. Keep confidential, both during and after his or her term of office, any matter or information which is considered confidential; and
- e. Always act in the best interests of Mississauga First Nation in carrying out his or her duties.

FAILURE TO SWEAR OATH OF OFFICE

125. If a Member elected as Chief or Councillor fails to file the sworn oath of office with the Electoral Officer in accordance with section 124 of this Code, the Electoral Officer shall declare the office vacant and shall

Handwritten signatures and initials:
A large stylized signature at the top left.
Below it, the initials "CWN".
To the right, the initials "R.S.".
Below "R.S.", the initials "A.B.".
Further down, the initials "J.W.".
At the bottom, the initials "D.S.".

give notice in writing to that Member and the Council. The position declared vacant will remain vacant until a by-election is called.

Handwritten initials:
JG
CW
RS
AB
JB
BB

PART X - BY-ELECTION

HOLDING OF A BY-ELECTION

126. Unless otherwise provided in this Code, in the event that the office of Chief or Councillor becomes vacant, a by-election shall be held within sixty (60) consecutive days after the date on which the position is declared vacant.

THREE MONTHS REMAINING IN TERM

127. No by-election shall be held if there are less than three (3) months remaining in the term of the Council member whose office has become vacant, except where a by-election is necessary to have sufficient Council members to maintain a Quorum.

PRESENT COUNCIL MEMBER MAY NOT BE CANDIDATE

128. No sitting Council member is eligible to be a Candidate in a by-election. If a Council member wishes to be a Candidate for Chief in a by-election, he or she must resign his or her Council position prior to the nomination meeting for the by-election.

CODE RULES AND PROCEDURES APPLY

129. Except as expressly provided otherwise in this Code, the rules and procedures in this Code shall apply to by-elections.

Handwritten initials and marks in the bottom left corner, including "BB", "GM", "R.S.", "AB", "per BB", and other illegible scribbles.

PART XI - RULES OF PROCEDURE FOR COUNCIL

POWERS OF THE COUNCIL

130. The Mississauga First Nation asserts its inherent sovereignty that emanates from its people, its culture, and its Aboriginal rights, and as a natural corollary, hereby exercises its powers of self-government and self-determination as recognized by section 35 of the *Constitution Act, 1982*. The governance of Mississauga First Nation shall be administered by the Council, which shall exercise its powers in accordance with this Code; the laws, policies, and governing documents of Mississauga First Nation; the *Indian Act* and any other applicable provincial and federal laws.

QUORUM OF THE COUNCIL

131. Fifty percent plus one (50% +1) of the whole Council shall constitute a Quorum. For greater certainty, the Chairperson of the Council or Band meeting shall also be included in the calculation of Quorum. Any meeting of the Council or Band meeting at which Quorum of the Council is present shall be competent to exercise all or any of the powers of the Council by Majority Vote. Where the membership of the Council, for any reason, falls below the minimum number necessary for effective Quorum, the remaining members of Council may exercise the power of Council by unanimous vote, but only for the purpose of selecting and appointing a person, or persons, to Council until there are enough members to meet Quorum. Councillors appointed this way shall be appointed from those Candidates in the last election who had the next highest number of votes, however, if such person refuses to sit, the remaining Councillors may select a member, or members, at their discretion. Once Quorum is reestablished through appointment under this section, that Council shall immediately call a by-election for all available seats including those currently filled by appointment, in accordance with Part X of this Code.

MAJORITY VOTE

132. All questions before the Council shall be decided by Majority Vote of fifty percent plus one (50% + 1) of the Council present. For greater certainty, the Chairperson shall not be entitled to vote unless there is a tie vote, in which case the Chairperson shall cast the deciding vote.

Handwritten initials and signatures: JJ, GM, R.S., ARS, Jm, BB.

REMUNERATION

133. The Council shall receive remuneration for serving as an elected official of Mississauga First Nation and may be paid reasonable expenses incurred by him or her in the performance of his or her duties on the Council. The remuneration and rates for reasonable expenses shall be determined by the Council at the beginning of their term of office and shall be set forth in a Band Council Resolution.

RESIGNATION

134. A member of Council may resign from office upon giving a written resignation to the Director of Operations. Such resignation becomes effective when received by the Director of Operations or at the time specified in the resignation, whichever is later. Upon the resignation of a member of Council, a by-election in accordance with Part X of this Code shall be called, where required.

VACANCY OF OFFICE

135. A Chief or Councillor position on the Council may become vacant if, while in office:
- a. The Chief or Councillor resigns in writing from office in accordance with section 134 of this Code;
 - b. The Chief or Councillor has been unable to perform the functions of his or her office for more than six (6) months due to illness or other incapacity and is removed by a Quorum of Council;
 - c. The Chief or Councillor has been absent from three (3) consecutive meetings without being authorized to do so and is removed by a Quorum of Council;
 - d. The Chief or Councillor dies; or
 - e. The Chief or Councillor is removed from office in accordance with Part X of this Code.

FIRST MEETING OF THE COUNCIL

136. The first meeting of the Council shall be held not later than thirty (30) consecutive days after the election, on a day, hour and location to be stated in a notice given to each member of Council by the Executive Administrative Assistant.

Handwritten initials and marks on the left margin:
JG.
GM
R-S
BB
gr
BB

REGULAR MEETINGS OF THE COUNCIL

137. The Council may appoint a day or days in any month or months, or in any recurring or pre-arranged fashion for regular meetings of the Council at a place and hour to be named.

CALLING OF MEETINGS OF THE COUNCIL

138. The Chief of Mississauga First Nation or a Quorum of the Council may direct, in writing, the Executive Administrative Assistant to call a meeting of the Council.

NOTICE OF MEETINGS OF THE COUNCIL

139. Notice of a meeting of the Council shall be given by the Executive Administrative Assistant not less than forty-eight (48) hours before the time when the meeting of the Council is to occur. Notice of the meeting shall include the day, hour and place of each meeting of the Council. Such notice may be provided by mail, facsimile, or electronic-mail.

WHERE NOTICE OF MEETINGS OF THE COUNCIL NOT REQUIRED

140. Notice of a meeting of the Council shall not be necessary if all of the Council is present or if those absent have waived notice of or otherwise signified their consent to the holding of the meeting of the Council.

ATTENDANCE AT COUNCIL MEETINGS

141. The regular meetings of the Council shall be open to Members of Mississauga First Nation. Notwithstanding the foregoing, a Member may be excluded from a regular meeting for improper conduct, upon the request of a Quorum of the Council, and where a meeting is to be held in camera.

Handwritten initials and marks on the left side of the page, including "JF", "GM", "R.S.", "BB", and other illegible scribbles.

CHAIRPERSON OF COUNCIL MEETINGS

142. At the beginning of the Council or Band meeting, the Council shall select amongst themselves the Chairperson for the meeting from the Council members present.

CALLING MEETING TO ORDER

143. Upon a Quorum being present, the Chairperson shall call the meeting to order. If no quorum is present within thirty (30) minutes after the time appointed for the meeting, the Chairperson shall call the roll, and take the names of the members of Council then present and those absent, and Council shall stand adjourned.

MAINTENANCE OF ORDER

144. The Chairperson shall maintain order and decide procedural issues at Council and Band meetings. Procedural issues may be appealed to all Council members present at the meeting in which a Majority Vote will decide the issue.

BUSINESS AT MEETINGS OF THE COUNCIL

145. The business at each regular meeting of the Council shall include:
- a. Adopting a meeting agenda;
 - b. Reading, correction, and adoption of the minutes of the previous meeting;
 - c. Unfinished business;
 - d. Presentation and reading of correspondence and petitions;
 - e. Presentation and consideration of reports of committees;
 - f. New business;
 - g. Hearing deputations; and
 - h. Adjournment.

MINUTES OF MEETINGS OF THE COUNCIL

146. Minutes of meetings of the Council shall be prepared and shall be made available to the Council and the Members. The Council may delegate the responsibility to take minutes to the Executive

Handwritten initials and signatures on the left margin, including "JG", "GM", "AS", "R.B.", "BB", and "BB".

Administrative Assistant or another employee of the Mississauga First Nation.

SPEAKING TO MATTERS AT MEETINGS OF THE COUNCIL

147. When any Council member desires to speak, he or she shall address his or her remarks to the Chairperson and confine him or herself to the subject matter then before the meeting. A Council member may speak only once on a point of order.

ORDER WHEN SPEAKING TO MATTERS

148. The Chairperson or any Council member may call a Council member to order while speaking, and the debate shall then be suspended and the Council member shall not speak until the point of order is determined.

PRESENTATION OF MOTIONS OR QUESTIONS

149. Each motion or question shall be presented or read by the mover, and when duly moved and seconded and placed before the meeting by the Chairperson, shall be open for consideration.

READING OF MOTIONS OR QUESTIONS

150. A member of Council may require the motion or question under discussion to be read for his or her information at any period of the debate, but not so as to interrupt a member of Council who is speaking.

WITHDRAW OF MOTION

151. After the Chairperson has placed a motion before the meeting, it shall 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.

79.
Cam
R.S.
B
B
BB

VOTE ON MOTIONS OR QUESTIONS

152. At all meetings of the Council, every motion or question shall be decided by a Majority Vote cast on the motion or question.

RIGHT TO VOTE

153. Each member of the Council, except for the Chairperson, is authorized to exercise one (1) vote on matters before the Council. Voting shall be done by a show of hands.

ABSTENTION TO VOTE

154. A member of the Council who abstains to vote shall be deemed to vote in the affirmative.

NO PROXY VOTING

155. Proxy voting is not permitted.

NO VOTE WHERE CONFLICT OF INTEREST

156. Every member of Council present when a question is put shall vote thereon unless the Council excuses him or her or he or she has a Conflict of Interest in the matter. Where the member of Council has a Conflict of Interest in the matter, sections 158 to 160 of this Code shall be followed.

WHO MAY ALLEGE A CONFLICT OF INTEREST

157. A member of the Council has the right to raise an allegation of a Conflict of Interest.

TIMEFRAME FOR DECLARING OR ALLEGING A CONFLICT OF INTEREST

158. It is understood that a Conflict of Interest may arise or become apparent at any time. It is the responsibility of the members of the Council to immediately declare or allege a Conflict of Interest upon becoming aware of such Conflict of Interest. A member of the Council

99.
C.M.
R.S.
A.B.
B.B.

who does not declare or allege a Conflict of Interest immediately upon becoming aware of such, may be held to have waived his or her right to do so.

MEMBER OF COUNCIL SELF-DECLARATION OF CONFLICT OF INTEREST

159. Where a member of the Council is in a Conflict of Interest situation, the member of the Council shall:
- a. Immediately disclose in writing or have the disclosure recorded in the minutes of the meeting of the Council that he or she has a Conflict of Interest in the matter;
 - b. Immediately remove himself or herself from the meeting;
 - c. Not receive or have access to any documents, evidence, or information on the matter;
 - d. Not participate in the deliberations on the matter in any manner;
 - e. Not attempt to persuade, directly or indirectly, the deliberation, decision, or vote on the matter;
 - f. Not return to the deliberations or meeting until the matter has been considered or determined; and
 - g. Have the minutes or the meeting of the Council and/or the Band Council Resolution record that the member of Council did not participate in the decision as he or she was in a Conflict of Interest.

ALLEGED CONFLICT OF INTEREST BY OTHERS

160. Where a member of the Council is of the opinion that another member of the Council has a Conflict of Interest in a matter but has not declared himself or herself to have a Conflict of Interest, the following steps shall be followed:
- a. The member of Council alleging that there is a Conflict of Interest shall immediately disclose in writing or have the disclosure recorded in the minutes of the meeting that he or she is of the opinion that a member of the Council has a Conflict of Interest in the matter, and provide evidence or information on the Conflict of Interest;
 - b. Upon receipt of an allegation that a member of the Council has a Conflict of Interest, the Council shall immediately consider the evidence or information presented to determine by Majority Vote if, on a balance of probabilities, a Conflict of Interest has been substantiated;
 - c. Where a Majority Vote of Council determines that on a balance of

Handwritten initials:
J
R
LB
AS
a
BB

probabilities there is no Conflict of Interest, the member of Council that was alleged to be in a Conflict of Interest, may continue in the proceedings;

- d. Where a Majority Vote of Council determines that on a balance of probabilities a Conflict of Interest has been substantiated, the member of Council found to be in a Conflict of Interest shall immediately be removed from the proceedings on that matter and shall not receive or have access to any documents, evidence, or information on the matter; shall not participate in the deliberations or proceedings on the matter in any manner; shall not attempt to persuade, directly or indirectly, the deliberation, decision, or vote on the matter; and shall not return to the deliberations or meeting until the matter has been considered or determined; and have the minutes or the meeting of the Council and/or the Band Council Resolution record that the member of Council did not participate in the decision as he or she was in a Conflict of Interest.

PORTFOLIOS

161. The Chief and Councillors may hold portfolios on Mississauga First Nation committees or departments in such areas including but not limited to, cultural, social, recreational, financial, departmental, and governance. Portfolios shall be appointed based on the Chief and Councillors experience and knowledge of the portfolio area. For greater certainty, the Chief or Councillor may not hold a portfolio where he or she has a Conflict of Interest.

RESPONSIBILITIES OF PORTFOLIOS

162. The responsibilities of members of Council who hold a portfolio may include but are not limited to:
 - a. Attending meetings and activities of the portfolio;
 - b. Representing the Council at meetings and activities of the portfolio; and
 - c. Reporting to the Council on the activities of the portfolio.

ADVISORY AND SPECIAL COMMITTEES

163. The Council may appoint advisory and/or special committees, such as an Elders Advisory Committee and a Youth Advisory Committee, on any matters as the interests of Mississauga First Nation may require.

Handwritten initials:
JD
GM
RS
AB
BB
er

DUTIES OF ADVISORY AND SPECIAL COMMITTEES

164. In addition to the rules and procedures that Council shall develop for advisory and special committees, the general duties of advisory and special committees are:
- a. To report to the Council from time to time as often as the interests of Mississauga First Nation may require, all matters connected with the duties imposed on them and recommend such action by the Council in relation to those duties as they may deem necessary and expedient; and
 - b. To consider and report upon all matters referred to them by the Council.

Handwritten initials and signatures in the bottom left corner, including "GG", "GM", "R.S.", "AS", "pr", and "DE".

PART XII - REMOVAL OF CHIEF OR COUNCILLOR

CONDITIONS FOR REMOVAL FROM OFFICE

165. The Chief or a Councillor may be removed from office and shall be prevented from running for office for five (5) years if he or she:
- a. Violates this Code;
 - b. Fails to attend three (3) consecutive regular meetings of Council without being reasonably excused from attendance by a Quorum of the Council;
 - c. Has been convicted of an indictable offence where a pardon has not been granted;
 - d. Accepts or offers a bribe, forges a Council document or otherwise acts dishonestly in his or her role;
 - e. Is found negligent by the Appeals Board for failing to ensure the safety and protection of Mississauga First Nation Members and property;
 - f. Is found by the Appeals Board as having abused his or her office;
or
 - g. Encourages others to commit any of the above acts or omissions.

PROCESS TO REMOVE ELECTED OFFICIAL

166. Proceedings to declare the Chief or Councillor ineligible to continue to hold office shall be initiated by submitting to the Appeals Board:
- a. A petition by an Elector in accordance with section 167 of this Code; or
 - b. A Band Council Resolution by the Council in accordance with section 168 of this Code.

PETITION REQUIREMENTS

167. A petition submitted to the Appeals Board under section 166 of this Code must include the following:
- a. The grounds under section 165 of this Code on which the removal of the Chief or Councillor is sought and the evidence therefore;
 - b. The petition signed and dated by the Elector submitting the petition;
 - c. An affidavit signed by the Elector swearing the petition is accurate;

- d. The petition signed by at least twenty-five percent (25%) of all Electors that were entitled to vote in the election by which the Chief or Councillor was elected, which includes their name, Band number, signature, and date of signature;
- e. All evidence provided to the Electors to secure their signature on the petition; and
- f. Any other information in support of the petition.

BAND COUNCIL RESOLUTION REQUIREMENTS

168. A Band Council Resolution submitted under section 166 of this Code must include the following:
- a. The grounds under section 165 of this Code on which the removal of the Chief or Councillor is sought and the evidence therefore;
 - b. The signature of the Council members submitting the petition;
 - c. All evidence provided to the Council to secure their signature on the Band Council Resolution; and
 - d. Any other information in support of the petition.

WHERE REQUIREMENTS ARE NOT FOLLOWED

169. If the petition or Band Council Resolution does not comply with section 167 or 168 of this Code, the Appeals Board shall so notify the Elector or Council in writing within thirty (30) consecutive days from receipt of the petition. Upon notification of such, the Elector or Council shall have a one-time option of thirty (30) consecutive days to amend and resubmit the petition to the Appeals Board. If the Elector or Council does not resubmit the petition within the time required, the Elector or Council shall forfeit his, her, or their right to resubmit the petition or Band Council Resolution.

WHERE REQUIREMENTS ARE FOLLOWED

170. In a case where the petition or Band Council Resolution complies with section 167 or 168 of this Code, the Appeals Board shall:
- a. Determine that the grounds put forth in the petition or Band Council Resolution has no merit, is frivolous in nature, unsubstantiated, or has previously been determined and advise the Elector or the Council in writing that the petition is dismissed and the reasons therefore; or

Handwritten notes and signatures:
GG
GM
R.S.
BB
BB
BB

- b. Schedule and conduct a review hearing in accordance with Part XIII of this Code.

TIMEFRAME FOR PETITION OR BAND COUNCIL RESOLUTION

- 171. A petition or Band Council Resolution for the removal of the Chief or Councillor must be submitted to the Appeals Board within forty-five (45) consecutive days of the grounds under section 165 of this Code occurring.

DECISION OF APPEAL HEARING

- 172. Upon conducting a hearing into the petition or Band Council Resolution, the Appeals Board shall render a final binding written decision to be provided to the Elector, the member of Council that is subject to the petition, and the Council which decides that:
 - a. That the petition or Band Council Resolution shall be allowed to stand, and declare the Council position of the member of Council who is the subject of the petition to be vacant and that person is disqualified from running for elected office as Chief or Councillor for five (5) years from the date of the decision of the Appeals Board;
 - b. That the petition or Band Council Resolution is dismissed; or
 - c. Order costs against the unsuccessful party.

Call
R.S.
BB
m
BB

PART XIII – APPEALS BOARD

ESTABLISHMENT OF AN APPEALS BOARD

173. The Appeals Board is hereby established to render final decisions in election appeals, petitions for removal from office, ratification vote appeals, and other such matters under this Code. If an appeals body is developed for the Anishinabek Nation, that appeals body may perform all services of the Appeals Board. If an appeal body for the Anishinabek Nation shall be responsible for conducting the appeal services under this Code, a Band Council Resolution of the Council will grant the delegation of these powers to the appeal body.

COMPOSITION OF APPEALS BOARD

174. The Appeals Board shall have a minimum of three (3) members from First Nations of the Anishinabek Nation other than from Mississauga First Nation.

DUTIES AND RESPONSIBILITIES

175. The Appeals Board shall:
- a. Enforce this Code;
 - b. Provide appeal services;
 - c. Act fairly to persons who use its services;
 - d. Participating in training, workshops, and conferences for the Appeals Board;
 - e. Other such duties and responsibilities as may be required.

QUALIFICATIONS

176. To be eligible to serve as a board member of the Appeals Board, a person shall:
- a. Be a Member of a First Nation of the Anishinabek Nation other than a Member of the Mississauga First Nation;
 - b. Not hold elected office in the capacity of a Chief or Councillor;
 - c. Demonstrate knowledge and understanding of dispute resolution and relationship building;

Handwritten signatures and initials in the left margin, including what appears to be 'J.', 'BM', 'R.L.', and several other illegible marks.

- d. Have the ability to think strategically and holistically;
- e. Have knowledge in the customs, tradition, and language of the Anishinabek;
- f. Possess excellent judgment, analytical, and communication skills;
- g. Be impartial, empathetic, work collaboratively, and foster discussion;
- h. Have training or experience in such fields as human resources, law, or management would be an asset;
- i. Have experience working as a member of a committee or board;
- j. Demonstrate a willingness to participate in training and to travel, as required;
- k. Provide three letters of recommendation from an employer, personal, and other reference;
- l. Not have been convicted of an offence by way of indictment within the past ten (10) years;
- m. Not be convicted of a corrupt practice in connection with an election, including the acceptance of a bribe, dishonesty, or willfully wrongful misconduct; and
- n. Be a minimum of eighteen (18) years of age or older.

SELECTION PROCESS

177. Board members of the Appeals Board shall be selected through an application and interview process in which his or her skills and qualifications will be assessed, which will be delegated to a body independent of Mississauga First Nation by Band Council Resolution of the Council.

TERM OF BOARD MEMBERS

178. Board members of the Appeals Board shall serve for a term of three (3) years. Incumbent board members of the Appeals Board, if qualified, may be eligible for re-selection following the expiring of his or her term.

CEASING TO BE A BOARD MEMBER

179. A person shall immediately cease to be a board member of the Appeals Board if he or she:
- a. Is not a Member of a First Nation of the Anishinabek Nation;
 - b. Is a Member of the Mississauga First Nation;
 - c. Becomes an elected member of Chief or Council during his or her

Handwritten initials:
AM
R.S.
B.S.
P.B.

- term;
- d. Is of unsound mind and has been so found by a court in Canada or elsewhere;
 - e. Is convicted of an offence by way of indictment;
 - f. Is convicted of a corrupt practice in connection with an election, including the acceptance of a bribe, dishonesty, or willfully wrongful conduct;
 - g. Is unable to fulfill his or her duties as a Member of the Appeals Board, and is removed by a quorum of the Appeals Board;
 - h. Resigns as a member of the Appeals Board in accordance with section 180 of this Code; or
 - i. Dies.

RESIGNING AS BOARD MEMBER

180. A board member of the Appeals Board may resign from his or her position upon giving a written resignation to the Council, and such resignation becomes effective when received by the Council or at the time specified in the resignation, whichever is later.

TRAINING

181. Board members of the Appeals Board shall participate in such training as arbitration, certification in mediation, interpretation and analysis of policies and codes, and best practices of First Nations.

RESOURCE PERSONS

182. The Appeals Board may retain or consult with resources persons such as traditional healers, Elders, legal professionals, and other professional services, as may be required to fulfill their duties and responsibilities in providing appeal services. The Appeals Board must receive the written approval of the Council prior to retaining such resource persons, as the Mississauga First Nation shall be responsible for paying for the cost of such resource persons.

REMUNERATION

183. Board members of the Appeals Board shall receive an honorarium and shall be paid reasonable expenses incurred by him or her in the performance of his or her duties in providing appeal services and

attending meetings of the Appeals Board.

SELECTION OF APPEALS BOARD FOR HEARING

184. Where an appeal is referred to the Appeals Board, the Appeals Board shall select amongst them three (3) board members to conduct a hearing in the matter, based on their availability and that they are not in a Conflict of Interest.

ROLE AND AUTHORITY OF APPEALS BOARD

185. The Appeals Board shall hear the presentation of evidence and arguments of the parties, and shall render a final decision on the appeal. The Appeals Board has the authority to:
- a. Hear appeals in accordance with this Code;
 - b. Accept evidence for the hearing of appeals;
 - c. Reject appeals without a hearing if it determines that:
 - i. The appeal is not within the mandate of the Appeals Board, in accordance with this Code;
 - ii. The appeal is frivolous, vexatious, or an abuse of process; or
 - iii. A party to the appeal acted or attempted to act in a way to improperly influence the decision of the Appeals Board.
 - d. Issue recommendations to Mississauga First Nation on such matters as the development, suspension, reconsideration, amendment, or appeal of the Code;
 - e. Confirm or reverse a decision made under this Code, in whole or in part;
 - f. Substitute its own decision for the decision made under this Code in appeal;
 - g. Make an order to give effect to its decision;
 - h. Render interim decisions where it deems it necessary as a matter of urgency to preserve the rights of the parties to the appeal or to preserve or protect an interest in Mississauga First Nation; and
 - i. Other such powers as may be prescribed by this Code or by Mississauga First Nation.

DUTY OF FAIRNESS

186. Parties who request and/or utilize the appeal services of the Appeals Board are entitled to:

Handwritten initials:
G.M.
R.S.
A.B.
m.
B.B.

- a. Be treated fairly by the Appeals Board;
- b. Be advised of his or her right to utilize the appeal services under this Code in a timely manner and provided with sufficient information to reasonably determine whether to utilize the Appeal services of the Appeals Board;
- c. Be provided with an opportunity to present his or her position, arguments, and evidence through the appeal services of the Appeals Board in a timely manner;
- d. Be provided with fair and impartial appeal services of the Appeals Board in a timely manner; and
- e. Where applicable, be provided with written reasons for a decision made by the Appeals Board in a timely manner.

FEES FOR SERVICE

187. The party or parties requesting an appeal hearing by the Appeals Board will be required to pay a non-refundable fees for service of one hundred dollars (\$100.00) in the form of cash or a money order made payable to Mississauga First Nation and may be deposited directly with the Appeals Board. A receipt will be provided for all deposits received, which shall include the name of the person who paid the deposit, the date it was received, and the signature of the board member of the Appeal Board who received the deposit. Funds received as deposits shall be placed in the general account of Mississauga First Nation and will be used for the appeal services of the Appeals Board. Notwithstanding this section, the Council reserves the right to increase the Appeal Board fees for service upon reasonable notice to Mississauga First Nation through a Band Council Resolution.

REQUESTING APPEAL HEARING

188. Requests for an appeal hearing by the Appeals Board and supporting documentation shall be submitted in writing to the Appeals Board.

TIMEFRAMES FOR APPEAL

189. Timeframes for submitting an appeal to the Appeals Board shall be those that are prescribed within this Code (for example, forty-five (45) consecutive days for an election appeal as set forth in section 123 of this Code).

GM
RS
AB
BB
a
BB

REVIEW AND RESPONSE TO REQUESTS FOR APPEAL HEARING

190. The Appeals Board shall review and provide a written response to requests for an appeal hearing within fifteen (15) consecutive days upon receipt to determine if the request comes within the mandate and authority of the Appeals Board. The written response will state whether or not the request is suitable and within the mandate of the Appeals Board to consider, and if so, the process in which the appeal services shall be provided.

NOTICE TO PARTIES

191. The Appeals Board shall provide written notice to the other party, or parties to an appeal, that a request for an appeal hearing has been submitted to and will be considered by the Appeals Board, the evidence provided, and the notice of appeal.

LOCATION OF APPEAL HEARINGS

192. Based on the preferences of the parties, the appeal hearing of the Appeals Board may be conducted in person, by written submission, or by telephone. If the parties cannot agree to the format of how the appeal hearing will be conducted, the Appeals Board shall decide. Where the appeal hearing of the Appeals Board is to occur in person, the appeal hearing shall take place in Mississauga First Nation.

CHAIRPERSON AND RECORDER OF DECISION

193. The Board members of the Appeals Board shall determine amongst themselves as to who will serve as the Chairperson in an appeal hearing and who will be responsible for writing the final decision of the Appeals Board. The Chairperson shall be responsible for such duties as reviewing the ground rules and procedures of the appeal hearing with the parties and overseeing the process.

GROUND RULES AND PROCEDURES

194. The appeal hearings by the Appeals Board are to be offered in a comfortable, relaxed and inviting atmosphere to ensure that all Parties have the opportunity to present their arguments, to be heard, and to be respected. The Appeals Board will provide written information to the

Handwritten initials and signatures:
A large stylized signature at the top left.
Below it, the initials "AM", "R.S.", "BB", and "BB" are written vertically.
To the right of "R.S." and "BB" are two circular stamps or initials.

Parties as to what the ground rules and procedures of the appeal hearing will be prior to the occurrence of the appeal hearing and these ground rules and procedures will be reviewed again at the start of the appeal hearing.

FORMAT AND STRUCTURE OF APPEAL HEARING

195. In addition to the ground rules and procedures that will be established, the format and structure of the appeal hearing will include such aspects as an opening and closing prayer, arranging seating in a circle, providing light refreshments, having the opportunity to take breaks, and other such steps that will assist in the parties and the Appeals Board to work together as co-operatively as possible.

ATTENDANCE AT APPEAL HEARING

196. Appeal hearings of the Appeals Board shall be open to Members of Mississauga First Nation.

PARTICIPATION AT APPEAL HEARINGS

197. If a party or parties to an appeal refuse to participate in an appeal hearing by the Appeals Board, the process will continue without his or her participation.

NO RECORDING OF APPEAL HEARING

198. Appeal hearings of the Appeals Board will not be recorded audio, visually, or by transcription.

TRANSLATION SERVICES

199. Where a party or party to the appeal is hearing impaired, visually impaired, or does not speak English, the Appeals Board will provide translation services for its appeal hearing. Mississauga First Nation shall pay the cost for such services.

Handwritten initials:
CM
RS
BB
or
BB

EXCHANGE OF WRITTEN INFORMATION

200. Any written information or documentation that is to be relied upon or used by a party in the appeal hearing, including a list of all witnesses, shall be sent to the Appeals Board at least fifteen (15) consecutive days in advance of the appeal hearing occurring and such information or document shall be treated as non-confidential. Upon receipt of such information or documentation, the Appeals Board shall immediately send a copy of the information or documentation to the other party or parties. The party submitting such information shall include enough copies for the number of Board members of the Appeals Board that will be participating in the appeal hearing, and the other party or parties. Failure to provide the written information or documentation in advance of the appeal services process may render the information or documentation inadmissible.

WITNESSES AT APPEAL HEARING

201. The parties to an appeal may request that a witness be allowed to present direct information or evidence on the matter at an appeal hearing. Parties who wish to call witnesses must provide a written list of the name(s) of the individual(s) who will be called as a witness and a summary of the information that he or she is to present on. The costs for witnesses to present shall be borne by the party requesting their attendance. The Appeals Board maintains the right to determine whether a witness will or will not be allowed to present at the appeal hearing.

MORAL SUPPORT PERSON

202. The parties to an appeal may request in writing to the Appeals Board within five (5) consecutive days before the appeal hearing that a person who will provide moral support to them attend the appeal hearing of the Appeals Board. The costs for the moral support person attending the appeal hearing shall be borne by the party requesting his or her attendance.

REPRESENTATIVE OR LEGAL COUNSEL

203. As the intent of the appeal hearing is to provide the parties with the opportunity to personally present and resolve their appeal through a process that is less formal, restrictive, or limiting as a court system,

Handwritten notes:
Z.
Cam
R.S.
ASB
er
bb

requests for representatives or legal counsel to attend and/or present at an appeal hearing, shall be considered by the Appeals Board on a case-by-case basis. If representatives or legal counsel are permitted, their costs shall be borne by the party requesting his or her attendance.

INTERVENERS

204. Interveners may be granted permission to present evidence and submissions at appeal hearings where the greater interests of the Mississauga First Nation warrant and where the Appeals Board permit them to do so. Individuals or public interest groups who wish to present at an appeal hearing must submit a written application to the Appeals Board and the parties at least fifteen (15) consecutive days before the appeal hearing is to occur, stating the reasons and information to be presented should they be permitted to present. The parties to the appeal hearing may make written submissions to the Appeals Board as to whether the interveners should be given standing at least six (6) consecutive days before the appeal hearing is to occur. The Appeals Board will consider the application, written submissions of the parties on the granting of status to the intervener, if any, and advise the intervener in writing at least four (4) consecutive days before the appeal hearing is to occur as to whether he, she, or they will be permitted to present at the appeal hearing. Should an intervener be permitted to present at the appeal hearing, the intervener will be granted a limited time in which to present his, her, or their information and will not be allowed to attend the entire process.

DECISIONS OF THE APPEALS BOARD

205. Decisions or agreements reached by the Appeals Board shall be open to the public.

TERMINATION OF APPEAL SERVICES

206. The appeal services set forth in this Code shall be terminated upon:
- a. The parties to the appeal reaching written agreement to resolve the appeal;
 - b. The written request of a party to the appeal to discontinue the appeal services; or
 - c. The Appeals Board rendering a written decision on the appeal

[Handwritten signatures and initials]
A.
R.S.
B.B.
e-
A.S.
B.B.

DECISIONS OF APPEALS BOARD

207. The Appeals Board through an in-camera process shall deliberate on the matter immediately following the hearing. The Appeals Board shall render and deliver a written decision to the parties within ten (10) consecutive days following the appeal hearing. Decisions of the Appeals Board are open to the public, and are final on the parties, with the exception of recommendations that may be issued in accordance with this Code.

NO APPEAL OF APPEALS BOARD DECISIONS

208. Decisions of the Appeals Board are final and may not be appealed to any court, or subject to judicial review of any kind.

WAIVER OF LIABILITY BY PARTIES

209. Parties to an appeal who utilize the appeal services of the Appeals Board shall be requested to consent in writing that the Board members of the Appeals Board who provide or assist in the provision of an appeal hearing under this Code shall not be liable to the parties for any act or omission in connection with the appeal hearing provided, unless the act or omission is fraudulent or involves willful misconduct.

NO COMPELLABILITY

210. The parties and the Appeals Board are not compellable to give testimony or to produce documents in a civil proceeding with respect to matters relating to or prepared or exchanged during the appeal hearing of the Appeals Board.

NOT PRODUCED AS EVIDENCE

211. Representations, statements or admissions made, or documents prepared or exchanged during the appeal hearing of the Appeals Board cannot be used in evidence or produced in a civil proceeding, subject to the following exceptions:

- a. Where there are reasonable grounds to believe that the disclosure is necessary to address a real or perceived threat to a person's life or physical safety;

Handwritten initials and marks:
JA.
WA
R.L.
LB
BB
BB

- b. A party consents to the disclosure of his or her own personal information; or
- c. The terms of an agreement, memorandum of understanding or plan arising from the appeal hearing may be disclosed to a court and all parties to the appeal hearing.

Handwritten initials and marks in the bottom left corner, including "JG", "RS", "AB", "or BB", and a scribble.

PART XIV – AMENDMENT AND COMING INTO FORCE

MINOR AMENDMENTS TO CODE

212. Notwithstanding this Part of the Code, the Council may from time to time, arrange and make minor revisions to this Code due to:
- a. A reference in this Code to a section in another act or document that was amended and resulted in section renumbering;
 - b. A reference in this Code to an act or parts thereof that have expired, been replaced, or been suspended;
 - c. Minor improvements in the language as may be required to bring out more clearly the intention of this Code, without changing the substance of the Code;
 - d. Changes in this Code as required to reconcile apparent inconsistencies with other acts or documents; and
 - e. Correction of editing, grammatical or typographical errors.

PROCESS TO AMEND THE CODE

213. Proceedings to amend the Code shall be initiated by submitting to the Members at a Band meeting:
- a. A written petition by an Elector in accordance with section 213 of this Code; or
 - b. A Band Council Resolution by the Council in accordance with section 214 of this Code.

AMENDMENT PETITION REQUIREMENTS

214. A petition submitted to the Members at a Band meeting under section 212 of this Code must include the following:
- a. The proposed amendments to the Code;
 - b. The petition signed and dated by the Elector submitting the petition;
 - c. An affidavit signed by the Elector swearing the petition is accurate;
 - d. The petition signed by at least twenty-five percent (25%) of all Electors which includes their name, Band number, signature, and date of signature;
 - e. All evidence provided to the Electors to secure their signature on the petition; and

Handwritten signatures and initials in the left margin, including a large signature at the top, and several sets of initials below it, such as 'R.H.', 'A.S.', and 'or B.B.'.

- f. Any other information in support of the petition.

AMENDMENT BAND COUNCIL RESOLUTION REQUIREMENTS

- 215. A Band Council Resolution submitted under section 212 of this Code must include the following:
 - a. The proposed amendments to the Code;
 - b. The signature of the Council members submitting the petition;
 - c. All evidence provided to the Council to secure their signature on the Band Council Resolution; and
 - d. Any other information in support of the petition.

TIMEFRAME FOR PETITION OR BAND COUNCIL RESOLUTION

- 216. A petition or Band Council Resolution for amendments to the Code may be submitted to the Members at a Band meeting at any time.

AMENDMENT PROCESS

- 217. Upon presentation of the petition or Band Council Resolution requesting amendments to the Code to the Members at a Band meeting:
 - a. The Council or a special committee appointed for such purpose shall be responsible for preparing the draft amendments to the Code;
 - b. Conducting a minimum of four (4) community consultation sessions in Mississauga First Nation and/or other appropriate venues as determined by Council to present the proposed amendments to the Code to the Members and to illicit their comments;
 - c. Conducting a mail-out and posting the proposed amendments to the Code;
 - d. Conducting a ratification vote on the proposed amendments to the Code; and
 - e. Upon approval by a ratification vote, the proposed amendments shall come into affect.

Handwritten initials and signatures:
Z.
R
B
or
BL

RATIFICATION VOTE PROCESS

218. The ratification vote process shall be conducted in accordance with the Election vote procedures set forth at Parts III, VI, VII, VIII, and IX of this Code, with changes in procedure as necessary and as set forth in this Part.

RATIFICATION VOTE TIMEFRAME

219. The ratification vote shall be held at least forty-five (45) consecutive days after the receipt of a petition or Band Council Resolution requesting amendments to the Code.

RATIFICATION VOTE RESULT

220. A ratification vote of fifty percent plus one (50% + 1) of thirty-five percent (35%) of all eligible Electors must be in favour of the proposed amendments to the Code for the proposed amendments to be approved and implemented.

RATIFICATION VOTE APPEAL

221. An appeal of a ratification vote must be submitted in writing to the Appeals Board within forty-five (45) consecutive days of the date of the ratification vote and in accordance with Part XIII of this Code.

ELECTIONS FOLLOWING RATIFICATION VOTE

222. Elections held under the amended Code shall take place no sooner than sixty (60) consecutive days from the ratification vote.

COMING INTO FORCE

223. The amended Code shall come into force when:
- The day following the ratification vote where the Electors approve the proposed amendments to the Code; or
 - A day named in the proposed amendments to the Code.

Handwritten signatures and initials:
JG.
R.S.
AB
BB

SCHEDULES

A. ELECTION VOTE TIMEFRAME

ACTION	TIMEFRAME
Setting election date	Minimum of 55 consecutive days before the anniversary of the last election
Council selecting the Electoral Officer and Deputy Electoral Officer	Minimum of 55 consecutive days before Council's term of office expires
Director of Operations selecting the Electoral Officer and Deputy Electoral Officer	After 7 consecutive days following the 55 consecutive days before Council's term of office is to expire if the Council has not done so
Membership Clerk to provide names and addresses of Electors to Electoral Officer	At least 52 consecutive days before the election
Electoral Officer to prepare and post the voters list	At least 48 consecutive days before the election
Electors to request that their name be added to the voters list	No later than 2 consecutive days before the election
Electors to challenge an Elector's name from being on the voters list	No later than 25 consecutive days before the election
Electoral Officer to notify an Elector that their name on the voters list is challenged	At least 20 consecutive days before the election

Handwritten notes:
 JJ.
 AB
 R
 BB

**MISSISSAUGA FIRST NATION CUSTOM ELECTION CODE
FINAL REVISED VERSION FOR THE RATIFICATION VOTE**

ACTION	TIMEFRAME
Electoral Officer to post the notice of nomination meeting	At least 20 consecutive days before the nomination meeting
Electoral Officer to mail the nomination meeting package to Electors who are not Ordinary Resident on Mississauga First Nation	At least 20 consecutive days before the nomination meeting
Holding the nomination meeting	At least 30 consecutive days before the election
Candidates acceptance of nomination	Within 3 consecutive days of the nomination meeting
Candidates withdrawing their name from the election	Within 3 consecutive days of the nomination meeting
Electoral Officer posting a notice of acclaimed positions for the office of Chief or Councillor	Within 5 consecutive days after the nomination meeting
Holding the election vote	Within 30 consecutive days after the nomination meeting
Electoral Officer posting the notice of the election	Within 5 consecutive days after the nomination meeting
Electoral Officer mailing the mail-in ballot package to Electors who are not Ordinary Residents on Mississauga First Nation	At least 28 consecutive days before the election

AG
AB
RS
BB
RE

**MISSISSAUGA FIRST NATION CUSTOM ELECTION CODE
FINAL REVISED VERSION FOR THE RATIFICATION VOTE**

ACTION	TIMEFRAME
Electors requesting a mail-in ballot package from the Electoral Officer	At least 10 consecutive days before the election
Electoral Officer posting and mailing of the election report	Within 5 consecutive days after the election
Electoral Officer destroying all election material if no election appeal	After 60 consecutive days following the election
Submitting an election appeal to the Appeals Board	Within 45 consecutive days after the election
Members of Council swearing an oath of office	Within 14 consecutive days after the election
Holding a by-election	Within 60 consecutive days from the position being declared vacant
Holding the first meeting of Council	No later than 30 consecutive days after the election

77.
AB
R.B.
BB

B. APPEAL HEARING TIMEFRAME

ACTION	TIMEFRAME
Submission of a petition or Band Council Resolution to the Appeals Board to remove the Chief or Councillor	Within 45 consecutive days of the grounds for removal occurring
Appeals Board notifying the parties submitted the petition or Band Council Resolution for the removal of the Chief or Councillor that it does not fulfill the necessary requirements	Within 30 consecutive days of receiving the petition or Band Council Resolution
Parties submitting the petition or Band Council Resolution having the opportunity to amend and resubmit the petition or Band Council Resolution	Within 30 consecutive days of being notified by the Appeal Board that the petition or Band Council Resolution does not fulfill the necessary requirements
Appeals Board issuing a response to a request for an appeal hearing	Within 15 consecutive days of receiving the request for an appeal hearing
Parties providing their information, evidence, and list of witnesses that will be presented at the appeal hearing to the Appeals Board	At least 15 consecutive days before the appeal hearing
Parties providing the names of persons who will serve as moral support for them at the hearing to the Appeals Board	At least 5 consecutive days before the appeal hearing
Interveners requesting to present at the appeal hearing	At least 15 consecutive days before the appeal hearing

79.
AM
R
BB
BB

MISSISSAUGA FIRST NATION CUSTOM ELECTION CODE
FINAL REVISED VERSION FOR THE RATIFICATION VOTE

ACTION	TIMEFRAME
Parties to the appeal hearing responding to requests of interveners to present at the appeal hearing	At least 6 consecutive days before the appeal hearing
Appeals Board notifying interveners as to whether they may or may not present at the appeal hearing	At least 4 consecutive days before the appeal hearing
Appeals Board issuing a written decision on the appeal hearing	Within 15 consecutive days after the appeal hearing

Handwritten initials and marks in the bottom left corner, including "BB", "R", "BB", and "BB".

MISSISSAUGA FIRST NATION CUSTOM ELECTION CODE
FINAL REVISED VERSION FOR THE RATIFICATION VOTE

C. RATIFICATION VOTE TIMEFRAME

ACTION	TIMEFRAME
Submitting a petition or Band Council Resolution to the Members at a Band meeting requesting amendments to the Code	At any time
Holding a ratification vote	At least 45 consecutive days of receiving a petition or Band Council Resolution requesting amendments to the Code
Appealing a ratification vote	Within 45 consecutive days after the ratification vote
Holding an election after a ratification vote	No sooner than 60 consecutive days after the ratification vote

Handwritten signatures and initials:
DJ.
SM
R.S.
BB
SM
BB