

CUSTOM ELECTION CODE

of the Sheshatshiu Innu First Nation



DRAFT

December 2023

Sheshatshiu Innu First Nation Band Council BCR

Adoption of the SIFN Custom Election Code

By a motion with quorum of the Sheshatshiu Innu First Nation Council at a duly convened meeting on _____ the *SIFN Custom Election Code* has been adopted.

Motion # _____ Moved by: _____

Motion seconded by: _____

Etienne Rich, Chief

Laureen Ashini, Councillor

Damiana Benuen, Councillor

Karen Penunsi, Councillor

Daniel Pinette, Councillor

Jimmy Lee Jack, Councillor

Penute Andrew, Councillor

This Code and all its directives shall be in effect on _____ until
revoked or otherwise changed by the Sheshatshiu Innu First Nation Council.

Dated at: _____ this _____ day of _____, 2024.

SIFN CUSTOM ELECTION CODE
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CUSTOM ELECTION CODE OF THE SHESHATSHIU INNU FIRST NATION January 2023

PREAMBLE

WHEREAS, the Sheshatshiu Innu First Nation has the inherent authority to adopt, by way of Custom, a method for choosing its Chief and Council (as recognized by subsection 2(1) of the Indian Act, 1-5).

AND WHEREAS, Members of the Sheshatshiu Innu First Nation (SIFN) wish to adopt a Custom Election Code to set forth the traditions and customs of SIFN as they apply to SIFN Elections.

NOW THEREFORE, We, the Sheshatshiu Innu First Nation, hereby set forth here and adopt the Custom of the Sheshatshiu Innu Community as to the Election of Chief and Council, constituting the Custom Election Code of the Sheshatshiu Innu First Nation (SIFN).

PART 1: INTERPRETATION

EFFECTIVE DATE

1.1 This Custom Election Code comes into full force and effect on [DATE].

INTERPRETATION

1.2 In this By-Law:

- a) “Amendment Vote” means a vote held in accordance with this Custom Election Code to add, amend, or repeal any of its provisions;
- b) “Ballot” means three (3) separate pieces of paper, one with the names of all candidates running for Chief, one with the names of all candidates running for the three male Councillor positions, and one with the names of all candidates running for the three female Councillor positions, given to each Voter to record their vote;

- c) “Chief Electoral Officer” means a non-Innu individual who is appointed to supervise and manage the conduct of an election in accordance with this Code;
- d) “Voting List” means a list of eligible electors of the Band;
- e) “Community” means the geographical area which the Chief and Council govern, including the Reserve of the Sheshatshiu Innu First Nation and its citizens;
- f) “Candidate” means an eligible person who was nominated for Chief or Council in accordance with the requirements set out in this Code;
- g) “Scrutineer” means an agent appointed by a candidate for the office of Chief and authorized to accompany the Chief Electoral Officer on each day of voting as they visit voters who are unable to vote at the polling station, to be present on each election day for the recording of the phone-in votes, and to be present in the polling station on the third day of the election, to observe the voting process and to note objections to any deviations from the rules and procedures set out in this Code; and,
- h) “Voter” means a duly registered member of the SIFN who has attained the age of eighteen years and has not been disqualified from voting in an election or by-election under this Code.
- i) **“Elder” means a respected SIFN community member who has reached the age of sixty (60) years of age.**

MEMBERSHIP

- 1.3 Any Sheshatshiu Innu who is registered on the SIFN Membership List and who has attained the full age of eighteen (18) years may be entered on the Voters List.
- 1.4 The privileges of a registered member shall not be transferable.

PART 2: CHIEF AND COUNCIL

CHIEF AND COUNCIL

- 2.1 **The Council of the SIFN shall consist of the Chief and eight (8) Councillors elected by the electors of the SIFN in accordance with this Code.**
- 2.2 **Four (4) Councillors will be male and four (4) Councillors will be female. Two of those Councillors shall be Elders in the community who are sixty (60) years of age or older. One shall be male and one shall be female.**
- 2.3 The Deputy Chief is appointed by the Chief and Council based on the highest number of votes during the election. If that person declines, the Chief will request two or more volunteers and will make the final selection. The Deputy Chief will fulfill all roles of the Chief in the latter's absence.
- 2.4 The Chief and Council shall conduct all business of the First Nation by adhering to the SIFN Code of Leadership.
- 2.5 **The Chief and Council will ensure accessibility by residing no more than fifty (50) kilometres from the boundaries of the Sheshatshiu Innu First Nation.**
- 2.6 **Chief and Councillors will not have another full-time job for the duration of their term in office.**
- 2.7 **Chief and Councillors will not have other business partnerships or join ventures.**
- 2.8 **Chief and Councillors will not serve on any other Board as a paid member.**

QUORUM OF CHIEF AND COUNCIL

- 2.9 A quorum of Chief and Council consists of not less than **five**.
- 2.10 Decisions by the SIFN Council require the support of the majority of the Councillors present and representing quorum. In the event of a tie vote, the Chief shall be entitled to cast a second and deciding vote.

TERM OF OFFICE

- 2.8 The Chief and Council shall hold office for three (3) years.
- 2.9 The term of office for Chief and Council will be for a period of three (3) years commencing **on the day following the Swearing-In Ceremony which will be held within a week of the date on which the General Election is held.**
- 2.10 The previous term expires at twelve (12:00) A.M. on the day following the most recent General Election.
- 2.11 The number of terms that the Chief and Council may serve is not limited.**
- 2.12 The Chief and Council are entitled to severance pay that will be issued once the Election results are determined.

CALL OF ELECTION

- 2.13 The Election will be called no more than three (3) weeks and no less than two (2) weeks in advance of the Election Day. Only one week prior to the Election Day will be allowed for campaigning.
- 2.14 An early Election may be called (before the three-year term expires) with a majority vote among Chief and Council members.
- 2.15 An early election may be called any time before the three-year term expires with a majority petition that includes the signatures of at least 50% + 1 of registered SIFN Voters.

PART 3: CHIEF ELECTORAL OFFICER

HIRING OF THE CHIEF ELECTORAL OFFICER

- 3.1 The Chief Electoral Officer shall be appointed by the Director of Operations.
- 3.2 The Chief Electoral Officer will be a member of the Sheshatshiu First Nation who has been trained to fulfil the role. In the absence of a SIFN member with the necessary training, the Director of Operations may appoint a Chief Electoral Officer who is not a SIFN member.**

TERM OF APPOINTMENT OF THE CHIEF ELECTORAL OFFICER

- 3.3 The Chief Electoral Officer shall be appointed not more than forty-five (45) days and not less than thirty-six (36) days before the date the election is called.
- 3.4 The term of employment of the Chief Electoral Officer will end 30 (thirty) days following the election unless outstanding circumstances occur that require more time.

ROLES AND RESPONSIBILITIES OF THE CHIEF ELECTORAL OFFICER

- 3.5 The Chief Electoral Officer is responsible for ensuring the proper conduct of the Election.
- 3.6 The Chief Electoral Officer can request one or more persons to assist them with carrying out their duties. The Chief Electoral Officer will recommend the positions for the Returning Officer and the Poll Clerk who will then be appointed by the Director of Operations.
- 3.7 **If** the Chief Electoral Officer is not competent in Innu, the Chief Electoral Officer must appoint at least one Returning Officer who is competent in both Innu and English.

PART 4: OVERSIGHT OF ELECTIONS

- 4.1 An Electoral Oversight Committee will be appointed by the Director of Operations and the Chief Electoral Officer immediately after the call of an Election. The Committee will comprise five (5) Innu members who will monitor the election period to ensure the Election Code is not violated by Candidates. Infractions must be supported by evidence and will be presented to the Oversight Committee who will vote to disqualify the Candidate found guilty of the infraction.**

PART 5: ELIGIBILITY TO PARTICIPATE IN AN ELECTION OR BY-ELECTION

ELIGIBILITY TO VOTE

- 5.1 A Voter for Chief and/or Councillor must:
- a) have reached the age of 18 (eighteen) years on or before election day; and

- b) be a citizen of the SIFN, as recorded in the membership list maintained by the community.
- 5.2 A Voter's name must appear on the Voters List prepared by the SIFN Registrar.
- 5.3 If a Voter's name is not on the list, the Voter can appeal to the Chief Electoral Officer who may add the Voter's name to the list where the Chief Electoral Officer has determined that the Voter meets the criteria of the Code.

ELIGIBILITY TO BE A CANDIDATE FOR CHIEF OR COUNCIL

- 5.4 A candidate must be at least 18 (eighteen) years of age to run for Chief or Council and must be eligible to vote in an election for Chief or Council as defined in this Code.
- 5.5 Disputes surrounding convictions, violations, and possible disqualifications shall be decided upon by the Chief Electoral Officer in consultation with other election officials and or the Director of Operations, in accordance with this Code.
- 5.6 All Candidates are required to undergo a drug test for illegal drugs during the Election period. The test shall be administered by a certified health authority. A candidate who fails the drug test will be disqualified.**

PART 6: NOMINATIONS

NOTICE OF NOMINATIONS

- 6.1 The Chief Electoral Officer shall give notice of the nomination dates to all eligible voters living/working off reserve, by e-mail, social media or by telephone and by posting the Notice for Nominations at the SIFN Office no more than three (3) weeks and no less than two (2) weeks in advance of the Election Day. Notice will also appear on SIFN social media and broadcast on the local radio station.

NOMINATION PROCEDURE

- 6.2 The closing date for receipt of nominations shall not be no less than seven (7) days from the date nominations open.

- 6.3 The Chief Electoral Officer shall ensure that there are at least seven (7) consecutive calendar days between the date that nominations close and the first day of the three – day election period.
- 6.4 **During the period when nominations are open, an eligible voter may be nominated to be a Candidate in an Election by completing and filing with the Chief Electoral Officer, a Nomination Form as prescribed by this Code, signed by the candidate being nominated as well as twenty (20) other eligible Voters who support the nomination. The Nomination Form for Chief will be signed by fifty (50) or more eligible voters who support the nomination. There will two additional Nomination Forms for Elders – one for male and one for female Candidates. Nominators may sign only one Nomination for the Chief position and eight Nominations for Councillor positions.**
- 6.5 A Nomination Form that is not signed by the person being nominated is invalid.
- 6.6 After the period for nominations has closed, the Chief Electoral Officer shall confirm the eligibility of each person nominated for the office being filled.
- 6.7 A person found not to be eligible for nomination according to this Code shall be notified in writing by the Chief Electoral Officer of his or her ineligibility and reasons therefor. The decision may be appealed to the Director of Operations for a final decision.
- 6.8 The Chief Electoral Officer shall prepare an official list of eligible candidates one (1) to two (2) weeks in advance of the Election Day. The list will be posted at the SIFN Band Office and online between seven (7) and fourteen (14) days in advance of the Election.
- 6.9 A candidate for an elected position may withdraw from the election at any time prior to the close of nominations or up to one (1) day after the close of nominations, by filing a signed Notice of Withdrawal with the Chief Electoral Officer.
- 6.10 **Nominees for the position of Chief shall be required to participate in a public Candidates Debate on or two days prior to the opening of the election process.**
- 6.11 **Nominees are required to sign an Oath of Leadership Form swearing to abide by the rules of the Custom Election Code.**

PART 7: ELECTION BY ACCLAMATION

- 7.1 After the close of nominations, if there is only one candidate for the office of Chief then the Chief Electoral Officer will declare that the candidate has been elected Chief by acclamation.
- 7.2 After the close of nominations, if there are 4 (four) or fewer female candidates for the office of Councillor, then the Chief Electoral Officer will declare that the candidates have been elected Councillors by acclamation. This includes the female Elder Councillor Candidates.**
- 7.3 After the close of nominations, if there are 4 (four) or fewer male candidates for the office of Councillor, then the Chief Electoral Officer will declare that the candidates have been elected Councillors by acclamation. This includes the male Elder Councillor Candidates.**
- 7.4 After the close of Nominations, if there is only one Candidate for the female Elder Councillor position then the Chief Electoral Officer will declare that the candidate has been elected Councillor by acclamation.**
- 7.5 After the close of Nominations, if there is only one Candidate for the male Elder Councillor position then the Chief Electoral Officer will declare that the candidate has been elected Councillor by acclamation.**

PART 8: NOTICE OF ELECTION

- 8.1 The Chief Electoral Officer shall post a Notice of Election no more than three (3) weeks and no less than two (2) weeks prior to Election Day.
- 8.2 Postings shall appear at the Band Council Office and two (2) other locations of SIFN lands and on social media, online, the radio, and in print where possible.
- 8.3 All other postings related to the Election shall be posted at least seven (7) days prior to the Election. These postings include:
- The date, place and time for both the Advance Election and Election Day polls.
 - The list of Candidates.
 - Information for voters on how to request and cast Call-in Votes.

- Instructions for how to request special accommodation for Voters unable to attend the voting location.
- The location of the Voters list and where and how to access the Custom Election Code.

PART 9: CANDIDATE ORIENTATION

- 9.1 Candidates for Chief and Scrutineers will be required to attend an orientation session that shall be organized and held by the Chief Electoral Officer who will determine a time and date. The Orientation will include campaigning procedures, ethics, code of leadership, conflict of interest, the use of media and social media, the role of scrutineers and general campaigning rules.

PART 10: ELECTION PROCEDURE

- 10.1 The first general election after the passing of this code will take place in late August or early September of 2024, before the opening of the school year.**
- 10.2 Subsequent elections will take place every three (3) years or thirty-six (36) months from the date of the previous election.
- 10.3 Each member of the community shall vote for four (4) female candidates and four (4) male candidates for Council, in addition to voting for the Chief.**

CALL- IN VOTING

- 10.4 The Chief Electoral Officer will ensure that Voters are identified on the Voters list and the privacy of their vote is protected. As well, the Chief Electoral Officer will arrange a time and place for Call-in Votes that will be taken by Elections Staff only and passed on in a sealed and signed envelope to be opened no sooner than the time of the general election count.
- 10.5 Call in voting is only available to non-resident voters who will be notified by mail, of the election and will receive instructions to call in their vote unless special accommodations are made in advance with the Chief Electoral Officer or the Director of Operations.**

SECURITY OF VOTING

- 10.6 Voting at a General Election or By-Election will be by secret Ballot only.
- 10.7 Call-in votes must be respected as private by the election staff member(s) and scrutineers and may not be shared.
- 10.8 Votes from community visits must not be shared beyond those present to accept the vote.
- 10.9 Any breach of privacy will result in the immediate dismissal of the Elections staff member responsible for the breach.
- 10.10 The Chief Electoral Officer shall prepare all required documents and materials needed, to conduct an efficient and democratic election.
- 10.11 The Chief Electoral Officer will ensure that all ballots are securely stored – including advance ballots, those that are called in and those from home visits.

THREE DAY VOTING PROCESS

- 10.12 The election will be conducted in a three-day process, as follows:
 - 1. **DAY ONE: CALL IN VOTES.** The first day of the election will consist of call-in votes from members who live off the reserve and/or as approved in advance by the Chief Electoral Officer. A 10 (ten) hour period for call-in voting with start and end times will be determined by the Chief Electoral Officer.
 - 2. **DAY TWO: HOME VISITS.** The second day of the election will consist of home visits to Elders and other qualified Voters who are unable to leave their homes for the purpose of voting. Visits to collect votes will also be made to the Hospital and correctional facilities if required.
 - 3. **DAY THREE: GENERAL VOTING.** The third and final day will be the general voting day on the SIFN lands. The polling station will be open for a 10 (ten) hour period determined by the Chief Electoral Officer.

PART 11: VOTERS LIST

- 11.1 Within 5 (five) days of the Chief Electoral Officer taking office, the Director of Operations will provide them with:
- a) a list of the names of all Voters of the SIFN; and,
 - b) the last known mailing address, if available, of every Voter who does not reside within a 50 (fifty) kilometer radius of the SIFN.
- 11.2 The mailing address will be used only for the purpose of providing notice(s) of the upcoming election, candidate's names or other documents and the phone number for phone-in ballots for Voters.
- 11.3 Voters are responsible for providing the SIFN Registry Office with their current mailing address, contact information and phone number.
- 11.4 The Registrar will prepare a Preliminary Voters List for the Director of Operations containing the names of all Voters in alphabetical order by surname.
- 11.5 The Chief Electoral Officer will post, in all aforementioned locations, the Preliminary Voters List within seven (7) to fourteen (14) days of receiving the list of Voters from the SIFN Registrar.
- 11.6 Any Band member whose name does not appear on the Preliminary Voters List may have their name added to the list on or before Election Day by presenting their Status Card or other proof of age and SIFN membership to the Registry Office.
- 11.7 Any Voter may apply to have the Preliminary Voters List amended where they believe that a name has been incorrectly included or excluded from the List. They may demonstrate their claim by presenting to the Chief Electoral Officer evidence from the SIFN Registrar that the person:
- a) is neither on the Membership List nor entitled to have their name entered on the Membership List;
 - b) will not be 18 (eighteen) years of age on the day of the election; or,
 - c) is not qualified to vote at SIFN Elections.
 - d) is deceased.

- 11.8 At least seven (7) days prior to the date on which an Election is to be held, the Chief Electoral Officer will post a Final Voters list at the Band Office and in at least three (3) public places within the lands of SIFN.
- 11.9 A Candidate for Election for the Office of Chief or Councillor may obtain, from the Chief Electoral Officer, the Final Voters List.
- 11.10 The publication and mailing expenses related to campaign promotional materials will be entirely borne by the Candidate.
- 11.11 The SIFN Registry Office shall finalize a master list of qualified Voters, to be known as the Master Voters List, which shall be used for the purpose of verifying the identity of a Voter at the time of their voting.
- 11.12 The Master Voters List shall contain the surname, given name(s) and treaty number of each Voter.
- 11.13 No one, other than the Chief Electoral Officer and their staff shall have a access to the Master Voters List.
- 11.14 The information contained in the Master Voters List shall be kept confidential and may not be used for any other purpose than for verifying the identity of Voters desiring to cast a ballot.

PART 12: CAMPAIGN

DURATION OF THE CAMPAIGN

- 12.1 The campaign period shall run for no more than seven (7) calendar days in duration prior to the first voting day of the election.

CAMPAIGN CODE OF LEADERSHIP

- 12.2 Candidates must campaign:
- a) according to the rules and regulations established in this Code;
 - b) without coercion or vote buying, including supplying illegal drugs or excess alcohol at parties for specific Candidates.

- c) respecting the rights and freedoms of other Candidates to organize and campaign, and to reach out to voters with their messages.
 - d) respecting the rights of voters to obtain information from a variety of sources and to attend political rallies, events, debates, forums or other activities.
 - e) ethically, focusing on political issues and Candidate platforms instead of conducting smear campaigns; or campaigns of rumor and innuendo; or making or publishing any false statements in relation to the personal character or conduct of any Candidate, Chief Electoral Officer or Election Officer, whether in person or through any kind of social media or other form of communication.
 - f) non-violently and without the use of threats or intimidation.
 - g) respecting the freedom of the media to cover and express opinions on the campaigns; and
 - h) respecting the Chief Electoral Officer and staff and not interfering with the performance of their duties.
- 12.3 No one shall, as a part of his or her campaign, offer cash, material distributions (alcohol and illegal drugs) or any other benefit to any member of the SIFN.
- 12.4 No Candidate shall conduct their campaign or distribute campaign materials of any kind after the polls open on the first of the three (3) day election period.
- 12.5 Making the use of inducement/material benefits or the violation of any part of this Code by anyone to obtain a vote(s) for a candidate(s) will be cause for immediate disqualification of the candidate.

CAMPAIGN SIGNS AND POSTERS

- 12.6 No person shall campaign or advertise in connection with an Election on SIFN office property.
- 12.7 No person shall:
- a) post or display in, or on the exterior surface of, the Polling Station, any campaign literature or other material that could be taken as an indication of support for or opposition to the Election of a Candidate; or,

- b) in the Polling Station or in any place where voting at an Election is taking place, influence or attempt to influence Electors to vote or refrain from voting for a particular Candidate.
- 12.8 All Candidates shall remove their campaign posters and signs located on public property within 7 (seven) calendar days after Election Day.

OBSTRUCTION OF ELECTORAL OFFICER

- 12.9 No person shall willfully obstruct the Electoral Officer or Election Official performance of duties.

FALSE STATEMENTS

- 12.10 No person shall sign a nomination paper consenting to be a Candidate knowing that they are not eligible to be a Candidate.
- 12.11 No person shall, with the intention of affecting the results of an Election, make or publish any false statement of fact in relation to the personal character or conduct of a Candidate or election officials.
- 12.12 No person shall knowingly publish a false statement of the withdrawal of a Candidate.

VOTERS LIST

- 12.13 No person shall:
- a) willfully apply a name that is not their own to be included in a Final Voters List.
 - b) knowingly make a false or misleading statement orally or in writing, relating to their qualification as a Voter or relating to any other information referred to in this Code.
 - c) knowingly make a false or misleading statement, orally or in writing, relating to another person's qualification as a Voter, surname, given names, sex,

civic address or mailing address, or telephone number for the purpose of having that person's name deleted from the Voters List.

- d) request that the name of a person who is not qualified as a Voter be included on the Voters List.
- e) willfully apply to have included in the Voters List the name of a deceased person, a fictitious person, an animal or thing; or
- f) knowingly use personal information that is recorded in the Voters List for a purpose other than to enable Candidates to communicate with Voters in accordance with this Code.

BALLOTS

12.14 No person other than the Chief Electoral Officer or at his/her instruction may print or otherwise produce a Ballot.

VOTING

12.15 No person will be present in the Polling Station except those authorized by this Code and those present for the purposes of voting.

12.16 No person will vote or attempt to vote:

- a) more than once.
- b) knowing that they are not entitled or qualified to vote; or,
- c) under any name other than their own.

12.17 No person shall influence another person to vote at an Election knowing that the other person is not entitled or qualified to vote under this Code.

12.18 No person shall interfere with or attempt to interfere with a Voter who is in a voting compartment.

12.19 Unless authorized by this Code, no person shall:

- a) be in a voting compartment with a Voter.
- b) be in a position from which the person can see for whom a Voter marks their Ballot; or

- c) at the Polling Station, obtain or attempt to obtain information as to how a Voter intends to vote or has voted.
- 12.20 A person who assists a Voter to vote pursuant to this Code shall not:
 - a) influence or attempt to influence the Voter in the selection of the Candidate for whom the Voter votes or intends to vote; or,
 - b) mark the Voter's Ballot contrary to the Voter's instruction.
- 12.21 No person shall cause, or attempt to cause, any disturbance at the Polling Station, the location where the phone-in votes are being recorded or during the visitations to those unable to come to the polling station.

CORRUPT PRACTICES

- 12.22 Every person is guilty of an offence who, during an Election, directly or indirectly offers a bribe to influence a Voter to vote or refrain from voting for a particular Candidate, or during an Election, accepts or agrees to accept a bribe that is offered. A bribe, as defined in this Code, is a reward, advantage, money or benefit of any kind, given or accepted illegally to persuade the recipient to vote or refrain from voting for a particular candidate.
- 12.23 Every person is guilty of an offence who, by intimidation or duress, compels a Voter:
 - a) to vote or refrain from voting.
 - b) to vote or refrain from voting for a particular Candidate; or,
 - c) by any pretense or contrivance to vote or refrain from voting for a particular Candidate.
- 12.24 Every person is guilty of a corrupt practice who contravenes subsections 12.2 to 12.24 of this Code.

PENALTIES

- 12.25 Any Voter who is found guilty of having committed an offence under this Code, may further be declared to be:

- a) ineligible to be a candidate at an election of Chief and Council for a period of up to six (6) years; and,
- b) ineligible to hold any appointment, commission, or office under the authority and control of the Chief and Council for a period of up to six (6) years.

PART 13: VACANCIES

13.1 The position of Chief or Councillor becomes vacant when the Chief or Councillor:

- a) dies or resigns from their office.
- b) is removed by a community vote.
- c) is removed from office in accordance with this Code.
- d) is absent from 3 (three) consecutive Council meetings in a row without a proven and valid reason; or
- e) is unable to perform their duties due to debilitation, illness or other medical condition as certified by an appropriate medical authority or as ruled upon by a court of competent jurisdiction.

13.2 If a Chief or Council position becomes vacant with twelve (12) months or less remaining until the next election, it shall remain vacant.

13.3 If Chief is the vacant position, then the Deputy Chief shall fill the role.

13.4 Provisions respecting removal from office include:

- Corruption
- Conflict of interest
- **Criminal conviction of an indictable offence.**

PART 14: BY-ELECTIONS

14.1 When a vacancy occurs for Chief or Councillor, and there are twelve (12) months or more remaining before the date of the next general election or when a vacancy causes the loss of a quorum at Council meetings, the SIFN Council shall pass a resolution declaring that a by-election shall be held to fill the vacancy. The

Council shall fix a date for the by-election and shall give a copy of the resolution to the Chief Electoral Officer.

14.2 A By-Election may take any time of the year.

- 14.3 Given that a Councillor elected during a General Election has given their commitment to serve out their term as Councillor upon their Election, no sitting Councillor can run in a By-Election held for the office of Chief unless they declare their candidacy within one to two days of the call of the By-election. The Councillor will be required to permanently resign from their Council position once the nomination form has been received. The By-election will include a request for Nominations for the Council position that the Councillor has vacated increasing the By-election for two positions of Chief and Councillor.
- 14.4 In the event the community wants to remove the Chief and/or any Council member or the entire Council before their elected term expires, they must present a petition with 50% +1 or more signatures of registered voters. The petition must be presented to the Director of Operations. Voters names on the petition must be verified by the Registrar. The Director of Operations shall then call a By-Election or a General Election.

PART 15: APPEAL MECHANISM

- 15.1 In the event of an appeal, and depending on the nature of an appeal, it may be taken to the Electoral Oversight Committee for a decision or it may be taken to an independent arbitrator not directly associated with SIFN. The arbitrator will be selected by the Director of Operations in advance of the Election but will not be assigned unless an appeal takes place. The Director of Operations will assign the appeal process to the most suitable entity.**
- 15.2 Any Candidate or Voter who voted in the current election may, within fourteen (14) days after the third day of the election period, appeal the election if he/she believes there was an error or violation of this Code during the election process that may have affected the outcome.
- 15.3 To appeal an election, a Voter shall:
- a) make an oral report, including details of the alleged infractions, to the Director of Operations; and/or,
 - b) submit a written report, including details of the alleged infractions, to the Chief Electoral Officer.

GROUNDS FOR APPEAL

- 15.4 An Appeal, along with any supporting documentation submitted shall set out reasonable grounds that:
- a) the person declared elected was not qualified to be a Candidate.
 - b) there was a violation of this Code in the conduct of the Election that might have affected the outcome of the Election; or,
 - c) there was corrupt or fraudulent practice in connection with the Election.

IN THE EVENT OF AN APPEAL

- 15.5 The election results will not be impacted until which time the appeal is decided upon.
- 15.6 The appeal is communicated to the Chief Electoral Officer and the Candidates.
- 15.7 The Chief Electoral Officer will have an opportunity to respond within seven (7) days of the request for an appeal.
- 15.8 The independent arbitrator or the Electoral Oversight Committee will have a maximum period of fourteen (14) days to make their decision on the appeal.**
- 15.9 If a judgement is made against the Candidate, and the Candidate won the election, then the Candidate will be removed and the one with the next highest number of votes will be declared the winner.

PART 16: SIFN EMPLOYEE CONFLICT

- 16.1 If a member of the community is employed by the SIFN Council, then the person is not eligible to be Chief or a Councillor unless he or she requests unpaid leave as of the date they submit their Nomination to run for the office of either Chief or Councillor through to the last day of the election. If, and when this person is elected, then they will be required to resign their position as a staff member of SIFN.

PART 17: ELECTION DAY

POLLING STATION

- 17.1 There shall be only one (1) polling station set up on the SIFN lands for any election held under this Code.

SCRUTINEERS

- 17.2 Candidates for Chief may appoint no more than one (1) Scrutineer who is a Voter and who is not a Candidate, to observe proceedings at the Polling Station, during the visitations on day one of the election and during the phone-in ballots during day two of the elections and during the counting of the Ballots.
- 17.3 A Candidate's Scrutineer must present to the Chief Electoral Officer a duly completed *Statement of Appointment of a Scrutineer*, signed by the Candidate.

VOTING PROCEDURES

- 17.4 The Chief Electoral Officer shall ensure that at least one (1) Election Official is assigned who is fluent in the Innu language to assist any Voters requesting assistance, whether during the in-house visits, at the polling station or for phone-in voting.
- 17.5 A Voter may be permitted to have a friend or family member assist them in voting, however, the friend or family member must be eighteen years of age or older on the day of the Election.
- 17.6 When a Voter appears at the Polling Station or receives an in-place visit or phones in for the purpose of voting at an Election, the Chief Electoral Officer and election staff will ensure verification of Voters as set forth in the CEC Handbook.

TIE VOTE

- 17.7 In the event of a tie vote or when the difference of votes is five (5) or less, there will be an automatic recount of the votes in the presence of the two candidates whose votes are tied.
- 17.8 In the event of a tie after the recount for either Chief or the last Councillor position, the tie can be broken in two ways:

1. The Chief Electoral Officer will break the tie by conducting a draw of the names of the Candidates who are tied. The Candidate whose name is drawn first shall be declared elected by the Chief Electoral Officer.
2. The Chief Electoral Officer will decide how the tie will be broken by choosing another option if the candidates request an alternative method.

DECLARATION OF RESULTS

- 17.9 Immediately after the completion of the counting of the Ballots, the Chief Electoral Officer will publicly declare elected:
- a) the Candidate for Chief receiving the most votes; and,
 - b) the three female and three male Candidates for Councillor receiving the most votes.
- 17.10 The Chief Electoral Officer will cause to be posted in a public area at the Band Office, in all SIFN social media and in at least three (3) public places within the lands of the SIFN and provide to the local radio station a Statement of Results signed by the Chief Electoral Officer indicating the number of votes cast for each Candidate.

DISPOSITION OF BALLOTS

- 17.11 The Chief Electoral Officer will deposit all ballots, whether counted or rejected, in a locked ballot box and will keep them for a period of at least thirty (30) days.
- 17.12 If, at the expiration of the thirty (30) calendar days, no appeal has been filed with the Chief Electoral Officer, the Chief Electoral Officer will destroy the ballots in the presence of either a Justice of the Peace, Notary Public or Commissioner for Oaths who will sign a *Destruction of Ballot Papers* form indicating that they witnessed the destruction of said ballots.

PART 18: OATH OF OFFICE AND SWEARING IN CEREMONY

- 18.1 Within seven (7) calendar days of being elected, Chief and Council members shall swear an Oath of Office to uphold the values of the community and act in their newly elected roles on behalf of the best interests of the community and its members.

18.2 The Oath of Office may be administered by:

- a) the Chief Electoral Officer
- b) and Elder of the Community
- c) a Justice of the Peace
- d) a Notary Public or,
- e) a Minister or Priest of any faith as may be deemed appropriate by the Director of operations.

18.3 Where a Chief of Councillor, due to circumstances beyond their control, is unable to take the Oath of Office within the time stipulated, that Chief of Councillor shall be required to take the Oath of Office within thirty days of the commencement of their term of office.

18.4 A Chief or Councillor may not take Office until the Oath of Office has been sworn or affirmed.

18.5 The Ceremony will be led by Elders in the Community and followed by a feast.

18.6 The previous Chief and Council will be included in the ceremony and celebration to be recognized for their term and respected for their hard work.

18.7 In the time frame between the close of the Election and the completion of the Oath of Office SIFN staff as appointed by the Director of Operations will be expected to fulfil the roles of the Chief and Council.

PART 19: AMENDMENTS TO THE CUSTOM ELECTION CODE

19.1 An Amendment, as defined in this Code, constitutes a minor or a major change to the Election Code. A newly proposed Custom Election Code, in its entirety, will be dealt with in the same way as a major or minor amendment.

SUBMISSION OF PROPOSED AMENDMENTS

19.2 Any Voter may submit, in writing, requests or proposals for amendments or repeals to any part of this Code, including grounds or reasons for same, to the Director of Operations, for review and consideration.

19.3 Proposed amendments will be considered provided:

- the proposed amendments are fair and promote equality, validate the rights of Voters and will not compromise the Electoral Process;
- the proposed changes are possible to implement;
- the proposed changes are not in violation of the law;
- no grounds, insufficient grounds or deliberately troublesome grounds are set out to justify the proposed amendments or repeals.

FIRST REVIEW OF AMENDMENTS BY CHIEF AND COUNCIL

- 19.4 Once amendments have been received and accepted, the revisions or the newly drafted Election Code can only be amended at a duly called meeting of the Chief and Council. The meeting will be led by a qualified facilitator who is chosen by the Director of Operations. Proposed amendments will be considered when changes are well justified and support a stronger and better Election Code for the SIFN community.
- 19.5 When the Chief and Council are satisfied with the revisions to the Code or the revised Code, a final Draft will be prepared by the facilitator for presentation to the SIFN community.

NOTICE OF AMENDMENTS

- 19.6 Upon receipt of an amendment proposal from the Chief and Council, in accordance with this Code, the Director of Operations shall ensure that a notice is prepared for the community that sets out:
- a summary of the proposed amendments to this Code;
 - a statement that the full copy of the proposed amendments can be obtained online or at the SIFN Administration office; and,
 - a description of the amendment process.
- 19.7 The notice will be:
- posted in a public place at the SIFN Office.
 - broadcast on a local radio station.
 - delivered or mailed to Voters residing outside of the fifty (50) kilometre radius of SIFN.
 - posted on the website of the SIFN or any other social media site that is commonly used by members of the community; and,
 - posted in at least 3 (three) public places within the lands of the SIFN.

VOTERS MAY COMMENT ON PROPOSED AMENDMENTS

- 19.8 Voters may, within 30 (thirty) calendar days of publication of the notice, provide comments concerning the proposed amendments in writing to the Director of Operations. Comments received after the set deadline will not be regarded.
- 19.9 Following receipt of comments concerning the proposed amendments, the Director of Operations will ensure that the comments are reviewed and included in the presentation to the community provided they meet the standards set forth in this Election Code.

SPECIAL COMMUNITY MEETING ON AMENDMENTS

- 19.10 All SIFN members of voting age (18 years +) are invited to the special meeting. A Chair will be appointed to lead the community meeting. This person will be a respected member of SIFN who is proficient in both Innu and English and is an experienced facilitator. The Chair will be appointed by the Director of Operations and will be referred to as the *Chair of the Community Election Code Meeting (CEC Chair)*. A Co Chair may also be appointed by the Director of Operations. The CEC Chair (and/or Co-Chair) will present the entire Election Code in the event a new code is proposed or will present the amendments only, as needed.

REFERENDUM ON PROPOSED AMENDMENTS

- 19.11 Where most of the Electors voting at a referendum vote in favour of the proposed amendments to the Election Code, the Code will be deemed to have been amended, and the Chief and Council will cause the Code to be so amended accordingly for the next election period.

ELECTIONS AFTER AMENDMENT OF THE CODE

- 19.12 Elections held under the amended Code will take place no sooner than 100 (one-hundred) days from the date of the referendum.

PART 20: AUDIT OF ACCOUNTS

- 20.1 The accounts and books of the SIFN shall be examined at least once a year and their correctness ascertained by an auditor to be appointed by Chief and Council. The auditor shall certify the correctness or otherwise of the SIFN accounts as presented at each AGM of SIFN.

ANNEX A: CODE OF LEADERSHIP

PART 21 (Governance Policy) SIFN CODE OF LEADERSHIP POLICY

21.1. OBJECTIVE

The objective of this policy is to ensure that all members of the Sheshatshiu Innu First Nation Chief and Council, including members of committees of the Council, and the Sheshatshiu Innu First Nation administration, when working on public business related to the First Nation, act in a manner that promotes the best interests of the First Nation and its registered members.

21.2 DEFINITIONS

First Nation refers to the Sheshatshiu Innu First Nation

Chief and Council refers to the Chief and Council elected by the registered members of the First Nation.

Members of Committees of Council refers to any members appointed to committees or working groups created by Council.

Staff refers to the staff of the First Nation, whether full or part time.

Director of Operations (DO) refers to the most senior staff person in any First Nation administration department or First Nation owned organization.

Members or Beneficiaries refers to all registered members of the First Nation.

Immediate Family refers to husband and wife (including common law relationships), children (including adoptees), brothers, sisters, parents, grandparents, brothers-in-law, sisters-in-law, aunts, uncles, nieces and nephews.

First Nation Resources and Facilities refers to such things as office supplies and equipment, phone and e-mail access and First Nation-owned or leased buildings.

21.3 POLICY STATEMENT

21.3.1 General Standards

All members in the conduct of public business affecting the SIFN will endeavour to follow the "Golden Rule" of treating others as they would have them treat you. Specific ethical standards that will apply to all members include:

- Honesty
- Integrity
- Fairness and
- Respect

The remaining sections in this Code apply to Chief and Council, members of committees of Council and staff, where specified, of SIFN.

21.3.2 Loyalty to SIFN

All Chief and Council, committee members and staff must be loyal to the interests of the First Nation and its members. This means that all actions and decisions must be taken in the best interests of the community. This loyalty supersedes (must take priority over) any personal interest or interests stemming from their immediate family or from membership on other groups or organizations.

21.3.3 Duty of Care

Members of Chief and Council, its committees, and staff, in fulfilling their duties, shall exercise all the necessary care and skill that they would expect others to exercise in similar circumstances.

21.3.4 Conflict of Interest and Gifts

All Chief and Council members, committee members, and staff must not be involved in any activity in which their duty to the First Nation comes into conflict with their private or personal interests or those of their immediate family. When an individual is in a potential conflict of interest position, he or she must declare the conflict of interest and withdraw from the discussion or activity, and the decision-making process.

Under no circumstances will a staff, Chief and Council member or committee member accept or give a gift or favour that is, or could be perceived as, a bribe or reflects to a reasonable person an effort to improperly influence the Council, committee member or staff.

Staff cannot serve on Chief and Council and may only serve on its committees in a non-voting capacity.

A member of Chief and Council, its committees, or staff, cannot be involved in a discussion or decision about a contract or other financial arrangements where the member of Chief and Council or its committee, or staff, could benefit directly or indirectly from a person or organization contracting with the First Nation.

21.3.5 Supervision

Chief and Council, its committee members, and staff will attempt to avoid a situation where an individual supervises either directly or indirectly a member of his or her immediate family. Should this not prove feasible, the supervisor will take appropriate steps approved by Chief and Council to avoid potential situations of a conflict of interest.

21.3.6 Use of SIFN Resources or Facilities

Members, staff, Chief and Council and committee members will not make use of the First Nation's resources or facilities in pursuit of private or personal interests or those of their immediate family.

21.3.7 Confidentiality

Staff, Chief and Council and committee members will not use confidential Sheshatshiu Innu First Nation information for their own direct benefit or advantage. Further they will not disclose confidential information about the First Nation or any member, unless specifically authorized by policy, law or regulation.

21.4. ROLES & RESPONSIBILITIES

21.4.1 Chief and Council will:

- Ensure that all new staff, committee members and Council members are aware of this policy and sign a declaration (as in the Governance Policy) that they will honour it.
- Apply appropriate penalties, if necessary, for Council members, committee members and staff who do not adhere to this policy as set out in this policy.
- Monitor the implementation of this policy.

21.4.2 The Director of Operations, and chair of each Council committee, will:

- Bring to the attention of Chief and Council any information pertaining to serious breaches of this policy.
- Ensure that the complaints process as set out in this policy is implemented with effectiveness and integrity.

21.5 PROCESS FOR ADDRESSING COMPLAINTS

Any member who believes that Chief and Council, committee members or staff are not following this policy can direct his or her concerns as follows:

- If the complaint concerns the conduct of one or more staff other than the most senior staff person of the department, the Director of Operations shall be notified of the complaint. He/she will ensure that the matter is dealt with according to procedures laid out in the *SIFN Personnel Policy, Section 9, Progressive Discipline*. He/she will ensure that Chief and Council is informed of the complaint and how it was dealt with.
- If the complaint concerns the conduct of one or more members of a Council committee, other than the Chair of the Committee, the Chair of the Committee shall be notified of the complaint. He/she will ensure that the matter is dealt with according to procedures laid out in this *Code of Conduct*. He/she will ensure that Chief and Council is informed of the complaint and how it was dealt with.
- If the complaint concerns the conduct of the Director of Operations, chair of committee or member of Council, either the Director of Operations or the Chief will convene a committee of Council of no less than three members to decide whether the complaint has merit and, if so, to recommend appropriate sanctions to the Council.
- If the complaint concerns the conduct of the Chief, another member of Council, who is not implicated in the complaint, should be notified. He/she will be responsible for bringing the complaint to Council for review.

21.5.1 The individual or group responsible for reviewing and addressing the complaint, may:

- Determine that the complaint is frivolous or without grounds and so inform the complainant.
- Investigate the complaint by gathering additional information.
- Consult SIFN legal counsel.
- Hear directly from the complainant.

- Request those individuals to whom the complaint is directed, to appear before it.
- Undertake any other actions, which in its view, will help resolve the matter in a fair manner.
- Recommend to the Council one or more of the following sanctions:
 1. Oral or written reprimand.
 2. Suspension of the member or members of the Council or committee for a specified time period with conditions.
 3. Suspension of the Director of Operations for a specified time period with conditions.
 4. Dismissal of the Committee Chair.
 5. Dismissal of the Director of Operations.
 6. Any other action that in its view will resolve the matter in a fair manner.

21.5.2 Grounds for suspending membership on the Council would include:

- Being charged with an indictable offence.
- Actions that bring the Chief and Council under serious disrepute, including serious violations of this Code of Conduct.

21.5.3 Grounds for removing a Council member would include:

- Being convicted of an indictable offence.
In considering the recommendation of the Council committee, the Council, less any member or members of the Council involved in the complaint, will provide an opportunity to those individuals to whom the proposed sanctions will apply to address the Council.

21.5.4 Should the Council, less any member or members involved in the complaint, decide by majority vote to recommend dismissal of a Council member or members, including the Chief, then the Council will suspend the members in question until a special meeting of the registered members is convened, at which time the motion to dismiss will be dealt with.

21.6 COMMUNICATING THIS POLICY

Due to the fundamental nature of this policy, the Chief will ensure that a copy of the policy is e mailed to every member, committee member, Council member and staff member and will post a copy in the SIFN administration office. The Policy will also be posted on the SIFN website.

21.7 REVIEW & EVALUATION OF THIS POLICY

The Council will review this policy within 5 years of its adoption and decide if further evaluative work is necessary. A record of the review will be recorded in writing and attached to the policy.

ANNEX A – NOMINATION FORM FOR CHIEF

Candidate for Chief of Sheshatshiu Innu First Nation Nomination Form

Must be completed and received by the Chief Electoral Officer by [TIME].

Name of Candidate _____

Address _____

Telephone Home _____ Business/Cell _____

Email _____

CANDIDATES DECLARATION

I, _____ confirm my intention to be a candidate and declare that:

1. I am enrolled as a citizen of the Sheshatshiu Innu First Nation.
2. I am 18 years of age as of the Election date.
3. I have obtained and attached the List of Nominators Form with the signatures of at least 50 eligible voters who support my nomination.

1. The information on this form is collected under Part 6 of the SIFN Election Code.
2. This form may be publicly produced on close of nominations and may be inspected by any citizen of SIFN.
3. Faxed applications will NOT be accepted.
4. Any false or misleading information provided may result in the application being null and void.

ANNEX B – NOMINATION FORM FOR COUNCILLOR

Candidate for Councillor of Sheshatshiu Innu First Nation Nomination Form

Must be completed and received by the Chief Electoral Officer by [TIME].

Name of Candidate _____

Address _____

Telephone Home _____ Business/Cell _____

Email: _____

CANDIDATES DECLARATION

I, _____ confirm my intention to be a candidate and declare that:

4. I am enrolled as a citizen of the Sheshatshiu Innu First Nation.
5. I am 18 years of age as of the Election date.
6. I have obtained and attached the List of Nominators Form with the signatures of at least 20 eligible voters who support my nomination.

1. The information on this form is collected under Part 6 of the SIFN Election Code.
2. This form may be publicly produced on close of nominations and may be inspected by any citizen of SIFN.
3. Faxed applications will NOT be accepted.
4. Any false or misleading information provided may result in the application being null and void.

ANNEX C – LIST OF NOMINATORS FOR COUNCILLOR

LIST OF NOMINATORS FOR COUNCILLOR

At least 20 eligible voters are required

We, the undersigned, who are citizens of Sheshatshiu Innu First Nation and are 18 years of age or older hereby nominate _____
as a Candidate for Chief or Council of Sheshatshiu Innu First Nation.

	First Name	Last Name	Contact Info	Birthdate	Signature
1					
2					
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19					
20					

Signature of Candidate

Date

Signature of Chief Electoral Officer

ANNEX D – LIST OF NOMINATORS FOR CHIEF

LIST OF NOMINATORS FOR CHIEF

At least 50 eligible voters are required

We, the undersigned, who are citizens of Sheshatshiu Innu First Nation and are 18 years of age or older hereby nominate _____ as a Candidate for Chief or Council of Sheshatshiu Innu First Nation.

	First Name	Last Name	Contact Info	Birthdate	Signature
1					
2					
3					
4					
5					
6					
7					
8					
9					
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11					
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Signature of Candidate

Date

Signature of Chief Electoral Officer

ANNEX E – WITHDRAWAL FORM

Sheshatshiu Innu First Nation Nomination Withdrawal Form

I, _____, hereby withdraw my candidacy as
Chief or Councillor

from the election of _____ [Insert Date].

Signature of Candidate

Signature of Chief Electoral Officer

OATH OF OFFICE

OATH to be administered 7 days following election results:

I, _____, so elected as Chief/Councillor hereby do solemnly swear and affirm that:

1. I will uphold and comply with the Code of Conduct and all Codes, Policies, Laws, and By-Laws of the Sheshatshiu Innu First Nation
2. I will carry out my duties faithfully, honestly, impartially, without prejudice, to the best of my ability and in the best interests of the Sheshatshiu Innu First Nation
3. I will conduct the business at hand in a professional manner at all times, keeping in mind that what I say and do is a reflection of the Band.
4. I will regularly attend all meetings of the Band and Band Council
5. I will review the policy manuals, bylaws, and other documents concerning Sheshatshiu Innu First Nation, until I understand fully their content and lead by example in honoring and respecting their purpose and anticipated result
6. I shall always respect the decision of the majority arising from duly convened Meetings

Signature: _____ Date: _____