

**Fond du Lac Denesuline First Nation
Treaty 8 Benefits Trust
Trustee Election Regulations**

**(Pursuant to Section 5.7 of the Fond du Lac Denesuline
First Nation Treaty 8 Benefits Trust Agreement)**

Proposed Date – _____, 2024

DATE OF ENACTMENT

Duly enacted by the Fond du Lac Denesuline First Nation Trustees by Trustee Directive on _____, 2024, following Fond du Lac Denesuline First Nation membership approval by ratification vote.

These *Trustee Election Regulations* have been developed to assure that fair treatment is granted to the membership of Fond du Lac Denesuline First Nation collectively, and Fond du Lac Denesuline First Nation is served in an efficient manner.

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**FOND DU LAC DENESULINE FIRST NATION
TREATY 8 BENEFITS TRUST
TRUSTEE ELECTION REGULATIONS**

1. SHORT TITLE

These Regulations may be cited as the *Trustee Election Regulations*.

2. DEFINITIONS

In these Regulations,

- a. **“Band”** means, the Fond du Lac Denesuline First Nation.
- b. **“Corrupt Practice”** means, any act done by a Candidate for Trustee or a Trustee who unlawfully and/or wrongfully uses their name or position of authority and trust to secure or promise to secure some benefit for themselves, or for another person contrary to their office and the rights of other persons including any act or omission that is recognized at law to be corrupt practice;
- c. **“Candidate”** means a Candidate for the position of Trustee that is duly nominated in accordance with section 6 of these Regulations.
- d. **“Council”** means, in respect of the First Nation, the “Council of the band” within the meaning of the *Indian Act* and “Councillor” refers to each member of the Council of the First Nation Individually;
- e. **“Deputy Electoral Officer”** means any person appointed by the Electoral Officer for the purposes of the Trustee Election.
- f. **“Election”** means a Trustee Election held pursuant to section 5 of the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trust Agreement.
- g. **“Electoral Officer”** means the person duly appointed jointly by the Chief and Council and Trustees of the First Nation to be the Trustee Electoral Officer for the purpose of the Trustee Election;
- h. **“First Nation”** means the Fond du Lac Denesuline First Nation as represented by its duly elected Chief and Council;
- i. **“Indian Act”** means the *Indian Act*, R.S.C., 1985, c. 1-5 as amended and its regulations as amended or replaced from time to time;
- j. **“Membership List”** means the list of persons maintained by the First Nation as its “Band List”.
- k. **“Member”** means a person whose name appears on the Fond du Lac Denesuline First Nation “Band List” and further meets the requirements of “Member” pursuant to the Fond du Lac Denesuline First Nation Membership Code.
- l. **“Registry Number”** means the number assigned to a person registered under section 5 of the *Indian Act*;

- m. **“Reserve”**, in respect of an election of Trustees pursuant to the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trust Agreement, means Reserve Numbers 227, 228, 229, 231, 232 and 233 of Fond du Lac Denesuline First Nation on any tracts of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty, from time to time, for the use and benefit of a First Nation;
- n. **“Reside or Resides”** means the place of ordinary residence which generally is that place which has always been, or which is the place of habitation or home, where a person usually sleeps and has their meals for a minimum of 184 days per year or 6 months. A person can have one place of ordinary residence only, and shall retain such place of ordinary residence until another is acquired. Temporary absence from a place of ordinary residence does not cause a loss or change of place or ordinary residence
- o. **“Scrutineer”** means a person chosen by a candidate for Trustee to observe and verify the validity of the voting and ballot counting during this election.
- p. **“Trust”** means the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trust.
- q. **“Trustee”** means a duly elected and/or appointed Trustee of the Fond du Lac Denesuline Treaty #8 Benefits Trust.
- r. **“Trustee Election Day”** means the day chosen upon which the Election for Trustees will be held.
- s. **“Voter”** means, in respect of an election of the Trustees pursuant to the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trust Agreement, a person:
 - i. Who is a Member;
 - ii. Who is at least 18 years of age on the day of the election; and
 - iii. Who has not been found mentally incompetent or otherwise unable to manage his or her own affairs by a court of competent jurisdiction;

as of the date of the vote for the Trustees referred to in section 5 of the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trust Agreement.
- t. **“Voter Declaration Form”** means a document that sets out, or provides for:
 - i. The name of a Voter;
 - ii. The Band membership or registry number of the Voter; and
 - iii. The name, address and telephone number of a witness to the signature of the Voter and a statement that the witness is 18 years of age and a member of the First Nation.
- u. The following Schedules are attached to these *Trustee Election Regulations*:
 - Schedule “1” Trustee Declaration Form
 - Schedule “2” Nomination Declaration Form
 - Schedule “3” Voter Declaration Form
 - Schedule “4” Undertaking of Trustee

Schedule “5” Oath of Office of Appeal Board

3. APPLICATION

The election of Trustees shall be undertaken in accordance with the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trust Agreement (the “Trust Agreement”) and these Regulations.

4. TRUSTEES

4.01 Number and Qualifications of Trustees

- (1) Except during a vacancy, there shall be seven (7) Trustees, all of which meet the eligible requirements of a Trustee outlined within the Trust Agreement. Specifically, each Trustee shall:
 - (a) be a Member who is at least 25 years old;
 - (b) have successfully completed a Grade 12 education;
 - (c) have no criminal record;
 - (d) be capable of being insured, bonded or bendable; and
 - (e) be gainfully employed and not on Income Assistance.

- (2) Persons disqualified from becoming Trustees are as follows:
 - (a) a person declared to be mentally incompetent by a court in Canada or elsewhere;
 - (b) a person who has a status of a bankrupt;
 - (c) a person who has been convicted with a criminal offence for which they have not been pardoned;
 - (d) a person who is not a Member, with exception of Professional Trustees who do not need to be;
 - (e) a person who is not bondable under a standard fidelity bond;
 - (f) a person who is indebted to the Band or Trust; and
 - (g) a person who at any time has publicly declared opposition to the Trust or to the Trustees, or to the objectives of the Trust, or has promised members to make per capita payments from the Trust, contrary to its provisions, or has committed corrupt practice in the opinion of a quorum of the Trustee Board. This provision may not apply in the opinion of a quorum of the Trustee Board if a candidate sincerely, publicly and in writing denounces their previous opposition if their opposition was based upon a misunderstanding of the Trust, its objectives, and the role of the Trustees.

- (3) Two (2) of the Trustees shall be Professional Trustees in accounting and law and will be appointed by the other Trustees in compliance with section 5.5 (e) of the Trust Agreement.
- (4) One (1) of the Trustees shall be resident on the First Nation Reserve lands and shall be directly appointed by Council by Band Council Resolution at a duly convened meeting as the Council representative of the Board for the duration of their term of Office on Council, pursuant to section 5.5 (d) of the Trust Agreement.
- (5) One (1) of the five (5) Member Trustees of the First Nation who will represent the off-Reserve Members shall reside off of the First Nation Reserve lands, shall be known as the "Urban Trustee", and shall be appointed by a majority of the Trustees in compliance with the Trust Agreement.
- (6) The three (3) remaining Trustees shall meet the qualifications for Trustee as listed in these Regulations and section 5.4 of the Trust Agreement, and shall be resident on First Nation Reserve lands.

4.02 Election and Appointment of Trustees

- (1) Pursuant to the Trust Agreement, all Members meeting the requirements of a "Voter" as defined in these Regulations shall be entitled to vote for the three (3) Trustees, other than the one (1) Trustee who shall be directly appointed by the Council, the one (1) off-Reserve Member who shall reside off of the First Nation Reserve lands and is known as the "Urban Trustee" and who will be appointed by a majority of the Trustees following a call for and review of applications, and the two (2) Professional Trustees.
- (2) Election of Trustees shall be achieved by a simple majority of those Voters who have cast votes and those candidates who have received the most votes and being declared elected by the Electoral Officer in accordance with section 12.03 of these Regulations.

Term of Office

- 4.03 Subject to sections 5.9 and 5.10 of the Trust Agreement, a Trustee shall hold office for a period of three (3) years and shall serve as Trustees until:
- (a) his or her term expires;
 - (b) he or she resigns;

- (c) he or she dies;
- (d) he or she makes an assignment for the general benefit of his or her creditors, or a proposal to his or her creditors which is refused, or is petitioned into bankruptcy, or is charged with an indictable offence, or an offence punishable by summary conviction under the *Criminal Code* of Canada or the *Controlled Drugs and Substances Act*, with fraud, or with any offence involving the Trust Property or the exercise of his or her responsibilities as a Trustee;
- (e) he or she fails to attend three (3) consecutive meetings of the Trustees, of which meetings he or she has received notice, and a quorum of the other Trustees vote to remove him or her;
- (f) he or she fails to disclose an interest, or votes on any contract or proposed contract in which he or she has an interest, contrary to provisions pertaining to conflicts of interest in this Trust Agreement;
- (g) he or she is declared by a court of competent jurisdiction to be mentally incompetent or incapable of managing his or her affairs; or
- (h) he or she is an Elected Trustee and resident on the Reserve at the time he or she becomes a Trustee, and ceased to reside on the Reserve.

Terms of Trustees will be staggered in accordance with the Trust Agreement.

Vacancy

4.04 Where a vacancy amongst the elected Trustees occurs, section 5.11 of the Trust Agreement applies to fill the vacancy.

5. VOTERS LIST

5.01 At least sixty (60) days before the day on which an election for Trustees is to be held, the First Nation shall provide the Electoral Officer with a list of the names of all Voters.

5.02 The Voter's list shall set out:

- (a) The names of all Voters, in alphabetical order; and
- (b) The Band membership or registry number of each Voter, or the date of birth of the Voter.

5.03 On request, the Electoral Officer or Deputy Electoral Officer shall confirm whether the name of a person is on the Voter's list.

6. NOMINATIONS OF CANDIDATE FOR TRUSTEE

- 6.01 At least forty-five (45) days before the day on which an election for Trustees is to be held, the Electoral Officer shall post in at least two (2) conspicuous places on Reserve, a Notice of Election and a Schedule 2 Nomination Declaration Form and include:
- (a) the date, time, duration and location of the Trustee Election;
 - (b) the name and phone number of the Electoral Officer;
 - (c) the statement that any Voter may nominate a candidate as Trustee by completing a Nomination Form in Schedule 2 and returning to the Electoral Officer as provided herein including by e-mail or by regular mail as prescribed by the Electoral Officer;
 - (d) the statement that any person wishing to run as a candidate in the Trustee Election must possess the qualifications of Trustees described in section 5.4 of the Trust Agreement and is required to submit the following information to the Board of Trustees and Electoral Officer, no later than at least thirty (30) days before the date of the election:
 - i. a certified Criminal Record Check current to within forty-five (45) days of the Trustee Election (cost to be reimbursed if elected); and
 - ii. a signed Trustee Declaration Form certifying they meet the qualifications of Trustee as outlined in ss. 4.01(5) and (6) of these Regulations.
 - (e) Trustee Declaration Form in Schedule 1, which is to be reviewed by the Electoral Officer and Board of Trustees to ensure it is compliant with the Regulations prior to acceptance as a candidate.
- 6.02 The Electoral Officer shall record the names of Voters to whom a notice of the nomination requirements was provided, and by what means, whether electronic or otherwise, as provided herein.
- 6.03 To qualify as a candidate in the Trustee election, a person must receive 2 nominations.
- 6.04 A Voter may nominate a candidate, or second the nomination of a candidate:
- (a) by emailing or uploading a completed, signed and witnessed Nomination Declaration Form subject to section 6.02 in the form of Schedule 2 to the Electoral Officer before the time set receiving nominations.
- 6.05 Nominations in the form of Schedule 2 that are not received by the Electoral Officer before the time set for nominations are void.
- 6.06 All nominations for a Trustee Election shall be received at least 30 days before the date of the election.

- 6.07 Following receipt of the nominations, the Electoral Officer, in consultation with the Board of Trustees, shall:
- (a) review section 5 of the Trust Agreement and ss. 4.01(5) and (6) of these Regulations with respect to the number and qualifications of Trustees; and
 - (b) subject to fulfilling the above qualifications, make a list of all persons receiving Schedule 2 nominations who will be eligible to run as candidates in the Trustee election.
- 6.08 The Electoral Officer shall then create a list of all written nominations and seconders of potential candidates that have been received by mail, e-mail, or delivered, whether eligible to run or not.
- 6.09 Where the same person receives two written nominations, the second nomination shall be declared unnecessary.
- 6.10 As soon as is practicable after the date for receiving nominations, the Electoral Officer shall notify any nominated candidates who are eligible that they have been nominated.
- 6.11 Where more than two (2) persons are nominated for a Trustee position, the Electoral Officer shall as soon as is practicable after receiving the nominations and no less than fifteen (15) days before the Trustee Election day, post in at least two (2) conspicuous places on the Reserve, a notice that sets out the names of the candidates and states that an election will be held on the day set out in the notice referred to in s. 6.01(a).

7. WITHDRAWAL OF CANDIDATES

- 7.01 A candidate who has been nominated may withdraw his or her candidacy at any time prior to the close of the polls by submitting to the Electoral Officer via mail, e-mail, or personal delivery a written withdrawal of nomination, signed by the candidate.

8. ACCLAMATIONS

- 8.01 Where a Trustee position is filled by acclamation pursuant to these Regulations:
- (a) the Electoral officer shall post in at least two (2) conspicuous places on the Reserve, a notice that sets out the names of the persons who have been acclaimed and states that an election will not be held; and
 - (b) voting will not take place.

9. MANNER IN WHICH VOTING SHALL BE CARRIED OUT

- 9.01 Subject to subsection 9.03, the Electoral Officer shall prepare ballots setting out the names of the candidates nominated for election as Trustees, in alphabetical order.

- 9.02 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.
- 9.03 At least twenty-five (25) days before the day on which an election is to be held, the Electoral officer shall provide by electronic means as provided for and modified herein, to every Voter residing off Reserve, a package consisting of:
- (a) a set of instructions for voting by electronic means, if employed pursuant to Part 10, or if there is no means by which electronic communication is possible;
 - (b) a ballot, initialled on the back by the Electoral Officer;
 - (c) an outer, postage-paid return envelope, pre-addressed to the Electoral Officer;
 - (d) a second, inner envelope marked "Ballot" for insertion of the completed ballot;
 - (e) a Voter declaration form;
 - (f) a letter of instruction regarding voting;
 - (g) a statement
 - i. identifying the date on which the election will be held;
 - ii. the time, duration and location of the polling station; and
 - iii. advising the Voter that he or she may electronically vote in person at a polling station on the day of the election in accordance with subsection 9.05 of these Regulations; and
 - (h) a list of the names of any candidates who were acclaimed.
- 9.04 The Electoral Officer shall indicate on the Voters List and keep a record of the date on which the ballot was provided electronically.

Polling Stations for In-Person Voting

- 9.05 The Electoral Officer shall establish at least one (1) polling station on the Reserve.
- 9.06 The Electoral Officer shall procure or cause to be procured one (1) ballot polling station.
- 9.07 The Electoral Officer shall, before the poll is open, cause to be delivered to his Deputy the means of electronic voting, and a sufficient number of directions-for-voting as may be prescribed.
- 9.08 The Electoral Officer or his Deputy shall provide two (2) compartments at the polling station where the Voters can cast their electronic ballot free from observation.
- 9.09 The Polling station shall be kept open from 9:00 a.m., local time, until 8:00 p.m., local time, on the day of the election.
- 9.10 A candidate shall be entitled to one Scrutineer at the polling station.

- 9.11 No candidate shall be entitled to attend the polling station between 9:00 a.m. and 8:00 p.m. on day of the election.
- 9.12 Where a person attends at a polling station for the purpose of voting, the Electoral Officer or Agent or Deputy Electoral Officer shall, if the person's name is set out in the Voters list, provide the person with the means of casting an electronic ballot.
- 9.13 A Voter to whom was provided instructions for electronic voting under subsection 9.03 of these Regulations, and has not voted by electronic means, may attend the Polling Station under subsection 9.05 and vote in person at a polling station if the voter has not already voted by under subsection 10.
- 9.14 The Electoral Officer or his Deputy may and when requested to do so shall explain the mode of voting to a Voter.
- 9.15 After receiving a ballot, a Voter shall immediately proceed to the compartment provided for casting electronic ballots and cast the electronic ballot by way of electronic means outlined in subsection 10 of these Regulations.
- 9.16 While any Voter is in the compartment for the purpose of casting an electronic ballot no other person shall, be allowed in the same compartment or be in any position from which he can see the manner in which such Voter electronically marks his ballot.
- 9.17 Any person who has received instructions to Vote electronically and who leaves the polling station without completing an electronic Vote, after receiving the instructions, and refuses to vote, shall Vote independently in compliance with subsection 10 of these Regulations or forfeit his right to vote at the election upon closing of the poll, and the Electoral Officer or his Deputy shall make an entry in the Voters' list in the column for remarks opposite the name of such person to show that such person received the electronic ballot instructions and declined to vote at the 1 in-person polling station.
- 9.18 A Voter whose name does not appear on the Voters' list may vote at an election if the Electoral Officer or his Deputy is satisfied that such a person is qualified to vote upon presentation of identification of which is verified by the Electoral Officer.
- 9.19 Every Voter who is inside the polling station at the time fixed for closing the poll shall be entitled to vote before the poll is closed.

10. ELECTRONIC VOTING

- 10.01 Upon approval and resolution of the Trustees, the Electoral Officer, in consultation with the Board of Trustees, may employ the services of an Electronic Voting Service Platform, and utilize an approved system of voting on-line or by electronic means.

Minimum Voting Procedural Requirements

- 10.02 The Electoral Officer shall ensure that instructions for electronic voting are clearly provided on all notices, the electronic voting platform landing page, and available for distribution upon direct request from any elector.
- 10.03 The Electronic Voting Service Platform must operate across all digital platforms (smart phones, tablets, laptops and personal computers) and across all major operating systems.
- 10.04 To cast an electronic vote, the elector shall:
- (a) visit the landing page (or home page) of the electronic voting platform;
 - (b) confirm their eligibility to participate using electronic voting;
 - (c) complete the elector registration process;
 - (d) declare their intent and desire to vote electronically;
 - (e) complete the authentication and elector verification process;
 - (f) mark their electronic ballot(s); and
 - (g) confirm their electronic vote.
- 10.05 During the electronic vote process set out in this section the Electoral Officer will:
- (a) receive an automatic notification confirming the elector registration.
 - (b) receive an automatic notification confirming the elector voted electronically.
 - (c) mark the elector as having voted electronically on the Voters list.
- 10.06 Where the elector has voted electronically, the elector shall not be permitted to also cast a paper ballot. However, in the event of the Electronic Voting Service Platform becoming inaccessible due to a natural disaster, power outage, internet outage, or other circumstance outside the control of the Electoral Officer, electors shall be permitted to cast paper ballots.

Minimum Electronic Voting Platform Requirements

- 10.07 The Electoral Officer shall ensure electronic voting platform is populated by the Voters list at least sixty (60) days prior to the vote.
- 10.08 The Electoral Officer shall have administrative access to the electronic voting platform to view and download daily reports and detailed activities reports.
- 10.09 Individual voting results shall remain secret at all times and individual elector choices shall be encrypted in such a way as to ensure voter anonymity.
- 10.10 The electronic voting platform shall exceed the threshold of elector verification and due diligence, and at minimum shall require for each elector:
- (a) A digital signature (or equivalent);

- (b) A unique personal identification number (PIN);
- (c) A registry number (status card number); and
- (d) Their date of birth.

10.11 Automated email notifications shall be generated in real-time to the Elector and Electoral Officer of all and any activity associated with an Elector using the electronic voting platform, including:

- (a) attempted registration and/or voting;
- (b) completed elector registration;
- (c) completed voting;
- (d) failed registration and/or vote;
- (e) system or communication failures, interruptions or lost data.

Daily detailed activity reports shall be generated via email to the Electoral Officer.

10.12 At the official close of the poll the Electoral Officer shall be able to access the tabulated electronic vote results.

10.13 All electronic voters list, ballots and confidential voter information shall be deleted and wiped from the servers of the electronic voting platform, and certification to this effect will be provided by the Electoral Officer.

10.14 Once an elector has voted once electronically, they cannot vote again electronically, and shall be restricted from doing so again by the Electronic Voting Platform System program Code.

10.15 Electronic voting will end automatically at the official close of the electronic poll and the electronic voting platform will no longer be accessible by voters.

Certification of the Electronic Vote Results

10.16 After the close of the polls, the Electoral Officer shall add the Electronic Voting results to the results of any paper ballots submitted as a result of inaccessibility to the Electronic Voting Platform System as per section 10.06, and shall make a declaration certifying the recorded number of Electronic Votes.

10.17 Without contravening any part of this Code, Council may make regulations governing electronic voting procedures.

11. SECRECY OF VOTING

11.01 Every person in attendance at a polling station shall maintain and aid maintaining the secrecy of the voting.

11.02 No person shall interfere or attempt to interfere with a Voter when electronically submitting his/her electronic ballot or obtain or attempt to obtain at the polling station information as to how a Voter is about to vote or has voted.

12. COUNTING OF VOTES

12.01 Immediately after the completion of the accessing and counting the tabulated electronic vote results, the Electoral Officer shall publicly declare to be elected the candidates, whom received the greatest number of votes who shall each serve, subject to the terms of the Trust Agreement.

12.02 Within four (4) days after completion of the counting of the votes, the Electoral Officer shall:

- (a) Sign and post, in at least one conspicuous place on the Reserve, a statement indicating the number of votes cast for each candidate; and
- (b) Post a copy of the statement to the Trust website and electronic voting platform accessible to every Voter.

12.03 Where it appears that two (2) or more candidates have an equal number of votes for a Trustee position, the Electoral Officer shall give a casting vote for one or more of such candidates, but the Electoral Officer shall not otherwise be entitled to vote.

12.04 The Electoral Officer shall prepare a written statement in triplicate showing the total number of votes cast for each candidate, the number of rejected ballots and the names of the candidates duly declared elected.

12.05 One copy of such statement shall be forwarded to the First Nation, one to the Trust Administration Office and one copy retained for the Electoral Officer.

12.06 The Electoral Officer or the Deputy Electoral Officer and the candidates or their Scrutineers as are present and desire to sign, shall sign the statement.

12.07 The candidates duly declared elected shall not serve as Trustee's until they have signed an Undertaking of Trustees.

12.08 The Professional Trustees shall serve until removed or reappointed by the newly elected Trustees.

13. ELECTION APPEALS

13.01 Within fifteen (15) days after the election results have been posted in accordance with section 12.02 of these Regulations, a Voter who believes that:

- (a) there was corrupt practice in connection with the Trustee Election that might have affected the result of the Trustee Election;
- (b) there was a violation of section 5 of the Trust Agreement or these Regulations that might have affected the result of the election; or
- (c) a person nominated to be a candidate in the election was ineligible to be a candidate;

may lodge an appeal by forwarding, by registered mail and email, first, to the Electoral Officer and second to the Accounting Trustee, written notice of their appeal setting out the grounds for appeal, the provision(s) of these Regulations relied upon and the facts of the appeal together with any supporting documents relating thereto duly verified by affidavit sworn before a Commissioner of Oaths for Saskatchewan, and a \$100.00 cheque made payable to the Board of Trustees, Fond du Lac Denesuline First Nation Treaty 8 Benefits Trust.

13.02 Within fourteen (14) days of receiving notice of an appeal, the Electoral Officer shall in their absolute and sole discretion appoint an Appeal Board. The Appeal Board appointed shall be comprised of three (3) individual professionals who may or may not be a member of the First Nation and will be selected from the Professional Trustee, legal advisor to the Trust, a member appointed by the Chief and Council, and/or a lawyer chosen by the Trust who is familiar with the First Nation. The Electoral Officer shall seek the consent and acceptance of the appointees which shall be recorded by a letter in writing signed by the Electoral Officer directed to the appointee with their signature accepting the appointment.

13.03 All members of the Appeal Board must:

- (a) have attained the age of 25 years on the day of the appointment;
- (b) have no criminal record;
- (c) have successfully completed a Grade 12 education proven by a Certificate from the Provincial Department of Education
- (d) be gainfully employed and not on Income Assistance; and
- (e) be bondable.

13.04 Persons disqualified from becoming members of the Appeal Board:

- (a) a person declared to be mentally incompetent by a court in Canada or elsewhere;
- (b) a person who has a status of bankruptcy;
- (c) a person who has been convicted with a criminal offence for which they have not been pardoned;
- (d) a person who is not bondable under a standard fidelity bond;
- (e) a person who is indebted to the Band or Trust; and

- (f) a person who at any time has publicly declared opposition to the Trust or to the Trustees, or to the objectives of the Trust, or has promised members to make per capita payments from the Trust, contrary to its provisions, or has committed corrupt practice in the opinion of a quorum of the Trustee Board. This provision may not apply in the opinion of a quorum of the Trustee Board if a candidate sincerely, publicly and in writing denounces their previous opposition if their opposition was based upon a misunderstanding of the Trust, its objectives, and the role of the Trustees

13.05 Each appointee must provide the following documentation to the Electoral Officer and Board of Trustees for review to ensure it is compliant with the Regulations prior to acceptance as a member of the Appeal Board:

- i. a signed Appointee Declaration Form in Schedule 6; and
- ii. a certified Criminal Record Check current to within forty-five (45) days of the appointment (cost to be reimbursed if appointed).

13.05 Upon its appointment, the Appeal Board shall:

- (a) hear the appeal referred to them;
- (b) investigate the claim(s) brought forward in the appeal;
- (c) select a chairperson of the Appeal Board who shall supervise and direct the appeal process as provided for in these Regulations;
- (d) have custody of all records, documents, evidence and proceedings relevant to the appeal; and
- (e) have control of its own proceedings in order to fairly and adequately determine any appeal, including the power to require the attendance of any person to give evidence at the hearing of the appeal;

13.06 In performing their duties under these Regulations, all members of the Appeal Board shall:

- (a) attend all sittings of the Appeal Board;
- (b) act impartially, fairly, reasonably, to the best of their skill and ability; and ensure that the appeal process is fair and equitable.

13.07 Upon being appointed as a member of the Appeal Board, the Appeal Board Member shall swear an oath of office in the form attached hereto as Schedule “4” to these Regulations.

13.08 Within seven (7) days of being appointed, the Appeal Board shall provide, by registered mail and email, written confirmation to the complainant that the Appeal Board is investigating the appeal. The Appeal Board shall further provide a copy of this section of these Regulations.

- 13.09 Within seven (7) days of being appointed, the Appeal Board shall forward, by registered mail and email, a copy of the notice of appeal and copies of all supporting documentation as provided by the complainant, to the Electoral Officer and to the each candidate in respect of which the appeal is lodged. The Appeal Board shall further provide a copy of this section of these Regulations.
- 13.10 Within fourteen (14) days of the receipt of the notice of appeal and supporting documentation, the Electoral Officer or the candidate(s) in respect of which the appeal is lodged shall forward to the Appeal Board a written answer to the particulars and facts set out in the notice of appeal and supportive documentation, together with any documents relating thereto duly verified by affidavit sworn before a Commissioner for Oaths for Saskatchewan.
- 13.11 All particulars and documents filed in accordance with the provisions of this section shall constitute and form part of the appeal record.
- 13.12 Upon receipt of the materials as listed in section 13.01 and 13.08 of these Regulations, the Appeal Board shall set a place, time and date in which to conduct a formal appeal hearing. The appeal hearing shall be conducted within fourteen (14) days of receiving the materials as listed in 13.08 of this section.
- 13.13 Notice of the appeal hearing shall be provided to the complainant, the Electoral Officer and to each candidate affected no less than ten (10) days prior to the hearing to allow representations to be prepared.
- 13.14 Notice of the appeal hearing shall be posted at the administration offices of the First Nation and at three (3) other conspicuous locations on the First Nation Reserve lands no less than five (5) days prior to the hearing. Notice of the appeal hearing shall be provided, by mail, or in person upon request by a Voter no less than five (5) days prior to the hearing.
- 13.15 Appeal Hearing Procedure:
- (a) The Appeal Board shall not be bound by the strict rules of evidence prevailing in courts of law or equity.
 - (b) The Appeal Board shall have full authority to control the procedure of the hearing, to admit or exclude testimony or other evidence, whether or not admissible in a court and to rule upon motions and objections.
 - (c) The Appeal Board, upon the request of a party or on its own motion, may call and examine witnesses, direct the production of documents or other material and introduce documentary or other evidence.
 - (d) The evidence shall be given under oath or affirmation and a record of the proceedings shall be made and kept.

- (e) The Appeal Board may exclude from the hearing room or from further participation in a proceeding any person who engages in improper conduct before the Appeal Board, except the parties to the proceedings, or a witness engaged in testifying.
- (f) The Appeal Board may exclude from the hearing room, at its discretion, a witness who has not yet testified, other than a party to the appeal.
- (g) The Appeal Board has authority to hear and determine any question of fact or law as to matters within its jurisdiction.
- (h) The Appeal Board may hear an appeal whether the appellant is present or not.

13.16 Where it appears that:

- (a) There was corrupt practice in connection with the election that might have affected the result of the Trustee Election;
- (b) There was a violation of section 5 of the Trust Agreement or these Regulations that might have affected the result of the election; or
- (c) A person nominated to be a candidate in the election was ineligible to be a candidate;

the Appeal Board shall have the power to dismiss or grant the appeal, declare the election void and refer the matter back to an election or declare the candidate(s) with the next highest number of votes elected.

13.17 Within seven (7) days from the hearing of an appeal, the Appeal Board shall provide written notice of its decision on the appeal. Notice of the decision shall be delivered, by hand or e-mail, to the Appellant, the Electoral Officer, to each candidate in respect of which the appeal is lodged, and the Chief and Council. Notice of the Appeal Board's decision shall be further provided to the members of the First Nation by posting the written notice of the decision at the administration offices of the First Nation and at three (3) other conspicuous locations on the First Nation Reserve.

13.18 Every decision of the Appeal Board is final.

14. PARAMOUNTCY

14.01 Should there be any discrepancy between these Regulations and the Fond du Lac Denesuline First Nation Trust Agreement, the Trust Agreement shall prevail to the extent of the inconsistency.

**SCHEDULE “1”
TO THE FOND DU LAC DENESULINE FIRST NATION
TRUSTEE ELECTION REGULATIONS**

TRUSTEE DECLARATION FORM

I, _____ of _____,
solemnly declare that:

I possess the qualifications of Trustees outlined in sections 4.01 (5) and (6) of the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trustee Election Regulations and have submitted the required documentation as Trustee Candidate to the Electoral Officer at the close of the nomination meeting:

I possess the following qualifications:

1. I am a member of the Fond du Lac Denesuline First Nation whose name appears on the Membership List;
2. I have attained the age of 25 years on the day of the election;
3. I have successfully completed Grade 12 education;
4. I am gainfully employed and not on Income Assistance; and
5. I am not a member of the Chief and Council.

I further declare that I am not disqualified for the following reasons:

1. I have not been declared to be mentally incompetent by a court in Canada or elsewhere;
2. I have never declared bankruptcy;
3. I have not been convicted of a criminal offence for which I have not been pardoned;
4. I have not been found civilly liable for fraud, theft or for breach of trust by a court in Canada or elsewhere;
5. I am bondable; and
6. I understand the English language in written or oral form.
7. I am a person who has not, at any time, publicly declared opposition to the Trust or to the Trustees, or to the objectives of the Trust, or has promised members to make per capita payments from the Trust, contrary to its provisions, or has committed corrupt practice in the opinion of a quorum of the Trustee Board. This provision may not apply in the opinion of a quorum of the Trustee Board if a candidate sincerely, publicly and in writing denounces their previous opposition if their opposition was based upon a misunderstanding of the Trust, its objectives, and the role of the Trustees.

I further attach my current Criminal Record Check and Vulnerable Persons Record check in accordance with section 6.01 of these Regulations.

Print Name as on Ballot

Candidate's Signature

Processed by Deputy Electoral Officer

SCHEDULE "2"

**TO THE FOND DU LAC DENESULINE FIRST NATION
TRUSTEE ELECTION REGULATIONS**

NOMINATION DECLARATION FORM

This declaration must be signed by you and a witness, who is at least 18 years old, and be returned to the Electoral Officer before the time set for returning this Nomination Declaration Form, or it will be void.

In the matter of the Trustee Election of the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trust, held in accordance with the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trust Agreement and the Fond du Lac Denesuline First Nation Trustee Election Regulations, I, the undersigned member of the Fond du Lac Denesuline Nation nominate the following individual as a candidate for trustee:

Candidate's full name: _____

Candidate's address: _____

I declare that:

1. My name is: _____ (print name)
2. My Band Number/Registry Number is: _____
3. My address is: _____
4. That I am at least 18 years of age.

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

5. Signature of Person Nominating the above Candidate: _____

Witness and Seconder Declaration

Declared before me _____ (printed name of witness)

This _____ day of _____ (month), 20__.

Signature of Witness Seconding the Nomination:

Signature of Seconder

(print name of Seconder)

**SCHEDULE “3”
TO THE FOND DU LAC DENESULINE FIRST NATION
TRUSTEE ELECTION REGULATIONS**

VOTER DECLARATION FORM

This declaration must be signed by you and a witness, who is a least 18 years old, and be returned to the Electoral Officer with your completed ballot, or your vote will not be counted.

VOTER DECLARATION ACCOMPANYING THE PAPER BALLOT

In the matter of the election of the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trust, held according to the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trust Agreement and the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trustee Election Regulations, I, _____ solemnly declare that: (Please print your name)

1. I am a member of the Fond du Lac Denesuline First Nation Band of Indians;
2. My Band number is _____ and my date of birth is _____
3. My current mailing address is: _____
(Optional) _____
4. I am at least 18 years of age; and
5. I do not know of any reason why I would be disqualified from voting at this election;

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

Signature of Elector

Date

Witness Declaration

Declared before me _____ (printed name of witness)

This _____ day of _____ (month), 20__.

Signature of Witness: _____

Address of Witness: _____

Telephone Number: _____

**SCHEDULE “4”
TO THE FOND DU LAC DENESULINE FIRST NATION
TRUSTEE ELECTION REGULATIONS**

UNDERTAKING OF TRUSTEE

I, _____ of _____,
appointed as a Trustee of the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trust,
accept the obligations and duties of a Trustee under the Fond du Lac Denesuline First Nation
Treaty 8 Benefits Trust Agreement (the “Trust Agreement”) and will observe and carry out those
obligations and duties in accordance with the Trust Agreement and to that end, I agree to become
a party to and be bound by the provisions of the Trust Agreement.

I acknowledge that I owe a duty, jointly and severally with the other Trustees, to the Fond du Lac
Denesuline First Nation and to the Members of the Fond du Lac Denesuline First Nation to act
with the utmost good faith in my dealings with the Trust Property and to discharge all of my
obligations and duties as a Trustee under the Trust Agreement faithfully, honestly, to the best of
my ability and without the purpose or result of personal gain with the exception of reasonable
remuneration, and to maintain in the strictest of confidence and to declare and mitigate all
conflicts of interest.

I acknowledge that I have received and read a copy of the Trust Agreement,

DATED this _____ day of _____ 20____.

Witness

Signature of Trustee

Print Name of Trustee

SCHEDULE “5”
TO THE FOND DU LAC DENESULINE FIRST NATION
TRUSTEE ELECTION REGULATIONS

OATH OF OFFICE OF APPELLANT BOARD

I, _____ of _____,
appointed as an Appellant Board Member for purposes related to the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trustee Election, accept the obligations and duties of Appellant Board Member as outlined in section 14 of the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trustee Election Regulations (hereafter “the Regulations”) and will observe and carry out those obligations and duties in accordance with the Fond du Lac Deneuline First Nation Treaty 8 Benefits Trust Agreement and the Regulations.

I acknowledge that I owe a duty, jointly and severally with the other Appellant Board Members, to discharge all of my obligations and duties as an Appellant Board Member under the Regulations faithfully, honestly, to the best of my ability and without the purpose or result of personal gain, with the exception of reasonable remuneration.

I acknowledge that I have received and read a copy of the Appeal, Trust Agreement and Trustee Election Regulations.

DATED this _____ day of _____ 20____.

Witness

Signature of Appellant Board Member

Print Name of Appellant Board Member

**SCHEDULE “6”
TO THE FOND DU LAC DENESULINE FIRST NATION
TRUSTEE ELECTION REGULATIONS**

APPOINTEE DECLARATION FORM

I, _____ of _____,
solemnly declare that:

I possess the qualifications of Appeal Board Members outlined in sections 14.03 and 14.04 of the Fond du Lac Denesuline First Nation Treaty 8 Benefits Trustee Election Regulations and have submitted the required documentation to the Electoral Officer:

I possess the following qualifications:

1. I have attained the age of 25 years on the day of the appointment;
2. I have no criminal record;
3. I have successfully completed a Grade 12 education proven by a Certificate from the Provincial Department of Education;
4. I am gainfully employed and not on Income Assistance; and
5. I am not a member of Chief and Council.

I further declare that I am not disqualified for the following reasons:

6. I have not been declared to be mentally incompetent by a court in Canada or elsewhere;
7. I have never declared bankruptcy;
8. I have not been convicted of a criminal offence for which I have not been pardoned;
9. I have not been found civilly liable for fraud, theft or for breach of trust by a court in Canada or elsewhere;
10. I am bondable;
11. I understand the English language in written or oral form; and
12. I am a person who has not, at any time, publicly declared opposition to the Trust or to the Trustees, or to the objectives of the Trust, or has promised members to make per capita payments from the Trust, contrary to its provisions, or has committed corrupt practice in the opinion of a quorum of the Trustee Board. This provision may not apply in the opinion of a quorum of the Trustee Board if a candidate sincerely, publicly and in writing denounces their previous opposition if their opposition was based upon a misunderstanding of the Trust, its objectives, and the role of the Trustees.

I further attach my current Criminal Record Check and Vulnerable Persons Record check in accordance with section 14.05 of these Regulations.

Print Name as on Ballot

Appointee's Signature

Processed by Deputy Electoral Officer