



INFORMATION & FACTS ON THE WLON DRAFT CUSTOM ELECTION CODE

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Term Length

This criterion specifies the number of years for which chief & council are elected to office in regularly scheduled elections. Options for WLON to create a custom election may be for a three-year term for their chief & council, or opting for a four year term or staying with the two year term historically favored by AANDC.

A possibility is to stagger elections – for example, with a four year term, have a vote of confidence after 2 years of office. This gives the membership the opportunity to hold their elected leadership accountable to the affairs of the community.

Council Size

This provision sets the overall size of the council (defined as councillors plus chief). The numbers mentioned in custom codes are widely divergent. An example would be to have 4 councillors and one chief for a total of 5 elected leaders for WLON.

Candidate Eligibility

This section will outline the eligibility requirements of candidates who wish to run for chief or council. Requirements commonly seen in custom election codes are: Member of WLON; Understanding and respect of Anishinaabe culture, traditions & customs; Working knowledge of Anishinaabe & English languages. A CPIC (criminal record check) clear of any serious offences. Other requirements can be complicated and are detailed in the following sections.

Candidates Financial Status

The custom election code may prohibit those owing money to the WLON or in serious financial trouble from seeking elected office. Some options for consideration on this selection of the election code are:

- (1) No potential candidate may be eligible for office that owes money to the first nation
- (2) No potential candidate is eligible for office if they are in

Candidate Residency

Residency requirements for candidates set out where a candidate must live; (1) to be eligible to run for office and (2) to serve if elected. They relate specifically to whether the candidate lives in or on the territory of WLON.

The most common approach is that any citizen of the WLON may run for office, regardless of their place of residence. There are various options for ensuring the candidate, if successful, be active in the community.

Once elected, a successful candidate must ensure that they can actively participate in affairs of the WLON on a day-to-day basis, as required.

Candidates who are Employees

Eligibility rules and options regarding employees of WLON must be set out whether such individuals are allowed to seek elected office and in what circumstances.

- (1) An option may be current employees must take an unpaid leave of absence from their current job with WLON
- (2) Another option requires that they must take a leave of absence once elected
- (3) Another option may state that any employee elected to the office of chief or councillor is to resign from their job upon election.

Candidates Age

This criterion sets a minimum age for a candidate – either any candidate, or candidate for chief only. This election code may set the minimum age for a candidate at the same minimum age for electors (generally 18 years)

Another option is to require candidates for chief or council to be older than the minimum age for an elector. Also, if a candidate wants to run for chief, that individual must have prior councillor experience before being nominated for chief.

Electoral Officer Impartiality

These provisions set out rules to ensure that the electoral officer conducts the nominations and electoral processes in a fair and impartial fashion. All codes prohibit the electoral officer from voting in the election, except to break a tie, or from being a candidate.

One option within the election code would specify that the electoral officer might not be a member of the community. A second option may prohibit the electoral officer from nominating or seconding the nomination of a candidate.

Another approach is that, once selected, the electoral officer provides the council with an undertaking to discharge the duties and responsibilities in a fair and neutral manner. (one week prior to election and results.) The chief and council will select the electoral officer one month prior to nominations.

Nomination Procedures

Nomination procedures set out how the names of those who will run for chief and council positions are put forward. The details for nomination procedures may vary. Generally, however, all share the following qualities:

- (1) A nomination meeting is held well in advance of the election (approximately one month), with the time and place of that meeting made public beforehand.
- (2) Nominations must be made and seconded by individuals who are eligible to vote in the upcoming election, which commonly means citizens of WLON who are over the age of 18.

Accepting or rejecting a nomination

This provision details how any nominated candidate accepts or rejects their nomination. If that candidate rejects their nomination it must be provided in writing within two weeks of election date

Process for launching an appeal

These provisions set out the steps for electors and/or candidates to follow where they wish to appeal the results of an election. The notice of appeal must be sworn before a notary public or commissioner of public oaths on the reasons for wanting an election declared invalid, along with any supporting documents and a \$100 non-refundable fee.

Another approach requires any candidate or voter who feels the election was conducted improperly must notify the relevant authority within thirty days of the election. The authority can conduct an investigation to determine if the appeal was valid and, if necessary, set the election aside.

Who hears and decides appeals

This criterion establishes who hears any appeal relating to an election. One outcome refers challenges to an arbitrator chosen by the band council.

WLON would put a specific appeal committee in place before the election.

Consisting of three people (two from the community and the electoral officer), each member provides the council with an undertaking to discharge his or her duties in a fair and neutral manner.

Vacancies

There may be occasions when, for whatever reason, the office of chief or councillor becomes vacant during a council term. These regulations set out the rules for dealing with such vacancies.

One option may state that if the post of chief or councillor becomes vacant with fewer than six months remaining in a council term, the seat remains empty, unless the number of councillors falls below that needed for quorum. In that case, a by-election is held with 60 days.

The most important aspect of this information sheet is for you, as members of WLON, to understand that you have a voice in the way we govern ourselves. The noted information and facts are there as a tool to understand what changes could be implemented and what options are available to move forward as a sovereign Ojibway Nation.

The community leadership values your input, knowledge and assistance with our revisions of the WLON Election Code. Our goal is to ensure that all of membership has had a voice and that it is valued.

We encourage your participation & feedback and say Miigwech for all your support and assistance.



Governance Office

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