



Métis Nation of Ontario Electoral Code: Part A

Table of Contents

ARTICLE 1. PURPOSE, SEAL AND NAME 3

ARTICLE 2. DEFINITIONS 3

ARTICLE 3. DATE OF ELECTION 8

ARTICLE 4. CHIEF ELECTORAL OFFICER..... 8

ARTICLE 5. ELECTORS 9

ARTICLE 6. NOMINATION OF CANDIDATES 10

ARTICLE 7. USE OF MNO RESOURCES DURING ELECTION 17

ARTICLE 8. LIST OF ELECTORS 19

ARTICLE 9. ELECTION BY ACCLAMATION 20

ARTICLE 10. VACANCIES FILLED AT ANNUAL GENERAL ASSEMBLY 21

ARTICLE 11. POSTING OF NOTICE OF POLL AND CANDIDATES 22

ARTICLE 12. WITHDRAWAL OF CANDIDATE 22

ARTICLE 13. DEATH OF CANDIDATE 23

ARTICLE 14. APPOINTMENT OF ELECTION OFFICERS..... 24

ARTICLE 15. POLLING HOURS..... 25

ARTICLE 16. VOTING LOCATIONS 25

ARTICLE 17. SCRUTINEERS..... 26

ARTICLE 18. Paper BALLOT BOXES..... 26

ARTICLE 19. CONTENTS OF BALLOTS 27

ARTICLE 20. POLLING BOOTHS 27

ARTICLE 21. MATERIAL AT POLLING STATION 28

ARTICLE 22. PERSONS ENTITLED TO REMAIN IN POLLING AREA..... 29

ARTICLE 23. SECRECY OF VOTING & SECRET BALLOT..... 29

ARTICLE 24. OPENING OF POLLING STATION..... 30

ARTICLE 25. ADVANCE POLLS 30

ARTICLE 26. POLL BOOKS..... 32

ARTICLE 27. GENERAL PROCEDURE AT POLLING STATION..... 32

ARTICLE 28. EXPLANATION OF VOTING 33

ARTICLE 29. APPOINTMENT OF INTERPRETER..... 33

ARTICLE 30. REMOVAL OF BALLOT FROM POLLING STATION 34

ARTICLE 31. FORFEITURE OF VOTING RIGHTS 34

ARTICLE 32. SPOILED BALLOT 34

ARTICLE 33. VOTING BY A DISABLED PERSON..... 34

ARTICLE 34. PROCEDURE ON CLOSE OF POLL..... 35

ARTICLE 35. ANNOUNCEMENT OF VOTE 39

ARTICLE 36. RECOUNT 39

ARTICLE 37. RECOUNT PROCEDURE AND TIE BREAKING VOTE 39

ARTICLE 38. ANNOUNCEMENT OF THE RECOUNT RESULTS 40

ARTICLE 39. BALLOTS TO BE DESTROYED..... 40

ARTICLE 40. GENERAL 41

ARTICLE 41. INTERPRETATION 41

ARTICLE 42. OBJECTIONS & APPEALS..... 41

ARTICLE 43. ADOPTION OF NEW VOTING METHODS or technology..... 45

ARTICLE 44. EMERGENCIES..... 45

MNO Electoral Code: Part A



ARTICLE 1. PURPOSE, SEAL AND NAME

Purpose

1.1 The purpose of the MNO Electoral Code is to establish fair, open and democratic procedures and rules for the Elections of the Métis Nation of Ontario.¹

Seal

1.2 The seal, an impression whereof is stamped in the margin hereof, is the seal of the Métis Nation of Ontario Secretariat (“MNO”). This seal affirms that this is the official MNO Electoral Code.²

Code is in Two Parts

1.3 This MNO Electoral Code is herein established. The rules governing the Elections of the MNO are contained within and shall be known as the MNO Electoral Code.

- (a) Part A of the MNO Electoral Code shall contain the rules governing the Elections for the PCMNO, MNOYC and the MNOVC.³
- (b) Part B shall contain the rules governing the Elections for Community Councils.⁴

ARTICLE 2. DEFINITIONS

Definitions

- 2.1 In this document
- (a) **“Ballot”** means a Paper Ballot, an Electronic Ballot, and a Telephone Ballot;⁵

¹ January 2002 amendment added purpose clause to make consistent with Part B

² January 2002 amendment added “This seal affirms that this is the official MNO Electoral Code,” to assist in keeping track of official registered versions of the *Code*.

³ July 20, 2011 amended MNOY to MNOYC. July 2007 amendment removed WMNO. July 4, 2004 amended to add the MNOVC. March 9, 1999 amended to include MNOY.

⁴ June 7-8, 2001 amendment divided the *Code* into two parts.

- (b) **“Bylaws”** means the bylaws of the Métis Nation of Ontario Secretariat as amended from time to time;⁶
- (c) **“Candidate”** means a person whose name is posted on the list of Candidates for office in the PCMNO, MNOYC or the MNOVC, pursuant to Article 10.1 of this Code. For greater certainty a person is not a Candidate until he or she has met all the requirements set out in Article 6 of this Code;⁷
- (d) **“Chief Operating Officer”** means a person appointed by the PCMNO to act as the head of the administration of the MNO;⁸
- (e) **“Chief Electoral Officer”** means an independent, non-partisan entity selected by the PCMNO through a vetting process, pursuant to this Code who is charged with operating Elections for the MNO;⁹
- (f) **“Electoral Code”** or **“Code”** means this MNO Electoral Code and includes appendices and footnotes;¹⁰
- (g) **“Election”** means an election called by the PCMNO;
- (h) **“Election Officer”** means a Chief Electoral Officer, Returning Officer or Poll Clerk as appointed pursuant to this Code;
- (i) **“Elector”** means a citizen of the MNO who is entitled to vote pursuant to this Code;
- (j) **“Electronic Ballot”** means an image of a ballot on a computer screen prepared in accordance with a policy adopted pursuant to Article 43 of this Code.¹¹

⁵ The MNO 2019 AGA added the definition “Ballot”. All subsequent references to “ballot” have been changed to upper-case “Ballot”, as appropriate.

⁶ July 4, 2004 amended by adding the phrase “as amended from time to time”

⁷ July 20, 2011 amended to change MNOY to MNOYC. July 2007, amended to remove WMNO. July 4, 2004 amended to include MNOVC and to clarify the distinction between a person who is nominated and one who is a Candidate and previously read “...means a person who is nominated for office in the PCMNO, WMNO or the MNOY”.

⁸ 2014 amendment changed “chief administrative officer” to “Chief Operating Officer”. June 7-8, 2001 amended by adding definition of “chief administrative officer”.

⁹ The MNO 2019 AGA replaced “person appointed by the PCMNO” with “independent, non-partisan entity elected by the PCMNO through a vetting process”.

¹⁰ July 4, 2004 amended to include appendices and endnotes.

¹¹ The MNO 2019 AGA added the definition “Electronic Ballot”.

- (k) **“Electronic Voting”** means voting via the internet in accordance with a policy adopted pursuant to Article 43 of this Code;¹²
- (l) **“Executive”** or **“Executive Council”** means the Executive Council of the PCMNO which is composed of the President, Chair, Vice-Chair, Secretary-Treasurer and an Executive Senator;¹³
- (m) **“Immediate Relative”** means the spouse, child, sibling, or parent of a Candidate;
- (n) **“List of Electors”** means a list made pursuant to this Code of persons entitled to vote at an Election. Any publicly posted versions of the List of Electors or preliminary List of Electors must not include the addresses, telephone numbers, email addresses, or other contact information of any Elector¹⁴;
- (o) **“MNO”** means the Métis Nation of Ontario;
- (p) **“MNOYC”** means the Métis Nation of Ontario Youth Council;¹⁵
- (q) **“MNOVC”** means the Métis Nation of Ontario Veterans Council;¹⁶
- (r) **“Ordinarily Resident”** means a person who actually lives and has lived continuously in Ontario for at least one (1) full year prior to the date of the Election. In making such determination, temporary absences from Ontario for reasons such as travel, education, medical treatment, military service or incarceration shall be considered periods of residence provided the person was ordinarily resident prior to such temporary

¹² The MNO 2019 AGA added the definition “Electronic Voting”.

¹³ 2014 amendment added the term “Executive Senator” as a title to distinguish the Senator that sits on the Executive Committee from the Senators sitting on PCMNO. The MNO 2019 AGA replaced “Co-Chair” with “Vice-Chair”.

¹⁴ The MNO 2019 AGA added: “Any publicly posted versions of the List of Electors or preliminary List of Electors must not include the addresses, telephone numbers, email addresses, or other contact information of any Elector.”

¹⁵ July 20, 2011 amended to change MNOY to MNOYC.

¹⁶ July 4, 2004 amended to add MNOVC after it became an MNO Charter entity in 2003.

absences. A person can have only one place of ordinary residence;¹⁷

- (s) **“Outstanding Obligations”** means obligations owed by an individual to MNO, that remain unresolved to the satisfaction of the Chief Operating Officer, as of February 1st in the year of an Election and includes any monies owed to MNO, unresolved expense claims and property belonging to MNO that MNO has requested be returned.¹⁸
- (t) **“Paper Ballot”** means a Ballot on a piece of paper prepared in accordance with Article 19 of this Code;¹⁹
- (u) **“Paper Ballot Box”** means a box that meets the requirements of Article 18.1 of this Code to hold Paper Ballots;²⁰
- (v) **“PCMNO”** means the Provisional Council of the MNO;
- (w) **“Poll Book”** means a list of names of persons who have received Paper Ballots²¹ at an Election pursuant to this Code;
- (x) **“Poll Clerk”** means a person appointed by the Chief Electoral Officer pursuant to this Code;
- (y) **“Polling Station”** means a place where an Elector casts his or her vote and which is set up pursuant to this Code;
- (z) **“Region”** means one of the nine (9) Regions of the MNO;
- (aa) **“Regional Councilor”** means a person who is nominated as a Candidate for councilor of one of the nine MNO Regions;²²

¹⁷ July 1998 amendment, previously read “a person who lives or has lived the majority of the past year”. April 12, 1996 amendment, previously read “who lived or has lived”.

¹⁸ 2014 amendment added this definition.

¹⁹ The MNO 2019 AGA added the definition “Paper Ballot”.

²⁰ The MNO 2019 AGA added the definition of “Paper Ballot Box”.

²¹ The MNO 2019 AGA replaced “ballots” with “Paper Ballots”.

²² February 1999 amendment, previously read “Regional representative”.

- (bb) **“Registrar”** means the person with the primary responsibility to manage and administer the MNO Registry;²³
- (cc) **“Registered Citizen”** means a Métis person whose application for MNO citizenship has been approved by the MNO as of midnight February 1st in the year of the Election;²⁴¹⁷
- (dd) **“Returning Officer”** means a person appointed by the Chief Electoral Officer pursuant to this Electoral Code;
- (ee) **“Scrutineer”** means an Elector who is authorized to represent a Candidate at a Polling Station pursuant to this Code;
- (ff) **“Telephone Ballot”** means an audio set of instructions which describe the choices available to the Elector and instructions to mark the Elector’s selection of an affirmative or negative response by depressing the numbered telephone keypad of a telephone or wireless phone;²⁵
- (gg) **“Telephone Voting”** means voting via a telephone or wireless phone in accordance with a policy adopted pursuant to Article 43 of this Code;²⁶
- (hh) **“Verified”** means a Registered Citizen whose genealogical documentation has been assessed and approved by the MNO Registrar according to the MNO’S verification process as amended from time to time;²⁷
- (ii) **“Veteran”** means a person who is defined as such by the MNOVC in its MNO Charter Agreement; and²⁸
- (jj) Deleted.²⁹

²³ June 7-8, 2001 amended to add definition of “Registrar”.

²⁴ 2014 amendment deleted receipt date and established an earlier approval date. Previously read “...has been received before February 20th in the year of the Election and has been approved by the MNO as of midnight March 31st...”. July 4, 2004 amended to add “person” and change date of receipt of application, previously read “...as of February 20th”. February 1999 amendment, previously read ““Registered Citizen” means a Métis whose application for MNO citizenship has been registered at the head office of the MNO as of midnight March 31st in the year of the Election”.

²⁵ The MNO 2019 AGA added the definition “Telephone Ballot”.

²⁶ The MNO 2019 AGA added the definition “Telephone Voting”.

²⁷ July 4, 2004 amendment, previously read “...whose genealogical documentation and proof of Aboriginal ancestry has been Verified by the MNO registrar”. February 1999 amended to add definition of “Verified”.

²⁸ July 4, 2004 amended to add definition of “Veteran”.

ARTICLE 3. DATE OF ELECTION**Date of
Election**

- 3.1 The date of the Election shall be the first Monday of the month of May in the year that the Election is required or any other date determined by the PCMNO, annual assembly, or special meeting according to the Bylaws of the MNO.
- (a) A timetable for the Elections that sets out many of the scheduled deadlines is attached, for convenience, as Appendix A. In the event of any conflict between the timetable and a written article in this Electoral Code or a policy made pursuant to Article 43, the written article of the Electoral Code or the policy shall prevail.³⁰

ARTICLE 4. CHIEF ELECTORAL OFFICER**Chief
Electoral
Officer**

- 4.1 The PCMNO shall appoint a Chief Electoral Officer who shall:
- (a) provide guidance and supervision respecting the conduct of the Election;
- (b) ensure that all Election Officers in the conduct of their duties and in compliance with this Electoral Code conduct the Election using the guiding principles of fairness and impartiality;
- (c) issue to Election Officers any information and guidance he or she considers necessary to ensure the effective carrying out of the provisions of this Code;
- (d) reconcile all Ballots and prepare an official Election report to the citizens of the MNO;³¹ and
- 4.2 perform all duties assigned pursuant to this Code or any policies adopted under it.³²

²⁹ July 2007 amended to delete clause, previously read "WMNO" means the Women of the Métis Nation of Ontario." February 20, 1999 amended to change MWO to WMNO.

³⁰ July 4, 2004 amended to add timetable. The MNO 2019 AGA amended this clause to read "In the event of any conflict between the timetable and a written article in this Electoral Code or a policy made pursuant to Article 43, the written article of the Electoral Code or the policy shall prevail", which previously read: "In the event of a conflict between the timeline and a written article of this Electoral Code, the written article shall prevail."

³¹ The MNO 2019 AGA replaced "ballot" with "Ballot".

³² The MNO 2019 AGA added "or any policies adopted under it" after "perform all duties assigned pursuant to this Code".

ARTICLE 5. ELECTORS**Electors**

- 5.1 Any Registered Citizen of the MNO who is Ordinarily Resident in Ontario is eligible to be an Elector.³³
- 5.2 An Elector who is sixteen (16) years of age or older is entitled to cast one (1) vote for the each of the following officers:
- (a) President;
 - (b) Chair;
 - (c) Vice Chair;³⁴
 - (d) Secretary-Treasurer;
 - (e) Regional Councilor in his or her Region; and
 - (f) Post-secondary representative.³⁵
- 5.3 Only Electors who are between the ages of sixteen (16) and twenty-nine (29) years of age may vote for the youth representatives on the PCMNO, for the regional youth representatives on the MNOYC, and for the Chair Person of the MNOYC.³⁶
- 5.4 Deleted.³⁷
- 5.5 Only Veterans may vote for the MNOVC representatives. Each Veteran shall, before voting affirm as follows:

**Veteran's
Affirmation**

I solemnly affirm that my name is _____ . I am Métis, a citizen of MNO and a Veteran as defined by the MNOVC.³⁸

³³ March 9, 1999 amendment, previously read "Any registered Citizen of the MNO is eligible to be an Elector if that person has been Ordinarily Resident in Ontario for at least one (1) year prior to the date of Election."

³⁴ 2014 amendment – replace "Co-Chair" with "Vice-Chair" for consistency with MNO Secretariat Bylaws.

³⁵ July 4, 2004 amendment added post-secondary representative.

³⁶ July 20, 2011 amendment changed MNOY to MNOYC. February 1999 amendment, added youth Regional Councilors and changed the ages of Electors, previously read "between the ages of sixteen (16) and twenty-four (24) years of age." November 1998 amendment changed the ages of Electors, previously read "24 years of age or younger". The MNO 2019 AGA added "and for the Chair Person of the MNOYC" after "for the regional youth representatives on the MNOYC".

³⁷ July 20, 2011 amendment changed "Regional youth councilors" to "Regional youth representatives". July 2007 amendment deleted clause, which previously read, "Only female Electors may vote for the WMNO representatives." June 7-8, 2001 amendment added this clause.

³⁸ 2014 amendment replaced "Veteran of the Canadian Armed Forces" with "Veteran as defined by the MNOVC." July 2007 amendment added the sentence "Each Veteran shall, before voting affirm ... Armed Forces". July 4, 2004 amendment added the sentence "Only Veterans may vote for the MNOVC representatives".

**Individuals
Not Eligible to
Vote**

- 5.6 The following persons are not eligible to vote at an Election:
- (a) individuals who are registered on the MNO Registry but who are not 16 years of age on Election day;³⁹
 - (b) individuals to whom MNO has issued written notice that they have Outstanding Obligations;⁴⁰
 - (c) individuals to whom MNO has issued written notice that their rights and privileges as MNO citizens are suspended pursuant to MNO policies;⁴¹
 - (d) Returning Officers; and
 - (e) Chief Electoral Officer except to break a tie at a recount.⁴²

**Elector's
Affirmation**

- 5.7 Each Elector shall, before voting affirm as follows:

I solemnly affirm that my name is _____. I am Métis and I am a descendent of the historic Métis Nation. I affirm that I do not identify as Indian or an Inuit and I am not registered as an Indian under either the Indian Act or any band membership code or an Inuk under an Inuit Registry. I am ordinarily resident in the province of Ontario. I pledge my allegiance to the MNO as the only representative political body for the Métis in Ontario. I agree with the aims and objectives of the MNO as stated in the Statement of Prime Purpose.⁴³

ARTICLE 6. NOMINATION OF CANDIDATES**Notice of
Nominations**

- 6.1 The Chief Electoral Officer shall, on or before March 1st in the year of the Election, post in the offices of each Métis

³⁹ June 7-8, 2001 amendment added this clause.

⁴⁰ 2014 amendment – to add those with Outstanding Obligations, to clarify that written notice does not have to be sent each Election year and to reverse the onus so that it is up to those with Outstanding Obligations to prove that they are eligible to vote.

⁴¹ 2014 amendment – to clarify that written notice does not have to be sent each Election year to those whose rights and privileges have been suspended, and to reverse the onus so that it is up to those suspended to prove that their suspension has been lifted and that they are eligible to vote. July 12, 2001 amendment, previously read “individuals whose rights and privileges as MNO citizens have been suspended by notice in writing and have not to the satisfaction of the Chief Administrative Officer complied with the requirements for reinstatement by March 15th in the year of the Election.”

⁴² March 9, 1999 amendment clarified that all ties will be broken by the Chief Electoral Officer, and deleted “except to break a tie between Regional Councilors at the recount” and “between Executive Candidates, post-secondary representative or youth representative.”

⁴³ July 4, 2004 amendment to reflect the new definition of Métis in the MNO Bylaws., previously read “... I am a Métis and identify as such. I have at least one grandparent who is an Aboriginal person. I am Ordinarily Resident in the province of Ontario. I affirm that I am not registered as an Aboriginal person under either the *Indian Act* or the *Inuit Registry*...” February 1999 amendment, added “I pledge my allegiance to the MNO as the only representative political body for the Métis in Ontario. I agree with the aims and objectives of the MNO as stated in the Statement of Prime Purpose.”

community council, on the MNO website and in the MNO newspaper, the Métis Voyageur, notice of:⁴⁴

- (a) the place and hours fixed for the nominations of Candidates and the date fixed for closing nominations;
- (b) the nomination papers required to be filed with the Chief Electoral Officer; and
- (c) the address and phone number of the Chief Electoral Officer.

**Nominations
Close
April 1st**

6.2 On April 1st in the year of the Election, nominations close at 5:00 p.m. central time for Candidates who live in Region One and at 5:00 p.m. eastern time for Candidates who live in Regions Two – Nine.⁴⁵

- (a) Nominations shall be received by the Chief Electoral Officer on April 1st prior to the close of nominations in the time zone in which the Candidate lives.⁴⁶
- (b) Nominations shall be received by the Chief Electoral Officer at a location specified by the Chief Electoral Officer.
- (c) For greater certainty, nomination of senators to hold office on the Executive shall follow the process set out in Article 6.11 of this Code.⁴⁷

6.3 Any citizen of the MNO is eligible to be nominated as a Candidate if on the day his or her nomination papers are filed he or she:

- (a) is sixteen (16) years of age;

**Eligibility for
Nomination**

⁴⁴ 2014 amendment replacing “April 1st” with “March 15th” and added “on the MNO website”. July 4, 2004 amendment, previously read “... 31 days before the date of Elections”. March 1999 amendment, previously read “...in the offices of each Regional council and in newspapers that have a general distribution in each Region notice of...”. The MNO 2019 AGA replaced “March 15th” with “March 1st”.

⁴⁵ 2014 amendment replacing “April 15th” with “April 1st”. July 2007 amended in recognition of the fact that the MNO Election is in two separate time zones. July 4, 2004 amended to add “eastern time”.

⁴⁶ 2014 amendment replacing “April 15th” with “April 1st”. July 2007, amended to delete “Nomination of Candidates for the offices of Executive, post-secondary representative, MNOVC, WMNO, youth representative, MNOY and Regional Councilors shall be received by the Chief Electoral Officer at a location specified by the Chief Electoral Officer prior to on April 15th.” July 4, 2004 amended to add “MNOVC”. March 9, 1999 amended to add “MNOY”. April 12, 1996 amended to “17 days prior to the date of Elections” for the 1996 Election only.

⁴⁷ July 4, 2004 amended to add this clause.

**No Outstanding
Obligations to
MNO**

- (b) is Ordinarily Resident in Ontario;
- (c) has no Outstanding Obligations to MNO.⁴⁸
 - (i) deleted.⁴⁹
 - (ii) The Chief Electoral Officer shall provide a list of Candidates who have filed nomination papers to the MNO Chief Operating Officer who shall have the sole discretion to determine whether each Candidate has Outstanding Obligations and shall so notify the Chief Electoral Officer.⁵⁰
- (d) if seeking to be a Candidate for Regional Councilor, is Ordinarily Resident in the Region for which he or she seeks to be nominated;
- (e) if seeking to be youth Candidate in the PCMNO or MNOYC is 25 years of age or younger on the day of the Elections;⁵¹
- (f) if seeking to be a Candidate for the MNOVC, is a Veteran;⁵²
- (g) is Verified according to the process set out by the MNO Registrar as amended from time to time;⁵³
- (h) has not been convicted within the past five years of an indictable offence;⁵⁴
- (i) has not been convicted, within the past five years, in connection with an Election, of corrupt practice, accepting a bribe, dishonesty or malfeasance;⁵⁵ or

⁴⁸ 2014 amendment replacing “has no outstanding financial obligations or property belonging to the MNO.”

⁴⁹ 2014 amendment deleted “For the purposes of this clause, MNO shall send out written notice by registered mail by March 15th in the year of an Election to all MNO citizens who have outstanding financial obligations, including unresolved expense claims, or are in possession of property belonging to MNO that MNO has requested be returned.”

⁵⁰ 2014 amendment deleted “financial” and “or is in possession of property belonging to MNO,” both concepts are now embedded in the definition of “Outstanding Obligations” in 6.3(c)(i). June 7-8, 2001 amendment, previously read, “has no financial debt owing to MNO that is more than thirty (30) days in arrears.”

⁵¹ 2014 amendment changed age from 26 years to 25 years and corrected grammar. July 20, 2011 amendment, changed MNOY to MNOYC. June 2007 amended to delete “WMNO”. March 9, 1999 amended to include “MNOY”. Amended by PCMNO February 1999 (previously read “21 years”). The intention is that the youth representative will remain a youth for the entire term of office, hence the requirement that they be at least 3 years younger than the maximum age for youth which is 29 years old.

⁵² July 4, 2004 amendment, adding this clause.

⁵³ February 1999 amendment, adding this clause.

⁵⁴ July 2001 amendment, adding this clause.

- (j) has not had his or her rights or privileges as an MNO citizen suspended by the PCMNO pursuant to this Code, the MNO Policy – Conditions or Limitations That May Apply to MNO Citizenship, or the MNO Bylaws. For greater certainty PCMNO may not suspend the rights or privileges of any MNO citizens between February 1st and the first Monday in May in the year of an Election.⁵⁶

6.4 Each Candidate shall, include in his or her nomination application a signed affirmation as follows:⁵⁷

**Candidate's
Affirmation**

I solemnly affirm that my name is _____. I am Métis and I am a descendant of the historic Métis Nation. I affirm that I do not identify as Indian or as Inuit and I am not registered as an Indian under either the Indian Act or any band membership code or as an Inuk under an Inuit Registry. I am and for the duration of my term of office shall remain Ordinarily Resident in the province of Ontario. If elected for a regional office shall remain resident in that region for the duration of my term of office. I pledge my allegiance to the MNO as the only representative political body for the Métis in Ontario. I agree with the aims and objectives of the MNO as stated in the Statement of Prime Purpose.⁵⁸

**Executive
Nomination
Requirements**

- 6.5 Subject to Article 6.11, all nominations for the Executive shall include the following:
- (a) written acceptance of the nomination by the Candidate;
 - (b) a statement that the Candidate has read the MNO Electoral Code and MNO Bylaws and is eligible to be nominated as a Candidate in the MNO Election;⁵⁹
 - (c) a minimum of seven (7) signatures of Electors in seven (7) of the nine (9) Regions;⁶⁰ and

⁵⁵ July 2001 amendment, adding this clause.

⁵⁶ 2014 amendment to change the date from March 15th to February 1st. July 2007 amendment, adding “the *MNO Policy – Conditions or Limitations That May Apply to MNO Citizenship, or the MNO Bylaws*” and replacing the phrase “rights and...” with “rights or”. July 4, 2004 amendment added this clause.

⁵⁷ 2014 amendment, previously read “Each Candidate shall, before voting, affirm as follows...”

⁵⁸ 014 amendment replaced “I am Ordinarily Resident in the province of Ontario” with “I am and for the duration of my term of office shall remain...” and adding “If elected for a regional office shall remain resident in that region for the duration of my term of office.” July 4, 2004 amended to reflect the revised definition of Métis in the MNO Bylaws, previously read “... I am a Métis and identify as such. I have at least one grandparent who is an Aboriginal person. I am Ordinarily Resident in the province of Ontario. I affirm that I am not registered as an Aboriginal person under either the *Indian Act* or the *Inuit Registry*”. February 1999 amended by adding “I pledge my allegiance to the MNO as the only representative political body of the Métis in Ontario. I agree with the aims and objectives of the MNO as stated in the Statement of Prime Purpose”.

⁵⁹ July 2007 amendment adding this clause.

**Regional
Nomination
Requirements**

(d) a non-refundable deposit in the sum of two hundred dollars (\$200.00) which shall be deposited into the MNO Electoral fund.⁶¹

6.6 All nominations for Regional Councilors shall include the following:

(a) written acceptance of the nomination by the Candidate;

(b) a statement that the Candidate has read the MNO Electoral Code and MNO Bylaws and is eligible to be nominated as a Candidate in the MNO Election.⁶²

(c) a minimum of twenty-one (21) signatures of Electors who reside in the Region for which the Candidate is nominated; and

(d) a non-refundable deposit in the sum of two hundred dollars (\$200.00) which shall be deposited into the MNO Electoral fund.⁶³

**Post-Secondary
Nomination
Requirements**

6.7 All nominations for post-secondary representative shall include the following:

(a) written acceptance of the nomination by the Candidate;

(b) a statement that the Candidate intends to be a student at a post-secondary institution in Ontario for at least 2/3 of the term of office;

(c) a statement that the Candidate has read the MNO Electoral Code and MNO Bylaws and is eligible to be nominated as a Candidate in the MNO Election.⁶⁴

(d) a minimum of four (4) signatures of Electors from each Region; and

(e) deleted.⁶⁵

⁶⁰ 2014 amendment returned the required regions to seven (7). July 20, 2011 amendment changing the number of Elector signatures required from seven (7) in "each Region" to seven (7) in "five of the nine Regions".

⁶¹ 2014 amendment increased the deposit from \$100 to \$200.

⁶² July 2007 amendment adding this clause.

⁶³ 2014 amendment increased the deposit from \$100 to \$200.

⁶⁴ July 2007 amendment adding this clause.

**MNOY
Nomination
Requirements**

- 6.8 deleted.⁶⁶
- 6.9 All nominations for youth representative on the PCMNO, MNOYC regional youth representatives, and Chair Person of the MNOYC⁶⁷ shall include the following:⁶⁸
- (a) written acceptance of the nomination by the Candidate;
 - (b) a statement that the Candidate on the date of Election will be between the ages of sixteen (16) and twenty-five (25) years of age;⁶⁹
 - (c) a statement that the Candidate has read the MNO Electoral Code and MNO Bylaws and is eligible to be nominated as a Candidate in the MNO Election;⁷⁰ and
 - (d) Candidates for youth representatives on the PCMNO and Chair Person⁷¹ require a minimum of four (4) signatures of Electors who are at least sixteen (16) years of age and under the age of thirty (30) from seven (7) of the nine (9) Regions;⁷² or
 - (e) Candidates for Regional youth representatives require four (4) signatures from Electors who are at least sixteen (16) years of age and under the age of thirty

⁶⁵ 2014 amendment deleted this clause, which previously read “a non-refundable deposit in the sum of fifty dollars (\$50.00) which shall be deposited in the MNO Electoral fund.”

⁶⁶ July 2007 amendment deleting this clause. Previously read “All nominations for Provisional Council of the WMNO shall include the following: (a) written acceptance of the nomination by the Candidate; (b) for positions on the WMNO Executive, a minimum of seven (7) signatures of women Electors from each Region; (c) for WMNO Regional Councilors, a minimum of eleven (11) signatures of women Electors from that Region; (d) for WMNO post secondary representative, a minimum of four (4) signatures of women Electors from each Region; (e) for WMNO youth representative, a minimum of four (4) signatures of female youth Electors from each Region; and (f) a non-refundable deposit which shall be deposited into the MNO Electoral fund in the sum of one hundred dollars (\$100.00) for WMNO President.” February 1999 amended by deleting the one hundred dollar (\$100.00) deposit for WMNO Regional Councilors and the WMNO post secondary representative and also deleting the twenty-five (\$25.00) deposit for the WMNO youth representative.

⁶⁷ The MNO 2019 AGA added “and Chair Person of the MNOYC”.

⁶⁸ July 20, 2011 amendment changed MNOY to MNOYC and changing Regional youth councilor to Regional youth representative”. February 1999 amendment deleted “a non-refundable deposit in the sum of twenty-five dollars (\$25.00) which shall be deposited into the MNO Electoral fund.” March 9, 1999 amended by adding the MNOY Regional Councilors.

⁶⁹ March 9, 1999 amendment, previously read “twenty-four (24) years of age or younger”. November 1998 amendment, previously read “21 years”.

⁷⁰ July 2007 amendment added this clause.

⁷¹ The MNO 2019 AGA added “and Chair Person” after “MNOYC regional youth representatives”.

⁷² 2014 amendment to reflect the ages of youth in the Bylaws and to make the number of regions required for signatures seven (7) instead of five (5). March 9, 1999 amendment, previously read “under the age of twenty-four (24)”.

(30) from the Region in which they are seeking Election.⁷³

**MNOVC
Nomination
Requirements**

6.10 All nominations for the MNOVC shall include the following:

- (a) written acceptance of the nomination by the Candidate;
- (b) a statement that the Candidate is a Veteran;
- (c) a statement that the Candidate has read the MNO Electoral Code and MNO Bylaws and is eligible to be nominated as a Candidate in the MNO Election;⁷⁴ and
- (d) a minimum of four (4) signatures of Electors who are Veterans.⁷⁵

Senators

6.11 Each community council may elect a senator pursuant to the MNO Electoral Code: Part B. Those senators elected to sit on their community councils, together with the senators currently serving on the PCMNO, and any senators who have served in the past on the PCMNO, who are in attendance at a general assembly, shall, by means of a process which shall be determined by themselves, choose from among themselves four (4) senators to sit on the PCMNO, and from among those four shall also choose a senator who shall sit on the Executive Committee.⁷⁶

**One Nomination
Only**

6.12 A Candidate may not accept a nomination for more than one position on the PCMNO, MNOYC or the MNOVC.⁷⁷

**No Conflict with
Other Aboriginal
Organizations**

6.13 No Métis citizen is eligible to be a Candidate on the PCMNO, MNOYC, or the MNOVC if that person is or was, for the one year prior to the date of the Election, a director or officer of another

⁷³ 2014 amendment to reflect the ages of youth in the Bylaws. July 20, 2011 amendment changed "youth Regional Councilors" to "Regional youth representatives". July 12, 2001 amendment changed the number of required signatures from seven (7) to four (4) and added the phrase "who are under the age of 29".

⁷⁴ July 2007 amendment added this clause.

⁷⁵ July 4, 2004 amendment added this clause.

⁷⁶ 2014 amendment changed "select" to "elect", added the phrase "pursuant to the MNO Electoral Code: Part B and added the phrase "by means of a process which shall be determined by themselves". July 4, 2004 amendment, previously read "Each community may select a Senator to sit on their community council. At the Annual Assembly these Senators shall select four (4) Senators to sit on the PCMNO. These four shall select one (1) Senator to sit on the Executive."

⁷⁷ July 20, 2011 amendment changed MNOY changed to MNOYC. July 2007 amended to remove WMNO. July 4, 2004 amendment added MNOVC. June 7-8, 2001 amendment added MNOY.

Aboriginal body where by being a director or officer, the Candidate would be placed in a conflict of interest situation.⁷⁸

Candidates who
are MNO
Employees

- 6.14 MNO employees may seek nomination for elected positions and provided they follow the rules set out in Article 7 of this Code, are not required to take a leave of absence from their employment at MNO during the Election campaign.⁷⁹

ARTICLE 7. USE OF MNO RESOURCES DURING ELECTION⁸⁰

MNO Resources
not to be used
during Elections

- 7.1 The purpose of this section is to provide direction to MNO employees on how MNO resources, including facilities, events, information, infrastructure and funds, can and cannot be used during an Election. A consistent approach to the use of MNO resources during an Election helps to support confidence in the Election process. This section recognizes the need to balance freedom of expression and assembly of Candidates and employees with responsibilities to not provide an unfair advantage, promotion or contributions to any one Candidate.
- 7.2 Except as set out in this Code, the MNO logo and MNO infrastructure cannot be used for any Election purposes.
- 7.3 MNO resources may not be used to support, endorse or otherwise provide an unfair advantage to any individual seeking to become an office holder during an Election, which includes the period in which individuals are seeking to be nominated as a Candidate.⁸¹
- 7.4 MNO communications materials, including its website, media releases, media advisories, invitations for special events, flyers, posters, banners, brochures and newsletters, will not make reference to and/or identify any individual as a Candidate in any Election or advocate for or against a particular Candidate during an Election. The MNO website will not include any campaign materials or make reference to and/or identify any individual as a Candidate during an Election and will not

⁷⁸ July 2007 amendment removed "WMNO". July 4, 2004 amendment, added MNOY and MNOVC, removed the word provincial from the phrase "another provincial Aboriginal body" and replaced phrase "may accept or place a nomination for a position" with the phrase "is eligible to be a Candidate." Nov. 12, 1998 amendment.

⁷⁹ 2014 amendment added this clause.

⁸⁰ 2014 amendment added this whole section.

⁸¹ The MNO 2019 AGA replaced "any Candidate during an Election" with "any individual seeking to become an office holder during an Election, which includes the period in which individuals are seeking to be nominated as a Candidate."

profile any slogan or symbol associated with a Candidate during an Election.

- 7.5 Information for generic Election-related purposes such as teaching MNO citizens about the Election or how to become a Candidate can be issued for MNO facilities as long as no one particular Candidate is promoted or endorsed.
- 7.6 Because incumbent Candidates continue to hold office or may continue to be employees of MNO during Elections, after April 1st in the year of the Election, advertising and other communications materials paid for with MNO funds and distributed by MNO will not reference the name of elected MNO councilors.
- 7.7 MNO employees will not, during working hours, perform any service, offer any advice or provide any information solely for the use of one Candidate or for any individual seeking to be nominated as a Candidate during an Election. Information provided by MNO to one Candidate will be made accessible to all other Candidates either through posting of the information on the MNO website or through other mechanisms so that all Candidates have equal access to the information.⁸²
- 7.8 Notwithstanding 7.2, Candidates are permitted to distribute campaign materials in MNO facilities subject to limitations set out in this Code and all Candidate meetings can be held at MNO facilities provided that all Candidates are invited to attend and participate in such meetings.
- 7.9 MNO employees may work on a campaign or support a Candidate or individual seeking to be nominated as a Candidate outside of their work hours. MNO employees may not campaign or actively work in support of a Candidate or individual seeking to be nominated as a Candidate during

⁸² The MNO 2019 AGA added “or for any other individual seeking to be nominated as a Candidate” after “for the use of one Candidate”.

working hours unless they are on a leave of absence without pay or taking holiday leave.⁸³

- 7.10 In the event that there is any question as to the use of MNO resources by an MNO employee⁸⁴ in a manner that is inconsistent with this section of the Code, the Chief Electoral Officer may decide to investigate such allegations and make appropriate recommendations to the Chief Operating Officer, who may, at his or her discretion, take appropriate steps to remedy the situation.⁸⁵

ARTICLE 8. LIST OF ELECTORS

List of
Electors

- 8.1 The Chief Electoral Officer shall obtain from the MNO a list of Registered Citizens from the MNO registry.⁸⁶

- 8.2 The Chief Electoral Officer shall then, from the list of Registered Citizens, prepare a List of Electors.⁸⁷

Preliminary
List

- 8.3 The Chief Electoral Officer shall submit to each Community Council president for posting⁸⁸ a preliminary List of Electors, which shall be posted by February 10th in each Métis community council office or any other place determined by the Chief Electoral Officer.⁸⁹

- (a) The Chief Electoral Officer may amend this list as necessary.

⁸³ The MNO 2019 AGA amended this clause, which previously read: "MNO employees may work on a campaign or support a Candidate outside of their work hours. MNO employees may not campaign or actively work in support of a Candidate during an Election during working hours unless they are on a leave of absence without pay" to read: "MNO employees may work on a campaign or support a Candidate or individual seeking to be nominated as a Candidate outside of their work hours. MNO employees may not campaign or actively work in support of a Candidate or individual seeking to be nominated as a Candidate during working hours unless they are on a leave of absence without pay or taking holiday leave."

⁸⁴ The MNO 2019 AGA added "by an MNO employee" after "the use of MNO resources".

⁸⁵ The 2019 MNO AGA amended this clause which previously read: "In the event that there is any question as to the use of MNO resources in a manner that is inconsistent with this section of the Code, the Chief Operating Officer may, at his or her discretion, take appropriate steps to remedy the situation" to read: "in the even that there is any question as to the use of MNO resources by an MNO employee in a manner that is consistent with this Code, the Chief Electoral Officer may decide to investigate such allegations and make appropriate recommendations to the Chief Operating Officer, who may, at his or her discretion, take appropriate steps to remedy the situation."

⁸⁶ March 9, 1999 amendment added "registered".

⁸⁷ 2014 amendment deleted the phrase "and satisfy himself or herself as to the accuracy of the List of Electors."

⁸⁸ The 2019 MNO AGA replaced "Métis community council office" with "Community Council president for posting".

⁸⁹ 2014 amendment changed "April 1st" to "March 1st". Nov. 12, 1998 amendment replaced previous date of April 6th. March 9, 1999 amendment changed "Regional office" to "Métis community council office". The 2019 MNO AGA replaced "March 1st" with "February 10th".

- Posting Final List**
- 8.4 The Chief Electoral Officer shall submit to each Community Council president for posting⁹⁰ a final revised List of Electors, which shall be posted on or before March 10th in the year of the Election in each Métis community council office, or any other place determined by the Chief Electoral Officer.⁹¹
- Amending Final List**
- 8.5 Upon provision of evidence to the satisfaction of the Chief Electoral Officer, of a legitimate error or omission, a person can have his or her name added to, or removed from the List of Electors at any time on or before March 9th in the year of the Election.⁹²
- Vote at Closest Polling Station**
- 8.6 Electors shall vote at the Polling Station closest to where they are Ordinarily Resident or register to vote electronically. In the event of any discrepancy, the Chief Electoral Officer shall make the determination as to which Polling Station is closest. Before March 8th Electors may request of the Chief Electoral Officer that they be placed on the list of another Polling Station and such determinations shall be at the discretion of the Chief Electoral Officer.⁹³

ARTICLE 9. ELECTION BY ACCLAMATION

- Election by Acclamation**
- 9.1 If only one Candidate is nominated for any one office, the Chief Electoral Officer shall declare that Candidate acclaimed to office on April 22nd in the year of the Election.⁹⁴

⁹⁰ The 2019 MNO AGA replaced “Metis community council office” with “Community Council president for posting”.

⁹¹ 2014 amendment changed “April 20th” to “March 10th”. July 4, 2004 amendment replaced “14 days before the date of Election” with “on or before April 20th in the year of the Election.” March 9, 1999 amendment changed “Regional office” to “Métis community council office”. Nov. 12, 1998 amendment replaced “31 days” with “14 days before the date of Election”.

⁹² 2014 amendment changed “April 20th” to “March 9th”. July 4, 2004 amendment, replaced “up to 14 days before the date of Election” with “on or before April 20th”. April 12, 1996 amendment changed to “17 days before the date of Elections” for the 1996 Election only.

⁹³ 2014 amendment added a date by which Electors must request that their name be put on another polling list. March 9, 1999 amendment adding the clause. The 2019 MNO AGA added, through AGA-SPECRES-006, “or register to vote electronically” after “Electors shall vote at the Polling Station closest to where they are ordinarily resident”. Note that the MNO 2019 AGA also adopted AGA-SPECRES-007, which included the MNO Policy on Electronic and Telephone Voting, which provides that every Elector will receive a Personal Information Number which will allow them to vote electronically (i.e., the Policy does not contemplate prior “registration” to have the option to vote electronically).

⁹⁴ July 4, 2004 amendment replaced “within seven (7) days of the time nominations close” with “on April 22nd”. June 7-8, 2001 amendment added the phrase “within seven (7) days of”.

ARTICLE 10. VACANCIES FILLED AT ANNUAL GENERAL ASSEMBLY⁹⁵

Vacancies filled
at AGA

- 10.1 If, after the close of nominations there are offices that are vacant, the Chief Electoral Officer shall, by May 15th, announce in writing that Elections to fill any such vacancies will be held at the next Annual General Assembly. The Chief Electoral Officer shall conduct any such Annual General Assembly Elections to fill vacancies and shall follow the rules set out in this Code with any necessary practical amendments, including the following:⁹⁶
- (a) nominations must be presented to the Chief Electoral Officer by 5pm on the 1st day of the Annual General Assembly and shall be pursuant to Articles 6.3-6.11 of this Code;
 - (b) deleted;⁹⁷
 - (c) notwithstanding Article 9.1(a), the Annual General Assembly Election process for filling vacancies in the MNOYC shall be established by the Chief Electoral Officer in consultation with the MNOYC;⁹⁸
 - (d) voting shall be by secret ballot and ballot box;
 - (e) only delegates who are registered at the Annual General Assembly may vote;
 - (f) in an Election for Regional Councilor, only delegates who are Ordinarily Resident in that Region may vote;
 - (g) no Immediate Relatives of Candidates shall work as an Election Officer at an Annual General Assembly Election;

⁹⁵ July, 2002 amendment added a second round of Elections to fill vacancies at the Annual Summer Assembly.

⁹⁶ July, 2002 amendment, previously read "If, after the close of nominations there are offices that remain without Candidates or without persons elected by acclamation, the Chief Electoral Officer shall set another day for the receipt of nominations for the remaining offices. Nominations shall be six months from the date of the Election and shall follow the processes and rules set out in the *MNO Electoral Code*."

⁹⁷ July 2007 amendment deleted this clause, which previously read "notwithstanding Article 9.1(a), the Annual Summer Assembly Election process for filling vacancies in the WMNO shall be established by the Chief Electoral Officer in consultation with the WMNO;

⁹⁸ July 20, 2011 amendment changed MNOY to MNOYC.

- (h) voting shall take place on the 2nd day of the Annual General Assembly with the polls opening at 9 a.m. and closing at 5 p.m.;⁹⁹
- (i) Election results shall be announced as soon as possible on the 3rd day of the Annual General Assembly.¹⁰⁰
- (j) individuals who are elected at an Annual General Assembly shall hold office until the next regular MNO Election pursuant to Article 3.1 of this Code.

10.2 deleted.¹⁰¹

ARTICLE 11. POSTING OF NOTICE OF POLL AND CANDIDATES

Posting Candidates & Poll Locations

- 11.1 The Chief Electoral Officer shall, four weeks before the day of the Election post in each community council office and on the MNO website, a notice indicating the names of the Candidates and the location, date and time when the Polling Station will be open for voting. This notice will include information on Electronic and Telephone Voting including how and when Electors may vote via Electronic and Telephone Voting as well as any other information the Chief Electoral Officer deems necessary.¹⁰²

ARTICLE 12. WITHDRAWAL OF CANDIDATE

Withdrawal of Candidates

- 12.1 A Candidate may withdraw at any time by filing with the Chief Electoral Officer a signed and witnessed declaration to that effect.
- 12.2 When a Candidate has withdrawn after the Paper Ballots are printed and prior to closing of the Polling Stations on Election day, the Election shall continue, votes cast for the withdrawn

⁹⁹ 2014 amendment changed the date from 4th day to 2nd day of the AGA.

¹⁰⁰ 2014 amendment deleted "after 5pm".

¹⁰¹ June 7-8, 2001 amendment deleted clause, which previously read "If there are more than four (4) Candidates nominated for any office, the Chief Electoral Officer shall declare a preferential ballot whereby Electors will select their preferred three (3) Candidates."

¹⁰² 2014 amendment replaced "regional council office" with "community council office", changed April 22nd to "three weeks before the day of the Election" and added "and on the MNO website". July 4, 2004 amendment, which previously read "within seven (7) days after the close of nominations". The MNO 2019 AGA replaced "three weeks" with "four weeks" and added "This notice will include information on Electronic and Telephone Voting including how and when Electors may vote via Electronic and Telephone Voting as well as any other information the Chief Electoral Officer deems necessary."

Candidate will not be counted, and the Chief Electoral Officer shall make best efforts to so inform Electors:¹⁰³

- (a) by prominently posting a sign at each polling station; and
- (b) by placing a notice in the package containing the mail-in ballots, and/or in the secure, electronic voting portal, if the withdrawal occurred prior to posting the mail-in ballots,¹⁰⁴ or
- (c) by any other means that, in the opinion of the Chief Electoral Officer, is a cost-effective and efficient way of informing the mail-in ballot recipients and electronic voters, if the withdrawal occurred after posting the mail-in ballots.¹⁰⁵

ARTICLE 13. DEATH OF CANDIDATE¹⁰⁶

Death of Candidate

- 13.1 In the event of the death of a Candidate after the Paper Ballots have been printed and prior to closing of the Polling Stations on Election day, the Election shall continue, votes cast for the deceased Candidate will not be counted, and the Chief Electoral Officer shall make best efforts to so inform Electors:¹⁰⁷
- (a) by prominently posting a sign at each polling station; and

¹⁰³ 2014 amendment, replaced previous clause, which read "If a candidate for regional councilor dies after close of nominations and prior to closing of the polling stations on election day, the election shall be held and the chief electoral officer shall establish a new date for closing of nominations and a new election date for that office." The MNO 2019 AGA replaced "ballots" with "Paper Ballots."

¹⁰⁴ The MNO 2019 AGA added, through AGA-SPECRES-006, "and/or in the secure, electronic voting portal" after "by placing a notice in the package containing the mail in ballots". Note that the MNO 2019 AGA also adopted AGA-SPECRES-007, which eliminates mail-in ballots and repealed this clause as it had, prior to the adoption of AGA-SPECRES-006, dealt with only mail-in ballots. The requirements of this clause related to mail-in ballots are no longer applicable due to their elimination as a method of voting.

¹⁰⁵ The MNO 2019 AGA added, through AGA-SPECRES-006, "and electronic voters" after "cost effective and efficient way of informing the mail-in ballot recipients". Note that the MNO 2019 AGA also adopted AGA-SPECRES-007, which eliminates mail-in ballots and repealed this clause as it had, prior to the adoption of AGA-SPECRES-006, dealt with only mail-in ballots. The requirements of this clause related to mail-in ballots is no longer applicable due to their elimination as a method of voting.

¹⁰⁶ 2014 amendment combined the previous 13.2 with this section, replaced "If a Candidate for the Executive dies" with "In the event of the death of a Candidate", replaced "after the close of nominations" with "after the ballots are printed", replaced "be held but the Election for that Executive office shall be postponed and the Chief Electoral Officer shall establish a new date for closing of nominations and for a new Election date for that office" with "and the Chief Electoral Office shall prominently post a sign at each polling station and shall place a notice in the mail-in ballots, informing Electors of the death of the Candidate and that any votes cast for the deceased Candidate will not be counted."

¹⁰⁷ The MNO 2019 AGA replaced "ballots" with "Paper Ballots".

- (b) by placing a notice in the package containing the mail-in ballots, and/or on the secure, electronic voting portal, if the death occurred prior to posting the mail-in ballots, or¹⁰⁸
- (c) by any other means that, in the opinion of the Chief Electoral Officer, is a cost-effective and efficient way of informing the mail-in ballot recipients, if the death occurs after posting the mail-in ballots.¹⁰⁹

13.2 deleted¹¹⁰

ARTICLE 14. APPOINTMENT OF ELECTION OFFICERS

**Appointment of
Election
Officers**

14.1 The Chief Electoral Officer shall appoint a Returning Officer and a Poll Clerk to assist the Returning Officer for each community where a Polling Station is to be established.¹¹¹

**Offices Held
for 30 days**

14.2 A person appointed as either a Returning Officer or Poll Clerk shall hold office from the time appointed until thirty (30) days after the date of the Election.

14.3 Where a vacancy occurs in the office of Returning Officer or Poll Clerk, the Chief Electoral Officer shall forthwith appoint another person to fill the vacancy.

**Immediate
Relatives are
not Election
Officers**

14.4 The general rule is that Immediate Relatives of Candidates shall not serve as Election Officers. However, in recognition of the fact that the MNO is largely made up of families and that some of the communities are small and a strict adherence to this rule may make it impossible to find Election Officers at all, the Chief Electoral Officer may use his/her discretion in this regard, with the following provisos:¹¹²

¹⁰⁸ The MNO 2019 AGA added, through AGA-SPECRES-006, "and/or in the secure, electronic voting portal" after "by placing a notice in the package containing the mail in ballots". Note that the MNO 2019 AGA also adopted AGA-SPECRES-007, which eliminates mail-in ballots and repealed this clause as it had, prior to the adoption of AGA-SPECRES-006, dealt with only mail-in ballots.

¹⁰⁹ The MNO 2019 AGA added, through AGA-SPECRES-006, "and electronic voters" after "cost effective and efficient way of informing the mail-in ballot recipients". Note that the MNO 2019 AGA also adopted AGA-SPECRES-007, which eliminated mail-in ballots and repealed this clause as it had, prior to the adoption of AGA-SPECRES-006, dealt with only mail-in ballots.

¹¹⁰ 2014 amendment deleted this clause, which read "If a candidate for regional councilor dies after close of nominations and prior to closing of the polling stations on election day, the election shall be held and the chief electoral officer shall establish a new date for closing of nominations and a new election date for that office."

¹¹¹ March 9, 1999 amendment to the entire *Code* deleted all references to "deputy Returning Officer".

¹¹² July 2002 amendment, replaced the sentence "A person who is the spouse, child, brother, sister, mother or father of any Candidate shall be ineligible to be appointed Returning Officer or Poll Clerk" with the sentence "The general rule is that Immediate Relatives of Candidates shall not serve as Election Officers."

- (a) Immediate Relatives of Candidates for the PCMNO shall not be appointed as Elections Officers. However, Immediate Relatives of Candidates for Regional Councilor may be appointed as Election Officers in another Region;¹¹³
- (b) Immediate Relatives of Candidates for MNOYC or MNOVC may not be appointed as Election Officers in the same Region;¹¹⁴
- (c) community councils shall make best efforts to conform with this general rule in making recommendations for Election Officers; and
- (d) for greater certainty, a violation of this general rule is an irregularity and, without more, is not grounds for invalidating an Election.

ARTICLE 15. POLLING HOURS

Polling Hours

- 15.1 On the date of the Election, polling shall be from 9:00 a.m. to 8:00 p.m. central time in Region One and from 9:00 a.m. to 8:00 p.m. eastern time in Regions Two – Nine.¹¹⁵
- (a) the hours for voting in the advance poll shall be as set out in Article 25 of this Code.¹¹⁶

ARTICLE 16. VOTING LOCATIONS¹¹⁷

Polling Station Locations

- 16.1 Polling Station locations and electronic voting capability shall be determined by the Chief Electoral Officer, taking into consideration convenience for the Electors, cost, proximity, population and participation levels.¹¹⁸

¹¹³ July 2007 amendment added the sentence "However, Immediate Relatives of Candidates for Regional Councilor may be appointed as Election Officers in another Region". July 4, 2004 amendment replaced "Executive" with PCMNO.

¹¹⁴ AGA July 2007 amendment added this clause. July 20, 2011 amendment changed MNOY to MNOYC.

¹¹⁵ July 2007 amendment in recognition of the fact that the MNO Election covers two time zones—eastern and central. July 12, 2001 amendment added the references to eastern time.

¹¹⁶ July 4, 2004 amendment added this clause.

¹¹⁷ The MNO 2019 AGA deleted "MAIL IN BALLOTS".

¹¹⁸ 2014 amendment replaced previous provision, which read "A polling station shall be in a location that in the opinion of the chief electoral officer is convenient for the electors." The MNO 2019 AGA deleted "and any use of mail-in ballots for specific areas or communities" after "Polling Station locations". The MNO 2019 AGA added "and electronic voting capability" after "Polling Station locations".

16.2 Locations of Polling Stations and secure voters' web portal will be listed on or before April 1st in the year of the Election.¹¹⁹

16.3 Best efforts will be made to ensure that every Polling Station will be accessible for all Electors.¹²⁰

16.4 No Polling Station may be located in the following places:

(a) premises where alcohol or spirits are served; or¹²¹

(b) premises in which a Candidate has an interest.

**Mail-in
Ballots**

16.5 deleted.¹²²

ARTICLE 17. SCRUTINEERS

Scrutineers

17.1 Each Candidate may appoint Scrutineers to represent him or her at each Polling Station, and to observe the Election procedures on his or her behalf.

17.2 Only one Scrutineer per Candidate may be present in the polling area at any one time.¹²³

17.3 A Scrutineer must present a letter of authorization from his or her respective Candidate for the purpose of identifying himself or herself to the Returning Officer.¹²⁴

ARTICLE 18. PAPER BALLOT BOXES¹²⁵

**Ballot
Boxes**

18.1 The Chief Electoral Officer shall provide each Returning Officer with a sufficient number of Paper Ballot Boxes to conduct the Election in his or her Region. The Paper Ballot Boxes shall be made of durable non-see-through material and accompanied

¹¹⁹ 2014 amendment changed date from April 10th to April 1st; added "and specific areas or communities that are going to vote by means of mail-in ballots" and replaced "isolated" with "some". July 4, 2004 amendment changed "21 days prior to the date of Elections" to "on or before April 10th". April 12, 1996 amendment changed to "17 days prior to the date of Elections" for the 1996 Election only. The MNO 2019 AGA deleted "any specific areas or communities that are going to vote by means of mail-in ballots" after Locations of Polling Stations. The MNO 2019 AGA, through AGA-SPECRES-006, added "and secure voters' web portal" after "Locations of Polling Stations". Note the MNO 2019 AGA also adopted AGA-SPECRES-007, which contemplates that Electors will vote from their own electronic devices using a Personal Information Number (see MNO Policy on Electronic and Telephone Voting adopted by AGA-SPECRES-007).

¹²⁰ 2014 amendment replaced "to handicapped persons" with "all electors"

¹²¹ June 7-8, 2001 amendment added this clause.

¹²² 2014 amendment deleted this clause as it is covered in 16.1, previously read "Mail in ballots may be provided to electors in isolated communities that do not have a polling station." March 9, 1999 amendment added mail-in ballots.

¹²³ June 7-8, 2001 amendment added "per Candidate".

¹²⁴ March 9, 1999 amendment, previously read "Each Candidate may appoint not more than one Elector as a Scrutineer to represent him or her at each Polling Station, and to observe the Election procedures on his or her behalf."

¹²⁵ The MNO 2019 AGA replaced added "Paper" in front of "Ballot Boxes"

by a sufficient number of appropriate seals. The Paper Ballot Boxes shall permit the deposit of Paper Ballots but not permit their removal without breaking the seals after they have been attached.¹²⁶

ARTICLE 19. CONTENTS OF BALLOTS

Content of Ballots

- 19.1 There shall be three Ballots, one for the PCMNO, one for MNOYC and one for the MNOVC.¹²⁷
- 19.2 Every Ballot shall contain the first and last name of each Candidate.¹²⁸
- 19.3 The incumbent's name shall not be indicated on the Ballot in any way.¹²⁹
- 19.4 In order to determine the order of the Candidate's names on each Ballot, the Chief Electoral Officer shall have each Candidate's name written on a separate paper and placed in a container. In the presence of witnesses, the Chief Electoral Officer shall draw one name at a time from the container and the order of the Candidate's names on the Ballot shall be determined by the order in which the Chief Electoral Officer draws the names.¹³⁰

ARTICLE 20. POLLING BOOTHS

Polling Booths

- 20.1 Each Polling Station shall contain one or more polling booths arranged so that when a voter is in the polling booth he or she is screened from observation and may mark his or her Paper Ballot or electronically vote without interference.¹³¹
- 20.2 In each polling booth there shall be provided for the use of voters marking their Paper Ballots a suitable table, desk or shelf and a suitable marking instrument or laptop/electronic

¹²⁶ The MNO 2019 AGA replaced "ballot boxes" with "Paper Ballot Boxes" throughout this clause, and replaced "ballot" with "Paper Ballot."

¹²⁷ July 20, 2011 amendment changed MNOY to MNOYC. July 2007 amendment removed the WMNO ballot. July 4, 2004 amendment added another ballot for MNOVC. June 7-8, 2001 amendment added separate ballots. The MNO 2019 AGA replaced "ballot" with "Ballot".

¹²⁸ 2014 amendment added "first and last name". The MNO 2019 AGA replaced "ballot" with "Ballot".

¹²⁹ 2014 amendment added this clause. The MNO 2019 AGA replaced "ballot" with "Ballot".

¹³⁰ 2014 amendment replaced "arranged alphabetically in the order of their surnames and if there are two (2) or more Candidates with the same surname, then in the order of their given names". The MNO 2019 AGA replaced "ballot" with "Ballot".

¹³¹ The MNO 2019 AGA replaced "paper ballot" with "Paper Ballot" and added "or electronically vote" after "Paper Ballot".

device¹³², which shall be properly maintained during polling hours.

ARTICLE 21. MATERIAL AT POLLING STATION

Material at Polling Station

21.1 The Returning Officer shall before the opening of the poll ensure the following are available:

- (a) Copies of directions for the guidance of voters in voting;
- (b) A Poll Book where the names of all Electors are to be entered;
- (c) A copy of the final List of Electors;
- (d) A ballot box or ballot boxes as required;
- (e) A sufficient number of Paper Ballots and/or laptops/electronic devices;¹³³
- (f) The material necessary to enable voters to mark the Paper Ballot¹³⁴;
- (g) Such other forms, office stationary and materials as may be required to enable the Returning Officer to perform his or her duties;
- (h) A copy of the Oath of Allegiance as stated in Article 5.7 of this Code;
- (i) A copy of the MNO Statement of Prime Purpose; and
- (j) A copy of the list of all Electors that have already voted in the Election using an Advance Poll, Electronic or Telephone Voting;¹³⁵

21.2 The Returning Officer shall ensure that all campaign materials shall be removed from the Polling Station prior to the poll opening.¹³⁶

¹³² The MNO 2019 AGA replaced "ballot" with "Paper Ballot" and added "or laptop/electronic device" after "and a suitable marking instrument".

¹³³ The MNO 2019 AGA replaced "ballot papers" with "Paper Ballots" and added "and/or laptops/electronic devices" after "Paper Ballots".

¹³⁴ The MNO 2019 AGA replaced "ballot papers" with "Paper Ballots";

¹³⁵ The MNO 2019 AGA added this clause.

ARTICLE 22. PERSONS ENTITLED TO REMAIN IN POLLING AREA

Persons in Polling Area

- 22.1 Only the following persons may remain in a polling area during polling hours:
- (a) Poll Clerk
 - (b) Returning Officer;
 - (c) Chief Electoral Officer;
 - (d) one Scrutineer per Candidate;
 - (e) interpreters.
- 22.2 Candidates shall not campaign at or within 50 meters of the Polling Station during polling hours.¹³⁷

Secrecy of Voting

ARTICLE 23. SECRECY OF VOTING & SECRET BALLOT

- 23.1 No person shall interfere or attempt to interfere with an Elector who is marking his or her Ballot or casting his or her vote or otherwise attempt to obtain at the Polling Station information as to the Candidate or Candidates for whom an Elector at that Polling Station is about to vote or has voted.¹³⁸
- 23.2 Each Returning Officer, Poll Clerk, Candidate and Scrutineer in attendance at a Polling Station or at the counting of the Paper Ballots¹³⁹ shall assist in maintaining the secrecy of the voting and he or she shall not communicate or attempt to communicate any information obtained at the polling place regarding which Candidate an Elector has voted for or is about to vote for.
- 23.3 Voting in the Election shall be by secret Ballot, whether by mail-in ballot or electronic device. Electronic voting will be via a secure web portal with a unique, one-time use log in key for

Secret Ballot

¹³⁶ July 2007 amendment added this clause.

¹³⁷ July 2007 amendment replaced the sentence "Nothing in this *Electoral Code* restricts a Candidate from briefly visiting a Polling Station during polling hours."

¹³⁸ The MNO 2019 AGA replaced "ballot" with "Ballot".

¹³⁹ The MNO 2019 AGA replaced "ballot" with "Paper Ballot".

each voter registered for electronic voting. These unique keys will become invalid after the first successful log-in.¹⁴⁰

ARTICLE 24. OPENING OF POLLING STATION

- 24.1 Each Returning Officer shall attend at the Polling Station at least thirty (30) minutes prior to the opening of his or her Polling Station.
- 24.2 During the 30 minutes immediately prior to the opening of the Polling Station the Returning Officer shall show the Paper Ballot Box to Candidates, Scrutineers and other persons entitled to be present so that they may see that the ballot box is empty.¹⁴¹
- 24.3 After the Paper Ballot Box has been shown it shall be sealed for receipt of Paper Ballots and at all times during the hours of voting.¹⁴²

**Display of Ballot
Box**

ARTICLE 25. ADVANCE POLLS

- 25.1 An advance poll shall be held two (2) Saturdays before the day of the Election to enable the following persons to vote:¹⁴³
- (a) Electors who are disabled;
 - (b) Electors who believe that they will be absent from their ordinary place of residence on polling day; and
 - (c) Poll Clerks, Scrutineers and Candidates who believe that because of their official duties on polling day they will be unable to attend at the Polling

**Advance
Polls**

¹⁴⁰ The MNO 2019 AGA replaced "ballot" with "Ballot". The MNO 2019 AGA, through AGA-SPECRES-006, added "whether by mail-in ballot or electronic device. Electronic voting will be via a secure web portal with a unique, one-time use log in key for each voter registered for electronic voting. These unique keys will become invalid after the first successful log-in" after "secret Ballot". Note that the MNO 2019 AGA also adopted AGA-SPECRES-007, which eliminates mail-in ballots, and adopts the MNO Policy on Electronic and Telephone Voting. The MNO Policy on Electronic and Telephone Voting provides that every Elector will be provided with a Personal Information Number that can be used to vote electronically or by telephone. The Policy provides that Personal Information Numbers can only be used once.

¹⁴¹ The MNO 2019 AGA replaced "ballot box" with "Paper Ballot Box."

¹⁴² 2014 amendment deleted "locked and". The MNO 2019 AGA replaced "ballot box" with "Paper Ballot Box" and "ballots" with "Paper Ballots".

¹⁴³ 2014 amendment deleted "on the Saturday immediately preceding the Election" and replaced it with "be held two (2) Saturdays before the day of the Election."

Station to cast their votes.¹⁴⁴¹

- 25.2 Advance Polling Stations shall be in locations that, in opinion of the Chief Electoral Officer, are convenient for the Electors.
- 25.3 deleted.¹⁴⁵
- 25.4 The rules in this Electoral Code regarding the conduct of an Election on Election day apply with all necessary modifications to the advance poll.
- 25.5 Notwithstanding 25.4, advance polls shall be open for voting from 3 p.m. – 7 p.m. in each relevant time zone.¹⁴⁶
- 25.6 At the close of every advance poll, the Returning Officer shall:
- (a) not sort or unfold the Paper Ballots;¹⁴⁷
 - (b) count the total number of Paper Ballots¹⁴⁸ cast and place them into the marked envelope(s) provided by the Chief Electoral Officer;
 - (c) seal and sign along the sealed edge of the envelope(s); and
 - (d) deliver the envelope(s) immediately to a place designated by the Chief Electoral Officer.¹⁴⁹
- 25.7 The Chief Electoral Officer shall generate a list of all Electors who voted in an advance poll forthwith after the close of advance polls.¹⁵⁰

¹⁴⁴ June 7-8, 2001 amendment removed “Returning Officers” removed from this list.

¹⁴⁵ July 2007 amendment deleted this clause, which previously read, “The Returning Officer shall obtain from each Elector prior to voting at the advance poll, a signed statement indicating that the Elector is unable to vote at his or her Polling Station on Election day and will not vote on Election day.”

¹⁴⁶ July 2007 amendment to clarify that the MNO Election covers two time zones – eastern and central. July 4, 2003 amendment changed the hours for the advance poll, which previously were the same as the hours for polls on Election day.

¹⁴⁷ The MNO 2019 AGA replaced “ballots” with “Paper Ballots”.

¹⁴⁸ The MNO 2019 AGA replaced “ballots” with “Paper Ballots”.

¹⁴⁹ July 2007 amendment, previously read, “At the close of every advance poll, the Returning Officer shall remove the ballot box and ensure that the number of ballots in the box when combined with the number of unused ballots, equals the number of ballots which the Returning Officer was given at the commencement of voting. The ballots shall not be sorted or unfolded, but shall be counted to determine that there is no discrepancy between the number of ballots cast and left over when compared with the number of ballots with which the Polling Station opened. All ballots shall then be placed into marked envelopes provided by the Chief Electoral Officer, signed and sealed, along with the unused ballots and delivered immediately to a place designated by the Chief Electoral Officer.”

¹⁵⁰ The MNO 2019 AGA added this clause.

ARTICLE 26. POLL BOOKS**Poll
Books**

26.1 Each Returning Officer shall have available a suitable Poll Book in which the Returning Officer or the Poll Clerk shall enter the names of all Electors applying to vote unless those names are previously printed therein. The Returning Officer or Poll Clerk shall record whether those Electors are objected to or vouched for and by whom and if objected to whether the Elector voted or not.

ARTICLE 27. GENERAL PROCEDURE AT POLLING STATION**Only Listed
Electors Vote**

27.1 Where an Elector presents himself or herself at the Polling Station for the purpose of voting the Returning Officer shall proceed as follows:

- (a) The Returning Officer shall ascertain whether the name of the Elector is on the List of Electors and if it is not, the Returning Officer shall not permit the Elector to vote. If the individual seeking to vote is not on the List of Electors, that individual shall be permitted to vote if he or she makes a declaration that he or she lives in the area serviced by the poll. This declaration shall be in the form prescribed in Appendix B. This individual shall be given a Paper Ballot so that he or she may cast their vote, and the Returning Officer shall segregate that vote from other Paper Ballot cast by Electors on the List of Electors. The Chief Electoral Officer shall count such a Paper Ballot if the Chief Electoral Officer reasonably determines that the individual was left off the List of Electors due to an administrative error or oversight on the part of the MNO.¹⁵¹
- (b) If the individual seeking to vote is on the List of Electors, the Returning Officer shall confirm that the Elector's name is not on the lists of Electors that have already voted through advance polls, Electronic or Telephone Voting. If the Elector is on the list of Electors

¹⁵¹ The MNO 2019 AGA added: "If the individual seeking to vote is not on the List of Electors, that individual may be permitted to vote if he or she makes a declaration that he or she lives in the area serviced by the poll. This declaration shall be in the form prescribed in Annex B. This individual shall be given a Paper Ballot so that he or she may cast their vote. Regarding that vote, the Chief Electoral Officer shall make a determination as to whether to count that ballot if the Chief Electoral Officer reasonably determines that the individual was left off the List of Electors due to an administrative error or oversight on the part of the MNO" after "The Returning Officer shall ascertain whether the name of the Elector is on the List of Electors and if it is not, the Returning Officer shall not permit the Elector to vote".

that have already voted through advance polls, Electronic or Telephone Voting, the Returning Officer shall not permit the Elector to vote.¹⁵²

**Photo
Identification**

- (c) The Elector shall present photo identification for the purpose of proving their identity to the Returning Officer. For greater certainty the Elector is not required to present an MNO citizenship card as identification.¹⁵³
- (d) The Returning Officer shall record or cause to be recorded in the proper column of the Poll Book the name, the address and membership number of the MNO citizen.

**Scrutineer
Objections to
Eligibility**

- (e) Any Candidate or his or her may object to the eligibility of any MNO citizen requesting a Paper Ballot.¹⁵⁴ If in the opinion of the Returning Officer such objection is reasonable, it shall be noted in the Poll Book and shall include the reason for the objection along with the name of the Candidate on whose behalf the objection is being made. The Returning Officer may then give the Elector a Paper Ballot so that the Elector may cast his or her vote. In the event of an objection to the Elector, the Returning Officer shall follow the procedure under Article 34.7 of this Code.¹⁵⁵

ARTICLE 28. EXPLANATION OF VOTING

28.1 The Returning Officer may and upon request shall, either personally or through his Poll clerk explain to the Elector as concisely as possible the way in which voting is to be done.

ARTICLE 29. APPOINTMENT OF INTERPRETER

Interpreters

29.1 Where the Returning Officer has reason to believe that any Polling Station Electors unable to speak or read the English language are likely to present themselves, there shall be

¹⁵² The MNO 2019 AGA added this clause.

¹⁵³ July 2007 amendment by clarifying that an MNO citizenship card is not necessary for identification. March 9, 1999 amendment added the requirement of presenting photo identification to the Returning Officer.

¹⁵⁴ The MNO 2019 AGA replaced "ballot" with "Paper Ballot".

¹⁵⁵ March 9, 1999 amendment to include requirement that the objection must be reasonable in the opinion of the Returning Officer and following the procedure for disputed Electors in Article 32. The MNO 2019 AGA replaced "ballot paper" with "Paper Ballot" and "ballot" with "vote."

provided an interpreter for the purpose of explaining to the Electors, questions and answers concerning voting.

ARTICLE 30. REMOVAL OF BALLOT FROM POLLING STATION

**Ballots Not
Removed**

30.1 An Elector who has received a Paper Ballot shall not take it out of the polling station.¹⁵⁶

ARTICLE 31. FORFEITURE OF VOTING RIGHTS

**Forfeiture
of Voting
Rights**

31.1 Where an Elector leaves the Polling Station without first delivering his or her Paper Ballot to the Returning Officer or returns it after declining to vote he or she forfeits his or her rights to vote and the Returning Officer shall make an entry in the Poll Book in the column for remarks to the effect that the Elector received the Paper Ballot, but took it out of the Polling Station or returned it declining to vote.¹⁵⁷

**Declining
to Vote**

31.2 Where an Elector returns his or her Paper Ballot declining to vote, the Returning Officer shall immediately write the word “declined” upon it and preserve the Paper Ballot.¹⁵⁸

ARTICLE 32. SPOILED BALLOT

**Spoiled
Ballots**

32.1 32.1 An Elector voting who has inadvertently spoiled his or her Paper Ballot may on returning it to the Returning Officer obtain another Paper Ballot and the Returning Officer shall immediately write the word “spoiled” upon the returned Paper Ballot and preserve it.¹⁵⁹

ARTICLE 33. VOTING BY A DISABLED PERSON

**Assistance for
Disabled**

33.1 The Returning Officer, at the request of an Elector who makes a declaration that he or she is unable to read or who is incapacitated by a physical cause from voting in the usual manner shall:

- (a) assist the voter by marking his or her Paper Ballot in the manner directed by the voter in the presence of any Scrutineers of the Candidates and shall place the Paper Ballot in the Ballot Box;

¹⁵⁶ The MNO 2019 AGA replaced “ballot paper” with “Paper Ballot”.

¹⁵⁷ The MNO 2019 AGA replaced “ballot paper” with “Paper Ballot” throughout this clause.

¹⁵⁸ The MNO 2019 AGA replaced “ballot paper” with “Paper Ballot” throughout this clause.

¹⁵⁹ The MNO 2019 AGA replaced “ballot paper” with “Paper Ballot” throughout this clause.

(b) if an Elector is accompanied by a friend or relative, permit the friend or relative to accompany the Elector into the polling booth and mark the Elector's Paper Ballot for him or her.¹⁶⁰

33.2 The Returning Officer shall not act under subsection (1) until the Elector has taken the prescribed oath.

33.3 When a Paper Ballot has been marked according to this section, the Returning Officer or Poll Clerk shall enter in the Poll Book opposite the name of the Elector and in the appropriate column "voter assistance."¹⁶¹

33.4 Deleted¹⁶²

ARTICLE 34. PROCEDURE ON CLOSE OF POLL

Counting Spoiled & Declined Ballots

34.1 After the closing of the poll, the Returning Officer shall, in the presence of the Poll Clerk, Candidate and Scrutineers, immediately count the number of spoiled and declined Paper Ballots and record the total on the outside of the envelope containing these Paper Ballots and then seal it.¹⁶³

34.2 On complying with subsection 34.1, the Returning Officer shall count the number of Electors whose name appears on the List of Electors and the number of Electors recorded in the Poll Book as having voted and shall draw a line immediately under the last name in the Poll Book and affix his or her initials to the list.

Counting the Vote

34.3 On complying with subsection 34.2, the Returning Officer shall open the Paper Ballot Box and proceed with a count of vote and record the result.¹⁶⁴

34.4 The Returning Officer shall endorse with the words "not initialed" any Paper Ballot that does not have his or her initials or the initials of such person acting on his or her behalf on the back thereof and any such Paper Ballot shall be counted with

¹⁶⁰ The MNO 2019 AGA replaced "ballot" or "ballot paper" with "Paper Ballot" throughout this clause and "ballot box" was replaced with "Ballot Box."

¹⁶¹ The MNO 2019 AGA replaced "ballot" with "Paper Ballot".

¹⁶² 2014 amendment deleted this clause, which previously read "Seniors, disabled Electors, Electors in hospitals may request voting privileges and shall be allowed to vote at their place of residence or hospital in the presence of the Returning Officer and any Scrutineer of a Candidate who may be present."

¹⁶³ The MNO 2019 AGA replaced "ballot" with "Paper Ballot".

¹⁶⁴ The MNO 2019 AGA replaced "ballot box" with "Paper Ballot Box".

the other Paper Ballots but immediately upon the conclusion of the count, the Returning Officer shall:¹⁶⁵

- (a) Count the number of “not initialed” Paper Ballots, and¹⁶⁶
- (b) Record the total on the outside of the envelope containing these Paper Ballots and seal it.¹⁶⁷

**Ballots to be
Rejected**

34.5 In counting votes the Returning Officer shall reject any Paper Ballot that:¹⁶⁸

- (a) was not supplied by him or her;
- (b) does not indicate any vote for any Candidate;
- (c) contains votes for more Candidates than are to be elected;
- (d) is so marked that it is uncertain for which Candidate the vote was cast; and
- (e) contains any writing or mark enabling the voter to be readily identified.

**Ballots
Not to be
Rejected**

34.6 Notwithstanding subsection 34.5 a Paper Ballot shall not be rejected:

- (a) by reason of any writing, numbering or mark omitted by the Returning Officer; or
- (b) when the vote, though incorrectly made on the Paper Ballot, clearly indicates the voters intention to vote for one particular Candidate.¹⁶⁹

**Procedure
for Disputed
Ballots**

34.7 In the event the Returning Officer determines that an Elector’s right to vote has been reasonably disputed pursuant to Article 27, the Returning Officer shall make a note in the Poll Book of every objection and the name of any Candidate on whose behalf such objection was made.

¹⁶⁵ The MNO 2019 AGA replaced “ballot paper” with “Paper Ballot”.

¹⁶⁶ The MNO 2019 AGA added this clause.

¹⁶⁷ The MNO 2019 AGA added this clause.

¹⁶⁸ The MNO 2019 AGA replaced “ballot” with “Paper Ballot”.

¹⁶⁹ The MNO 2019 AGA replaced “ballot” with “Paper Ballot” throughout this clause.

- (a) The Returning Officer shall place such Paper Ballot in a special envelope, which shall, on its cover, contain the name of the Elector, his or her MNO registration number, the name of the Polling Station and the Returning Officer initials. Such envelopes shall be preserved by the Returning Officer and forwarded to the Chief Electoral Officer.¹⁷⁰
- (b) The Returning Officer shall also forward the specific objection to such Elector, as noted in the Poll Book.
- (c) The Chief Electoral Officer shall investigate the objection of such Elector and in the event the Chief Electoral Officer determines that the objection is valid, the ballot shall be destroyed sight unseen.
- (d) If the Chief Electoral Officer determines that the objection is without merit, the envelope shall be opened and the vote(s) shall be counted by the Chief Electoral Officer.¹⁷¹

**Statement
of Poll**

- 34.8 The Returning Officer at the conclusion of the count shall complete a statement of poll, indicating the number of votes for each Candidate cast by Paper Ballot, which shall be signed by the Returning Officer and Poll Clerk. The Returning Officer shall then immediately inform the Chief Electoral Officer, by phone or by electronic means, as to the number of votes for each Candidate, the number of spoiled Paper Ballots and any disputed Electors.¹⁷²
- 34.9 A copy of the statement of poll shall be attached to the Poll Book and one page shall be retained by the Returning Officer to be sent to the Chief Electoral Officer.
- 34.10 Upon completion of the statement of poll the Returning Officer shall, in presence of the persons authorized to be present, place into separate packets:
- (a) the statement of poll;

¹⁷⁰ The MNO 2019 AGA replaced "ballot" with "Paper Ballot".

¹⁷¹ March 9, 1999 amendment to add the process of isolating, investigating and counting the disputed Elector's ballot.

¹⁷² 2014 amendment deleted "or by fax" and replaced it with "or by electronic means". March 9, 1999 amendment adding the instruction to the Returning Officer to inform the Chief Electoral Officer of the results of the count. The MNO 2019 AGA replaced "ballots" with "Paper Ballots" and added "cast by Paper Ballot" after "indicating the number of votes for each Candidate".

- (b) the Paper Ballots objected to but counted;
- (c) the Paper Ballots objected to but not counted;
- (d) the rejected Paper Ballots not objected to;
- (e) the rejected Paper Ballots objected to;
- (f) the spoiled and declined Paper Ballots;
- (g) the discarded Paper Ballots;
- (h) the unused Paper Ballots;
- (i) the Poll Book with the declaration of the Returning Officer therein;
- (j) the List of Electors used at the poll;
- (k) the list of Electors who had cast votes in advance polls, or by Electronic or Telephone Voting in the Election that were used at the poll;¹⁷³
- (l) the declarations of Electors;
- (m) the statement of the number of Electors as marked by the Returning Officer as “voter assistance”;
- (n) the notes taken of objections to Paper Ballot found in the Paper Ballot Box¹⁷⁴; and
- (o) all other documents that were completed, prepared or used at the Election.¹⁷⁵

34.11 The Returning Officer shall seal each of the envelopes mentioned in section 34.10 with his or her own seal and initial the outside of the envelopes.

34.12 The Returning Officer shall mark on the outside of each of the envelopes a short statement of the contents of the envelopes, the date and name of the Election and his or her name.

¹⁷³ The MNO 2019 AGA added this clause.

¹⁷⁴ The MNO 2019 AGA replaced “ballot box” with “Paper Ballot Box”.

¹⁷⁵ The MNO 2019 AGA replaced “ballot papers” or “ballots” with “Paper Ballots” throughout this clause.

34.13 The Returning Officer shall then return all envelopes and relevant documents to the Chief Electoral Officer.

ARTICLE 35. ANNOUNCEMENT OF VOTE

Announcing Results

35.1 The Chief Electoral Officer shall publicly announce the results of the Election and declare elected the Candidates who received the largest number of votes through combining the results of the counts of all valid Ballots.¹⁷⁶

35.2 Every elected individual shall file at MNO's head office a written consent to hold office before or within ten (10) days after a final decision that he or she has been elected.¹⁷⁷

ARTICLE 36. RECOUNT

Recounts

36.1 The Chief Electoral Officer may initiate a recount of the ballots if the Chief Electoral Officer decides that there is a need for a recount.¹⁷⁸

36.2 Upon receipt of a Candidate's written request for a recount accompanied by a \$200 fee on or before May 15th in the year of the Election, the Chief Electoral Officer may agree to a recount if there is a possibility that such a recount might materially affect the outcome of the Election.¹¹⁸

ARTICLE 37. RECOUNT PROCEDURE AND TIE BREAKING VOTE

Recount Procedure

37.1 The Chief Electoral Officer shall give written notice to each Candidate of the place, date and hour of the recount.

37.2 No person may be allowed in the room where the recount is being conducted except:

- (a) the Chief Electoral Officer;
- (b) the Returning Officer;
- (c) Poll Clerk;

¹⁷⁶ The MNO 2019 AGA added "through combining the results of the counts of all valid Ballots" after "Candidates who received the largest number of votes".

¹⁷⁷ 2014 amendment added this clause.

¹⁷⁸ 2014 amendment deleted the phrase "where applicable" and replaced "shall" with "may initiate". July 4, 2004 amendment replacing "within fourteen (14) days from the date of the Election" with "on or before May 15th".

(d) the Candidates or a Scrutineer to be present on behalf of each Candidate.¹⁷⁹

37.3 In recounting the Paper Ballots the Chief Electoral Officer shall follow the same counting rules that a Returning Officer is required to follow under this Electoral Code.¹⁸⁰

37.4 If, after the recount, no Candidate can be declared elected because of a tied vote, the Chief Electoral Officer shall, in the presence of the people in 37.2, have the tied Candidates' names written on separate papers and placed in a container. The Chief Electoral Officer shall draw one name from the container and that person shall be declared elected.¹⁸¹

**Tie Breaking
Vote**

ARTICLE 38. ANNOUNCEMENT OF THE RECOUNT RESULTS

38.1 Upon conclusion of any recounts the Chief Electoral Officer shall publicly announce the results of the recount and declare elected the Candidate who received the largest number of votes.

**Announcing
Recount
Results**

ARTICLE 39. BALLOTS TO BE DESTROYED

39.1 The Chief Electoral Officer shall destroy all Ballots on August 1st in the year of the Election unless:¹⁸²

**Ballots to be
destroyed**

- (a) directed by an order of a Court;
- (b) directed by an order of the PCMNO;
- (c) a request for a recount is received in which case the Ballots shall be destroyed ninety days after the results of the recount are announced; or
- (d) an objection or appeal has been filed pursuant to Article 42 in which case the Ballots shall be destroyed on October 30th.¹⁸³

¹⁷⁹ 2014 amendment deleted the phrase "an Elector appointed in writing".

¹⁸⁰ The MNO 2019 AGA replaced "ballots" with "Paper Ballots".

¹⁸¹ 2014 amendment replaced chief operating officer with Chief Electoral Officer and deleted "(a) cast an additional vote by marking a ballot for one of the tied Candidates; (b) include that vote in the official count; and (c) seal the ballot in an envelope marked with the words 'Chief Electoral Officer's vote' and keep it separate from other ballots." March 9, 1999 amendment to reflect the removal of the Regional and deputy Returning Officers and establishing the Chief Electoral Officer as the individual who casts all tie breaking votes.

¹⁸² July 4, 2004 amendment to replace "ninety (90) days from the date of the Election" with the date of August 1st.

¹⁸³ July 4, 2004 amendment added this clause. The MNO 2019 AGA replaced "ballots" with "Ballots" throughout this clause.

ARTICLE 40. GENERAL**Election Not
Void for
Irregularities**

- 40.1 If it is shown that the Election was conducted in accordance with this Code and that the irregularity, failure, non-compliance or mistake did not materially affect the result of the Election, no Election is void by reason of:¹⁸⁴
- (a) failure to publish, late distribution or non-receipt of the Métis Voyageur;¹⁸⁵
 - (b) an irregularity on the part of an Election Officer or in any of the proceeding preliminary to the poll;
 - (c) a failure to hold a poll at any place appointed for holding a poll;
 - (d) non-compliance with the provisions of this Electoral Code relating to the taking of the poll or the counting of the votes or with regard to limitations of time; or
 - (e) any mistake in the use of the prescribed forms.
- 40.2 This Code may not be substantially changed after approval by the last General Assembly before the Election.¹⁸⁶

ARTICLE 41. INTERPRETATION**Interpretation**

- 41.1 Unless the context otherwise requires, words imparting the singular number of the masculine gender shall include the plural number or feminine gender, as the case may be, and vice versa.

ARTICLE 42. OBJECTIONS & APPEALS¹⁸⁷**Objection
by
Candidate**

- 42.1 A Candidate may object to the announced results respecting his or her Election in writing to the Chief Electoral Officer on or before May 25th in the year of the Election. Such objection shall include the reasons for the Candidate's objection and may

¹⁸⁴ January 2002 amendment replaced the sentence "No Election is void by reason of". July 12, 2001 amendment deleted references to the "Métis Electoral appeal council" in the definitions and in this section.

¹⁸⁵ June 7-8, 2001 amendment added this clause.

¹⁸⁶ June 7-8, 2001 amendment added this clause.

¹⁸⁷ June 2002 amendment added the entire "objections & appeals section."

include evidence and letters in support from other MNO citizens.¹⁸⁸

(a) For greater certainty no individual Candidate may object to or appeal:¹⁸⁹¹²⁸

(i) an Election in which he or she was not a Candidate; or

(ii) the entire MNO Election in general.

42.2 On receipt of an objection pursuant to Article 42.1, the Chief Electoral Officer will investigate the question or issue and for those purposes may interview any persons or review any materials necessary and shall issue a decision in writing on or before June 1st in the year of the Election. The chief Electoral officer's decision shall include his or her reasons for decision and shall inform the Candidate of the availability of a further appeal pursuant to Article 42.3.¹⁹⁰

Appeal

42.3 A Candidate may apply to appeal the decision of the Chief Electoral Officer pursuant to Article 42.2. The application for appeal shall be in writing to the PCMNO on or before June 10th in the year of the Election. The application for appeal shall state the reasons for the appeal and may include argument, evidence and letters of support.¹⁹¹

42.4 Upon receipt of an application for appeal pursuant to Article 42.3, the PCMNO shall ask the Chief Electoral Officer to provide a full written report on all relevant aspects of the Election for the position the Candidate is appealing. Such report shall be delivered on or before June 20th in the year of the Election and shall include but is not limited to the following:¹⁹²

(a) the facts with respect to the appellant's Election;

(b) any documents necessary, including voters lists, advertisements, correspondence, etc.,

¹⁸⁸ July 4, 2004 amendment replaced "within ten (10) days after the Chief Electoral Officer has made his or her announcement" with "on or before May 25th".

¹⁸⁹ July 4, 2004 amendment added (a)(i) and (ii).

¹⁹⁰ July 4, 2004 amendment replaced "within ten (10) days after receiving such objection" with "on or before June 1st".

¹⁹¹ July 4, 2004 amendment replaced "within ten (10) days of the date of the Chief Electoral Officer's decision" with "on or before June 10th".

¹⁹² July 4, 2004 amendment replaced "within ten (10) days of the receipt of the application for appeal" with "on or before June 20th".

- (c) any irregularities in the Election;
- (d) if irregularities occurred, the opinion of the Chief Electoral Officer as to whether such irregularities substantially affected the outcome of the Election;
- (e) the opinion of the Chief Electoral Officer as to whether the appeal is frivolous or vexatious; and
- (f) recommendations.

42.5 On or before July 1st in the year of the Election, the PCMNO shall appoint an independent investigator to hear the appeal.¹⁹³

- (a) The appeal shall be conducted consistent with the rules of natural justice.
- (b) The hearing of the appeal is not an oral hearing. The investigator shall hear the appeal in writing.
- (c) The investigator will review the facts of the specific Election at issue and for those purposes may interview any persons, invite written submissions, or review any materials necessary.
- (d) The investigator shall prepare a written report and shall make a decision in writing on or before July 30th in the year of the Election. The investigator's report and the appeal decision shall be delivered to the Chief Electoral Officer, the appellant and the PCMNO.¹⁹⁴

42.6 The investigator in making his or her decision shall take into account the report and recommendations of the Chief Electoral Officer, any submissions or evidence provided by the appellant and any other materials necessary. The investigator may consult MNO's legal counsel for advice.

42.7 The investigator:

Appeal Process

¹⁹³ July 4, 2004 amendment replaced "Within fifteen (15) days of receipt of an application for appeal" with "On or before July 1st".

¹⁹⁴ July 4, 2004 amendment replaced "within thirty (30) days after being appointed by the PCMNO" with "on or before July 30th".

- (a) shall determine whether the Election was conducted pursuant to this Code and the MNO By-Laws;
- (b) shall determine, subject to article 40.1, whether any irregularities which may have occurred materially affected the outcome of the Election;
- (c) shall either make a decision to uphold or overrule the decision of the Chief Electoral Officer;
- (d) may make recommendations to the PCMNO with a view to improving future MNO Election procedures; and
- (e) may determine if the recount, objection or appeal is frivolous or vexatious, based on a consideration of whether:¹⁹⁵
 - (i) it is plain and obvious that there were no irregularities in the Election process; or
 - (ii) there is sufficient evidence that the Candidate is challenging the Election with the intention of bringing the reputation of MNO or a particular Candidate into disrepute.

**Candidate Holds
Office Pending
Appeal Results**

42.8 Unless and until the Election result is overturned by the investigator pursuant to article 42.7, the Candidate declared elected by the Chief Electoral Officer shall be considered elected and shall hold office.¹⁹⁶

42.9 The decision of the investigator pursuant to article 42.7(a), (b), (c) or (e) is final and binding.

42.10 If the investigator determined that the Election was not conducted pursuant to this Code or the MNO Bylaws, or that irregularities occurred that materially affected the outcome of the Election, a by-Election will be held.¹⁹⁷

**Results
Of
Appeal**

42.11 After the investigator's decision, the Chief Electoral Officer shall immediately and publicly announce the results of the

¹⁹⁵ 2014 amendment added "recount, objection or".

¹⁹⁶ July 4, 2004 amendment replaced "the decision of the Chief Electoral Officer shall stand, and the Candidate" with "the Candidate declared elected by the Chief Electoral Officer".

¹⁹⁷ July 4, amendment replaced "If the decision of the investigator overrules the decision of the Chief Electoral Officer a by-Election will be held."

appeal process and either announce a person elected or announce a by-Election.¹⁹⁸

- 42.12 In the event that a by-Election is to be held, the Chief Electoral Officer shall announce a date for the by-Election, which shall be on or before October 30th in the year of the Election;¹⁹⁹ and
- (a) the by-Election shall, with necessary modifications, follow the processes and rules set out for Elections pursuant to this Code, bearing in mind any procedural recommendations made by the investigator pursuant to article 42.7(c).²⁰⁰

ARTICLE 43. ADOPTION OF NEW VOTING METHODS OR TECHNOLOGY

- 43.1 Policies may be adopted by the Annual General Assembly under this Code to enable the use of new voting methodologies in Elections.²⁰¹
- 43.2 Policies may be adopted by PCMNO to facilitate the use of features of MNO citizenship cards such as the magnetic strip.²⁰²

ARTICLE 44. EMERGENCIES

- 44.1 During an Election period or within 30 days after it, if an emergency, an unusual or unforeseen circumstance, or an error makes it necessary, the Chief Electoral Officer may, for the sole purpose of enabling Electors to exercise their right to vote or enabling the counting of votes, adapt any provision of this Code, and in particular, may extend the time for performing any obligation or doing any act under this Code.²⁰³

¹⁹⁸ July 4, 2004 amendment replaced "If, after the investigator's decision pursuant to article 42.7, the Candidate previously declared elected by the Chief Electoral Officer is affirmed, the Chief Electoral Officer shall publicly announce the results of the appeal process and confirm the Candidate elected."

¹⁹⁹ July 4, 2004 amendment replaced "The Chief Electoral Officer shall set another day for the receipt of nominations for the by-Election. Nominations shall be within six (6) months of the date of the investigator's decision."

²⁰⁰ July 4, 2004 amendment added this clause.

²⁰¹ The MNO 2019 AGA added this clause.

²⁰² The MNO 2019 AGA added this clause.

²⁰³ The MNO 2019 AGA added this clause.

**THIS DRAFT OF THE MNO ELECTORAL CODE: PART A
WAS APPROVED BY THE AGA ON **AUGUST 24, 2019**
AND REGISTERED BY LEGAL COUNSEL ON **SEPTEMBER
26, 2019.****

APPENDIX A. ELECTION TIMETABLE

The following timetable is set out for convenience only.

	Date in year of Election	Event	Article
1.	February 1	Approval of MNO citizenship application	2.1(x)
2.	February 1	Last date to reconcile outstanding obligations and suspended rights and privileges	2.1(p), 5.6(b), 6.3(c)
3.	February 10	Preliminary List of Electors Posted	8.3
4.	March 8	Last date to have names changed to another polling station	8.6
5.	March 9	Amendments to List of Electors closes	8.5
6.	March 10	Final revised List of Electors submitted to each Métis community council	8.4
7.	February 15	Nominations Information Notice Posted	6.1
8.	April 1	Locations of Polling Stations Listed	16.2
9.	March 15	Close of Nominations	6.2 & 6.2(a)
10.	March 15	After this date, advertising and other communications materials paid for with MNO funds and distributed by MNO will not reference the name of elected MNO councilors.	6.7
11.	30 days prior to the date of the Election	Personal Information Numbers provided to all Electors	Electronic and Telephone Voting Regulation,

			section 8
12.	Four weeks before the day of the Election	Candidates Posted	11.1
13.	April 22	Acclamations Announced	9.1
14.	Two Saturdays before the day of the Election	Advance Poll	25.1
15.	In the period between nine and three days prior to the Date of the Election	Three days during this period will have Electronic and Telephone Voting, set pursuant to the Electronic and Telephone Voting Regulation.	Electronic and Telephone Voting Regulation, sections 5 and 6.
16.	First Monday in May	Date of Election	3.1
17.	May 15	Deadline to request a recount	36.1
18.	May 15	Announcement of elections to fill vacancies	10.1
19.	May 25	Objections deadline	42.1
20.	June 1	Chief Electoral Officer's decision on objection	42.2
21.	June 10	Application for Appeal	42.3
22.	June 20	Report of chief electoral officer for use in appeal	42.4
23.	July 1	PCMNO to appoint investigator to hear appeal	42.5
24.	July 30	Appeal decision	42.5(d)

25.	August 1	Ballots destroyed where no objection or appeal	39.1
26.	October 30	Ballots destroyed after an objection or appeal	39(1)(d)

APPENDIX B.²⁰⁴

AFFIRMATION OF AN ELECTOR WHOSE NAME DOES NOT APPEAR ON THE OFFICIAL LIST OF ELECTORS

Polling Station at _____.

I, of _____ affirm:

1. That I have been an ordinary resident of _____ preceding the date of the Election; and
2. That I have not already voted in this Election.

Signature of Elector

MNO Citizenship Number of Elector:

Affirmed before me

at: _____, this ____ day of _____, 20_____.

²⁰⁴ The MNO 2019 AGA added Appendix B.