



## **NOTICE OF CONSULTATION MEETING**

Band Council of The Key First Nation has determined that it is necessary and appropriate to continue with further constitutional reform consultation meetings to draft a comprehensive constitution for The Key First Nation, including in particular:

1. Elections for Chief and Council
2. Governing structure of The Key First Nation
3. Rights and Responsibilities of Members
4. Law Making Process
5. Transparency
6. Standard of Conduct for Chief and Councillors
7. The Key First Nation Appeal Tribunal
8. Amendment of the Constitution
9. Citizenship (Membership Code)

Having regard for public health restrictions associated with COVID, Band Council of The Key First Nation has determined it advisable to conduct these consultations with Membership by video conference with a phone dial-in option.

A consultation meeting is hereby called to read in full the enclosed draft Constitution of The Key First Nation, and thereafter conduct a question and answer session with Band Members. The consultation meeting will be held on:

**March 13, 2021, at 1 pm**

You may participate by video conference here: <https://tinyurl.com/4uj358km>

Alternatively, you may participate by phone dial-in:

Phone Number: 1 (647) 749-9156

Phone Conference ID: 244 945 452#

# **Constitution of The Key First Nation**

**DRAFT**

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## **1. Preamble**

**1.1.** The Key First Nation signed adhesion to Treaty 4 at Swan River, North West Territories (now Manitoba) on September 24, 1875, thereby entering into Treaty with the Crown, exercising all the powers of First Nation sovereignty and nationhood. It is upon this foundation that we, the members of The Key First Nation, put into place this Constitution, which is the basis for our government authority, our jurisdiction and our laws. This Constitution is a framework for the implementation of our Inherent and Treaty rights which extend to all of our people regardless of their residency. By virtue of our rights and freedoms as an autonomous First Nation in an historical relationship with the Crown, we do hereby proclaim and institute this as the Constitution of The Key First Nation.

## **2. Inherent Rights of Our First Nation**

**2.1.** The foundations of our First Nation are rooted in the sacred gifts from our Creator, our Elders' teachings, and our knowledge of our inherent rights. It is therefore essential to declare:

**2.1.1.** The Creator put us here as the people of The Key First Nation and He gave us laws that govern all of our relationships so that we may live in harmony with nature and mankind. The Creator gave us a place on earth to provide us with all our needs so that we may live and prosper. We shall practice these rights, responsibilities and sacred obligations from generation to generation.

**2.1.2.** We have been autonomous and connected to our territories since time immemorial. This is confirmed by our oral history, our Elders' teachings, our traditions and customary practices.

**2.1.3.** Our inherent rights flow from the Creator and include but are not limited to:

**2.1.3.1.** Our spiritual beliefs and practices

**2.1.3.2.** Our language

**2.1.3.3.** Our culture, customs and traditions

**2.1.3.4.** Our freedom, independence and self-determination

**2.1.3.5.** Our love and respect for each other

**2.1.4.** Our Inherent right to self-determination includes the following main elements:

**2.1.4.1.** The right to govern ourselves and to determine our own destiny; including the right to develop and amend our own constitution, laws and governance procedures based upon the will of our people;

**2.1.4.2.** The right to establish and maintain our own form of government in order to provide for the well-being and prosperity of our people;

**2.1.5.** Our personal existence is defined by universal truths and natural laws, which guide us in honoring each individual's right to life, liberty and wellness. We accept the

responsibilities that go with our rights, knowing that we are responsible for our own destiny and that our government is accountable to our people.

**2.1.6.** Our Inherent and Treaty Rights are the basis for our social, cultural, political and economic systems. These rights guarantee our freedom to exercise and preserve our way of life forever. From generation to generation we will continue to exercise our inherent rights and fulfill the responsibilities and sacred obligations given us by our Creator.

### **3. Rights and Responsibilities of Our People**

**3.1.** Our people shall respect and abide by our Constitution, laws and policies.

**3.2.** Our people have the responsibility to understand and apply their privileges and obligations as set forth in our constitution, laws and governance policies.

**3.3.** Our people have the ultimate authority in making and amending laws.

**3.4.** Our people have the right and responsibility to participate in Legislative Assemblies or membership meetings as duly provided for in our Constitution, laws or as called and approved by the Council.

**3.5.** Our Election Act ensures that there shall be consultation with and input by our people, through the will of our voters, in our leadership selection processes.

**3.6.** The rights, freedoms and socio-economic benefits flowing from our Government system shall, to the extent possible, apply equally to all of our First Nation people.

**3.7.** All our First Nation's people shall enjoy, without hindrance, freedom of worship, culture, conscience, speech, assembly, and association.

**3.8.** The judicial processes of our Government system shall be open to all our people.

### **4. Citizenship**

[This section is intentionally blank as it is reserved for future enactment of provisions in relation to Citizenship/Membership]

### **5. Governing structure of The Key First Nation**

**5.1.** The principle components of self-governance of The Key First Nation shall be the:

**5.1.1.** Legislative Assembly,

**5.1.2.** Council of Knowledge Keepers,

**5.1.3.** Band Council, and

**5.1.4.** The Administration, including all program and administrative staff and contractors.

**5.2.** Legislative Assembly

**5.2.1.** The Legislative Assembly shall consist of all Electors.

**5.2.2.** The Legislative Assembly shall meet at least once in each and every year on such date as determined by Band Council.

**5.2.3.** The Legislative Assembly shall fulfill the following roles and functions:

**5.2.3.1.** To review, ratify and amend this Constitution, and all laws of The Key First Nation,

**5.2.3.2.** To review and monitor the financial management and accountability of The Key First Nation and its governance and administrative systems,

**5.2.3.3.** To review the audited financial statements of The Key First Nation, and the budgets for the previous, current, and future fiscal years,

**5.2.3.4.** To discuss, ratify and monitor the major institutions of The Key First Nation,

**5.2.3.5.** To review and monitor the development and management of The Key First Nations resources, territories, lands, and revenues,

**5.2.3.6.** To provide guidance to the Band Council and the other institutions of our government.

### **5.3. Council of Knowledge Keepers**

**5.3.1.** The Council of Knowledge Keepers shall consist of all Knowledge Keepers.

**5.3.2.** Every Elder is a Knowledge Keeper.

**5.3.3.** The Key First Nation recognizes that the Creator has given the gift of knowledge of our culture, customs and traditions to Citizens who are not yet Elders. These Citizens are also Knowledge Keepers.

**5.3.4.** In addition to those roles and functions otherwise identified in this Constitution, the Council of Knowledge Keepers provides an advisory role to Band Council and the Legislative Assembly.

### **5.4. Band Council**

**5.4.1.** The executive authority of our governance system is vested in Band Council. Their primary function is to apply and follow the laws and policies of The Key First Nation as set by the Electors.

**5.4.2.** The Chief is the representative of our government based on our culture and historic traditions. The Chief is also the spokesperson reflecting the decisions of Band Council. As our leader, the Chief is our voice in representing the interests, priorities and aspirations of our people.

**5.4.3.** Band Council shall fulfill the following roles and functions:

**5.4.3.1.** To represent and protect our First Nation's rights, culture and traditions,

**5.4.3.2.** To promote and protect our Inherent and Treaty rights,

- 5.4.3.3. To reflect and implement our peoples' goals, priorities & primary interests,
- 5.4.3.4. To foster democratic processes and consensus decision-making,
- 5.4.3.5. To promote unity, harmony, fairness and respect among our people,
- 5.4.3.6. To establish and apply public policies for the general benefit of our people,
- 5.4.3.7. To oversee our economy and resources,
- 5.4.3.8. To ensure effective, efficient and accountable government in consultation with our people through the Legislative Assembly,
- 5.4.3.9. To effectively manage the fiscal and financial affairs of the First Nation including full and open accountability to our people,
- 5.4.3.10. To provide for the fair reconciliation of grievances, appeals and disputes,
- 5.4.3.11. To manage inter-governmental relations, negotiations and agreements,
- 5.4.3.12. To ensure that "Conflict of Interest" is avoided, and
- 5.4.3.13. Other roles and responsibilities as identified in this Constitution, and our laws and policies.

## **6. Law Making Process**

- 6.1. All laws of The Key First Nation shall be officially ratified by a majority of Electors at Legislative Assembly.
- 6.2. Band Council shall develop recommended new or amended laws for presentation to the Legislative Assembly.
- 6.3. Band Council shall publish all proposed new or amended laws on the official website of The Key First Nation at least one week prior to a Legislative Assembly.
- 6.4. Electors at a Legislative Assembly shall review the new or amended laws, at which time they may offer amendments on the proposed content from the floor during the Legislative Assembly.
- 6.5. Official passage of a new or amended law is made through a majority vote of the Electors present at the Legislative Assembly.
- 6.6. Policy Affairs are local band matters. They require only the approval of the Band Council or a designated portfolio board or committee. They cover the operation of programs, portfolio areas, capital works, general operations, administration and other services to the people as developed from time to time.

## **7. Elections**

- 7.1. The purpose of this Article of the Constitution is to:
  - 7.1.1. Provide the governance foundations for The Key First Nation to effectively govern and manage its leadership selection and review processes,

7.1.2. Implement our Inherent and Treaty rights to self-determination,

7.1.3. Identify procedures respecting election of Band Council, and to authorize officers to make decisions pertaining to electoral procedures, and

7.1.4. Provide for accountable electoral processes for leadership selection.

7.2. This Article applies to all elections for Chief and Councillor of The Key First Nation.

7.3. Band Council shall be comprised of one Chief and five Councillors.

7.4. The term of office for Chief and Councillor shall be four years.

7.5. The Election shall be held on the first Saturday in June commencing in 2022, and every fourth year thereafter.

7.6. Band Council shall appoint an Electoral Officer by passing a Band Council Resolution between 120 and 90 days prior to the Election. The Electoral Officer shall first consent to their appointment and the remuneration in respect thereof, which shall be included in the Band Council Resolution.

7.7. The term of office of the Electoral Officer shall conclude only after all appeal periods in respect of the election have expired and all positions on Band Council are filled. If a new election is ordered in an Election Appeal, the Electoral Officer shall be responsible for same however the body determining the Election Appeal may appoint a different Electoral Officer if the conduct of the Electoral Officer in respect of the impugned election warrants same.

7.8. The Electoral Officer shall not be a Citizen. The Electoral Officer shall be independent of The Key First Nation, including without limiting the generality of the foregoing, they shall not have had any prior employment or contractual relationship with The Key First Nation except that of being an electoral official.

7.9. The Electoral Officer may appoint Deputy Electoral Officers, who shall meet the same eligibility requirements as the Electoral Officer.

7.10. At least 60 days prior to the election, the Electoral Officer shall, with the assistance of the Citizenship Clerk, create a Voters List comprised of eligible Electors. The Electoral Officer shall certify and publish the Voters List. The Voters List so certified shall be immediately posted at the office of The Key First Nation, with an electronic version posted to the official website of The Key First Nation.

7.11. At least 60 days prior to the election, the Electoral Officer shall post a notice of the election and the nomination meeting at the office of The Key First Nation, with an electronic version posted to the official website of The Key First Nation. The Electoral Officer shall also post the notice of the election and the nomination meeting in at least two different newspapers commonly read by Citizens that do not reside on The Key First Nation. The notice shall include particulars as to each of the polling stations established pursuant to Article 7.17.1.



## 7.12. Discontinuation of Authority

7.12.1. During the 60 days prior to the election, an incumbent Chief or Councillor who wishes to seek re-election is prohibited from using any of The Key First Nation's financial resources, personnel, property or services in a manner that would reasonably be considered as campaigning.

7.12.2. At the close of the Nomination Meeting, an incumbent Chief or Councillor who wishes to seek re-election is required to relinquish their signing and decision-making authority. During the period from this day to conclusion of the election, the Director of Operations shall have a caretaker authority over the general affairs of The Key First Nation.

## 7.13. Eligibility to be a Candidate

7.13.1. Any Elector may run for the position of Chief or the position of Councillor.

7.13.2. An Elector is not to be nominated as a Candidate for both the position of Chief and the position of Councillor in the same election.

7.13.3. If an Elector is a full or part-time employee of The Key First Nation, or has a contract with The Key First Nation, they must take a leave of absence without pay from their position or contract for the duration of the electoral process commencing with the Nomination Meeting. If they are elected, they shall immediately resign or give up their contract.

7.13.4. To become a Candidate, an Elector shall have completed, at a minimum, Grade 10 as recognized in Saskatchewan or a comparable level of education elsewhere.

7.13.5. An Elector shall not be eligible to become a Candidate if they have been convicted within four years of the date of the election of an indictable offence under the *Criminal Code* of Canada or an indictable offence under the *Controlled Drugs and Substances Act*.

7.13.6. An Elector shall not be eligible to become a Candidate if a court of competent jurisdiction has set aside their election pursuant to the *First Nations Elections Act* or this Constitution on the basis that the Elector engaged in corrupt conduct in relation to an election of The Key First Nation.

7.13.7. An Elector shall not be eligible to become a Candidate if they have an Outstanding Debt to The Key First Nation that exceeds \$100 as of the day prior to the Nomination Meeting. The onus shall be upon the Elector to obtain a letter of good standing from the Director of Operations and provide same to the Electoral Officer prior to being eligible to be nominated, in the absence of which the Elector shall not be eligible to become a Candidate.

7.13.8. An Elector shall not be eligible to become a Candidate if they currently hold an elected office with any hamlet, municipality, settlement, village, or town in Saskatchewan, with the Legislature of Saskatchewan, with the Parliament of Canada, or any similar such elected offices.

## **7.14. Nomination**

**7.14.1.** A Nomination Meeting shall be held at The Key First Nation at least 45 days prior to the election. It shall commence at 10 am and conclude at 2 pm, or such longer period as may be necessary to complete the Nomination Meeting. The Electoral Officer shall be present throughout, however for short periods the Deputy Electoral Officer may assume responsibility.

**7.14.2.** An Elector becomes a Candidate only if their nomination is moved and seconded at the Nomination Meeting, and the Elector submits the following to the Electoral Officer by 5 pm on the day of the Nomination Meeting:

**7.14.2.1.** A signed declaration accepting the nomination for no more than one of the positions for which they have been nominated and attesting to their eligibility to be a candidate,

**7.14.2.2.** A non-refundable Candidate fee of \$1,000, and

**7.14.2.3.** A Criminal Record Check.

**7.14.3.** An Elector shall make a two to five minute speech when moving for the nomination of a Candidate.

**7.14.4.** An Elector must not move for or second the nomination of more than one candidate for each position to be filled.

**7.14.5.** A Candidate must make a two to ten minute speech when accepting their nomination. Thereafter, the Candidate must answer in a forthright manner all questions asked by Citizens for a period not exceeding 20 minutes.

**7.14.6.** A Candidate may withdraw their Candidacy at any time prior to the close of the polls by submitting to the Electoral Officer a written declaration of withdrawal, signed by the Candidate.

**7.14.7.** A Candidate who dies before the close of the polls is considered to have withdrawn their Candidacy.

**7.14.8.** The Electoral Officer shall certify and publish a Candidates List no later than 40 days prior to the election. The Candidates List so certified shall be immediately posted at the office of The Key First Nation, with an electronic version posted to the official website of The Key First Nation.

**7.14.9.** The Electoral Officer shall decide eligibility of a Citizen to be a Candidate.

## **7.15. Candidates Forum**

**7.15.1.** The Electoral Officer shall establish the Candidates Forum at The Key First Nation between 9 am and 6 pm on the Saturday two weeks prior to the first Saturday of June in respect of the election.

**7.15.2.** All Candidates must personally attend and participate in the Candidates Forum.

**7.15.3.** At the commencement of the Candidates Forum, each Candidate must make a two to ten minute speech. Thereafter, the Candidate must answer in a forthright manner all questions asked by Citizens prior to the conclusion of the Candidates Forum at 6 pm.

## **7.16. Mail-in Ballots**

**7.16.1.** An Elector who wants to receive a mail-in ballot must make a written request to the Electoral Officer no later than 30 days before the day on which the election is to be held that includes a copy of their proof of identity.

**7.16.2.** No later than 25 days before the day on which the election is to be held, the Electoral Officer must mail to every Elector who has made a written request a mail-in ballot package consisting of:

**7.16.2.1.** a ballot, initialed on the back by the Electoral Officer,

**7.16.2.2.** an outer return envelope that is pre-addressed and postage-paid to the Electoral Officer,

**7.16.2.3.** an inner envelope marked “Ballot” for insertion of the completed ballot,

**7.16.2.4.** a voter declaration form,

**7.16.2.5.** instructions regarding voting by mail-in ballot,

**7.16.2.6.** a statement that the Elector may vote in person at a Polling Station in lieu of voting by mail-in ballot, if they return the unused mail-in ballot to the Electoral Officer, or they provide the Electoral Officer with a sworn affidavit stating that they have lost their mail-in ballot, and

**7.16.2.7.** a list of the names of any Candidates who were elected by acclamation.

**7.16.3.** The Electoral Officer must indicate on the Voters List, next to the name of each Elector to whom a mail-in ballot package was mailed or delivered, that a package has been provided to that Elector and keep a record of the date on which, and the address to which, each package was mailed or delivered.

**7.16.4.** An Elector may vote by mail-in ballot by

**7.16.4.1.** marking the ballot with a cross, check mark or other mark that clearly indicates the Elector’s choice, but does not identify the Elector, next to the name of the Candidates for whom they intend to vote;

**7.16.4.2.** folding the ballot in a manner that conceals the Candidates’ names and any marks on the ballot without hiding the initials on the back;

**7.16.4.3.** placing the ballot in the inner envelope and sealing that envelope;

**7.16.4.4.** completing and signing the voter declaration form;

**7.16.4.5.** placing the inner envelope and the completed voter declaration form in the outer envelope; and

- 7.16.4.6.** delivering or mailing the mail-in ballot package to the Electoral Officer before the time at which the Polling Station on The Key First Nation closes.
- 7.16.5.** A mail-in ballot is void if the mail-in ballot package is not received by the Electoral Officer before the time at which the Polling Station on The Key First Nation closes.
- 7.16.6.** The Electoral Officer must ensure the safekeeping of the mail-in ballot packages until they are opened in accordance with this Constitution.

## **7.17. Polling Stations**

**7.17.1.** The Electoral Officer shall establish Polling Stations as follows:

- 7.17.1.1.** The Key First Nation between 9 am and 6 pm on the first Saturday of June in respect of the election,
- 7.17.1.2.** Saskatoon between 9 am and 6 pm on the day prior to the first Saturday of June in respect of the election,
- 7.17.1.3.** Regina between 9 am and 6 pm on the Thursday prior to the first Saturday of June in respect of the election, and
- 7.17.1.4.** Edmonton between 9 am and 6 pm on the Saturday prior to the first Saturday of June in respect of the election.
- 7.17.2.** The Electoral Officer shall be present throughout each of the Polling Stations and shall preside over all electoral activities, however for short periods a Deputy Electoral Officer may assume responsibility in the absence of the Electoral Officer.
- 7.17.3.** Only an Elector may vote in an election. An Elector shall vote not more than once for each position available in the election.
- 7.17.4.** All voting shall occur by secret ballot.
- 7.17.5.** The Electoral Officer must, before the Polling Station is open, ensure that it is equipped with ballot boxes, ballots, materials for marking the ballots and any other necessary materials for the conduct of the vote.
- 7.17.6.** The Electoral Officer must provide a compartment at each polling station where the Electors can mark their ballots without being observed by any other person.
- 7.17.7.** A Candidate is entitled to two representatives in a Polling Station.
- 7.17.8.** The Electoral Officer must, before the Polling Station is opened, open the ballot box, call all persons present to witness that it is empty, seal the box in a manner that prevents it from being opened without breaking the seal and place it in a location that is visible to the Electors and representatives.
- 7.17.9.** The seal of a ballot box must not be broken and the ballot box must not be opened before the time at which the Polling Station on The Key First Nation closes.

**7.17.10.** The Electoral Officer must provide a ballot on which their initials have been placed to any Elector who has not voted and who attends at a Polling Station.

**7.17.11.** The Electoral Officer must place a mark on the voters list next to the name of each Elector who was given a ballot.

**7.17.12.** After receiving a ballot, an Elector must

**7.17.12.1.** immediately proceed to the compartment provided for marking ballots,

**7.17.12.2.** mark the ballot with a cross, check mark or other mark that clearly indicates the Elector's choice, but does not identify the Elector, next to the name of the Candidates for whom they intend to vote,

**7.17.12.3.** fold the ballot in a manner that conceals the Candidates' names and any marks on the ballot without hiding the initials on the back, and

**7.17.12.4.** give the ballot to the Electoral Officer.

**7.17.13.** The Electoral Officer must, without unfolding the ballot, verify the initials placed on it and return the ballot to the Elector to deposit in the ballot box or, at the Elector's express request, deposit it in the ballot box.

**7.17.14.** While an Elector is in the compartment provided for marking ballots, no other person is allowed to be in the compartment or be in a position to see the manner in which the Elector marks their ballot.

**7.17.15.** An Elector who has inadvertently made their ballot unusable may return it to the Electoral Officer and is, on one occasion, entitled to obtain another ballot, and the Electoral Officer must write the word "cancelled" on the spoiled ballot and preserve it.

**7.17.16.** Any Elector who has received a ballot and who declines to vote or who leaves the Polling Station without voting forfeits their right to vote at the election.

**7.17.17.** In the case of an Elector who forfeits their right to vote, the Electoral Officer must make a note on the Voters List next to that Elector's name to indicate that the Elector received a ballot and declined to vote and, if possible, write the word "declined" on the back of the ballot and preserve it.

**7.17.18.** Every Elector who is inside the Polling Station at the time fixed for closing the poll is entitled to vote before the poll is to be closed.

**7.17.19.** At the close of the Polling Station on The Key First Nation, the Electoral Officer must, in the presence of everyone present, open each envelope containing a mail-in ballot that was received before the close of the polls and, without unfolding the ballot,

**7.17.19.1.** reject the ballot if i) it is not accompanied by a voter declaration form or the voter declaration form is not signed or witnessed, ii) the name of the Elector set out in the voter declaration form is not on the Voters List, or iii) the Voters List shows that the Elector has already voted, or

- 7.17.19.2.** accept the ballot and place a mark on the Voters List next to the Elector's name that is set out in the voter declaration form and deposit the ballot in a ballot box.
- 7.17.20.** After all mail-in ballots have been deposited in a ballot box, the Electoral Officer must, in the presence of everyone present, open all ballot boxes and
- 7.17.20.1.** examine the ballots and reject any ballots that do not contain the Electoral Officer's initials, or on which any marks appear that would identify the Elector,
  - 7.17.20.2.** declare any portion of a ballot on which votes have been given for more Candidates than are to be elected to an office as void with respect to the Candidates for that office,
  - 7.17.20.3.** take note of any objection made by any Candidate or their representative to any ballot found in the ballot box and decide any question arising out of the objection,
  - 7.17.20.4.** number any objection and place a corresponding number on the back of the ballot with their initials and the word "allowed" or "disallowed", as the case may be,
  - 7.17.20.5.** from the ballots that are not rejected and from the portions of ballots that are not void, count the votes given for each Candidate who has not withdrawn before the close of the polls, and
  - 7.17.20.6.** prepare, sign, and post at the Office of The Key First Nation a statement of the number of votes for each Candidate, the number of ballots that are rejected and the number of ballots that have a portion declared void.
- 7.17.21.** If the difference between the number of votes of a Candidate with the highest number of votes — who would otherwise be declared elected — and another Candidate for the same position is five or fewer, the Electoral Officer must immediately conduct a recount of the votes cast for those Candidates.
- 7.17.22.** The Electoral Officer shall award the Chief and Councillor positions to the Candidates for those positions who receive the highest number of votes. If it is not possible to award a position because there are two or more Candidates with the same number of votes, the Electoral Officer must conduct a draw to break the tie.
- 7.17.23.** The Electoral Officer must deposit all ballots in envelopes, seal them and ensure their safekeeping along with other election documents, for the period of 120 days following the election or until the conclusion of all Election Appeals whichever period is greater.

## **7.18. Assumption of Office**

- 7.18.1.** The newly elected Chief and Councillors shall take an oath of office immediately upon their election being announced by the Electoral Officer.
- 7.18.2.** The newly elected Chief and Councillors shall assume their respective offices immediately upon taking the oath of office.

**7.18.3.** For further clarity, in the event of an Election Appeal, the newly elected Chief and Councillors shall continue to hold office in their respective positions unless and until otherwise order in an Election Appeal.

**7.19. By-elections**

**7.19.1.** When, for any reason, a position on Band Council becomes vacant, the remaining members of Band Council shall as soon as possible designate a date for a by-election, which by-election shall be held not less than sixty days and not more than 180 days following the event which resulted in the vacancy.

**7.19.2.** All matters concerning eligibility and procedures that apply to an election shall also apply to a by-election.

**7.19.3.** If a vacancy occurs within six months of the next general election, and such vacancy does not prevent the ability of Band Council to function, then no by-election shall be conducted.

**7.19.4.** The term of office of a Chief or Councillor elected in a by-election is the same as the balance of the term of office of the Chief or Councillor that they replaced.

**7.20. In connection with an election or an anticipated election, a person shall not:**

**7.20.1.** By intimidation, duress, money, services, goods, employment, or valuable consideration, or offers thereof, improperly influence or attempt to influence an Elector to:

**7.20.1.1.** Nominate or refrain from nominating a particular Candidate,

**7.20.1.2.** Accept or decline a nomination,

**7.20.1.3.** Withdraw as a Candidate, or

**7.20.1.4.** Vote or to refrain from voting for a particular Candidate,

**7.20.2.** Act, or incite another person to act, in a disorderly manner, with the intention of disrupting the conduct the election, including without limiting the generality of the foregoing a Nomination Meeting, Candidates Forum, or Polling Station,

**7.20.3.** Knowingly publish a false statement about a Candidate,

**7.20.4.** Provide a false name in order to obtain a ballot,

**7.20.5.** Possess a ballot that was not issued to them by the Electoral Officer,

**7.20.6.** Sell or give away a mail-in ballot,

**7.20.7.** Print or reproduce a ballot, unless that person is authorized by the Electoral Officer to do so,

**7.20.8.** Vote or attempt to vote knowing that they are not entitled to vote,

**7.20.9.** Attempt to influence another person to vote knowing that the other person is not entitled to do so,

**7.20.10.** Use a ballot that has not been issued to them by the Electoral Officer,

**7.20.11.** Put a ballot into a ballot box, unless it is that Elector's ballot, or the Electoral Officer is putting a ballot into a ballot box and has been expressly authorized by the Elector to do so,

**7.20.12.** Show their ballot, when marked, to reveal the name of the Candidate for whom the Elector has voted,

**7.20.13.** In a Polling Station or within 50 meters of the perimeter of the building within which the Polling Station is held:

**7.20.13.1.** Openly declare for whom the Elector intends to vote or has voted,

**7.20.13.2.** Attempt to influence an Elector to vote or refrain from voting or to vote or refrain from voting for a particular Candidate,

**7.20.13.3.** Promote or oppose the election of a Candidate, or

**7.20.13.4.** Post or display campaign literature or other material that promotes or opposes the election of a particular Candidate,

**7.20.14.** Intentionally obstruct an Electoral Officer in the performance of their duties,

**7.20.15.** In a manner that this Constitution does not otherwise prohibit, intentionally obstruct the conduct of an election.

**7.21.** If all of the following conditions are met, the provision of assistance including money, services, or goods shall be deemed to not contravene Article 7.20.1:

**7.21.1.** The person providing the assistance does not make an offer of assistance to the Elector prior to the Elector making a request for assistance,

**7.21.2.** The Elector makes a request to the person for assistance in connection with:

**7.21.2.1.** Transportation to a Polling Station to vote in an election, or

**7.21.2.2.** The Elector's urgent needs for subsistence in the next five days.

**7.21.3.** The person providing assistance believes in good faith that the Elector requires:

**7.21.3.1.** Transportation to a Polling Station to vote in an election, with the assistance limited to the reasonably anticipated cost thereof, or

**7.21.3.2.** Immediate assistance to meet their urgent needs for subsistence in the next five days, with the assistance not exceeding \$50.

**7.21.4.** The person providing the assistance immediately and in any event no later than 24 hours subsequent to providing the assistance notifies the Electoral Officer and the Director of Operations in writing of:

**7.21.4.1.** The Elector's full name,

**7.21.4.2.** The date, time, location, and full particulars of the request for assistance, and



**7.21.4.3.** The date, time, location, and full particulars of the assistance provided.

**7.22.** The Electoral Officer shall keep a registry of the written notifications received in accordance with Article 7.21.4. Upon request, the Electoral Officer shall immediately provide any Citizen with access to the registry.

**7.23.** The Director of Operations shall immediately post to the Citizen's section of the official website of The Key First Nation the written notifications received in accordance with Article 7.21.4.

**7.24.** The Electoral Officer shall take all appropriate measures to advance the conduct of an election in compliance with this Constitution. The Electoral Officer may make any order necessary where they reasonably believe that there has been or will be a contravention of this Constitution. All persons to whom such an order is direct shall obey it without delay.

**7.25.** Any Citizen may contest the election of the Chief or a Councillor by a Notice of Application to the Federal Court no later than 30 days after the election on the ground that a contravention of this Constitution is likely to have affected the result.

**7.26.** An appeal of an election shall be served upon each Candidate, the Band Office, and the Electoral Officer. The Band Office shall forthwith post the Election Appeal to the official website of The Key First Nation.

## **8. Standard of Conduct for Chief and Councillors**

**8.1.** The elected Chief and Councillors, as trustees of the sacred obligations granted by the Creator and as elected representatives of all Citizens of The Key First Nation, are expected to uphold and abide by this Constitution and in particular this Standard of Conduct. In particular, during their term of office the elected Chief and Councillors shall:

**8.1.1.** Refrain from drug and alcohol abuse, which leads to unacceptable behavior that violates the integrity of the office of the elected government.

**8.1.2.** Not hold a position of permanent, seasonal or part-time employment with The Key First Nation.

**8.2.** Once duly elected by the Citizens of The Key First Nation, the Chief and Councillors are accountable to all Citizens of The Key First Nation and as such they are deemed to be removed from office if any of the following occur:

**8.2.1.1.** Are absent from three consecutive duly called and convened meetings of Band Council without just cause, or

**8.2.1.2.** Are convicted of an indictable offence under the *Criminal Code* of Canada, or an indictable offence under the *Controlled Drugs and Substances Act*.

**8.3.** A Chief or Councillor may only resign their position by delivering a written and signed resignation to Band Council that identifies the effective date of the resignation.

**8.4.** Except as identified in this section, no Chief or Councillor may be removed from office prior to the expiry of their term of office.

## **9. The Key First Nation Appeal Tribunal**

[This section is intentionally blank as it is reserved for future enactment of provisions in relation to an Appeal Tribunal. Until such time, an Election Appeal is to proceed in the Federal Court as otherwise identified in this Constitution]

## **10. Right of Entry to The Key First Nation**

**10.1.** No person shall enter upon any of the reserves of The Key First Nation unless permitted to do so by this Article 10.

**10.2.** Notwithstanding any other law or policy, a Citizen shall be entitled to travel anywhere upon any of the reserves of The Key First Nation, excluding those areas designated by Band Council as private dwellings or prohibited areas.

**10.3.** Band Council in its discretion may designate a person or classes of persons who are not Citizens who are permitted to enter upon the reserves of The Key First Nation.

**10.4.** A person, including a Citizen, shall be prohibited from entering upon any of the reserves of The Key First Nation, and shall be immediately removed therefrom, if they:

**10.4.1.** Have been convicted of a sexual offence under the *Criminal Code* of Canada within fifteen years,

**10.4.2.** Have ever been designated as a dangerous offender under the *Criminal Code* of Canada, or

**10.4.3.** Are the subject of an order of a court of competent jurisdiction prohibiting them from being on any of the reserves of The Key First Nation.

**10.5.** Band Council may in its discretion grant an exception to the preceding Article 10.4 for a period no longer than six months at a time, which period may be renewed or revoked by Band Council at any time. Such exception may only be granted to a Citizen.

## **11. Employment**

**11.1.** Notwithstanding any other law or policy, a Citizen shall be preferred over a non-Citizen respecting employment, promotion of employment, layoffs, and similar such matters with The Key First Nation (including affiliates, operating entities and/or subsidiaries of The Key First Nation).

**11.2.** A person shall not be eligible to become or remain an Employee if:

**11.2.1.** A court of competent jurisdiction has set aside their election pursuant to the *First Nations Elections Act* or this Constitution on the basis that the person engaged in corrupt conduct in relation to an election of The Key First Nation,

**11.2.2.** They currently hold an elected office with any hamlet, municipality, settlement, village, or town in Saskatchewan, with the Legislature of Saskatchewan, with the Parliament of Canada, or any similar such elected offices.

**11.3.** If a person is no longer eligible to be an Employee, they shall be immediately terminated and shall not be entitled to severance, notice or pay in lieu thereof, or any damages of any nature whatsoever associated with their termination of their employment.

## **12. Remuneration and Expenses**

**12.1.** Chief and Councillors shall be reimbursed for their expenses associated with the conduct of official affairs on behalf of The Key First Nation on the following basis:

**12.1.1.** Travel by their own vehicle at the rate of \$0.50 per km, with one amount to be paid if multiple such persons utilize the same vehicle,

**12.1.2.** Travel by any other mode, in the amount actually incurred, provided that amount is reasonable,

**12.1.3.** Meals excluding alcohol, at the choice of the person:

**12.1.3.1.** In the amount actually incurred, provided the amount is reasonable, or

**12.1.3.2.** \$20 per meal, with three meals per day or two meals per half day,

**12.1.4.** Incidentals not otherwise identified in this Article 12.1 at the rate of \$40 per day or \$20 per half day.

**12.2.** The Chief shall receive an honorarium of \$69,992 per year.

**12.3.** Councillors shall receive an honorarium of \$50,804 per year.

**12.4.** The remuneration identified in this Article 10 shall automatically increase at the rate of 3% per annum, or such greater amount as may be determined by Band Council to be consistent with the rate of inflation in a particular year.

## **13. Ratification and Amendment**

**13.1.** This Constitution of The Key First Nation shall immediately come into effect when it is ratified by a majority of the Electors of The Key First Nation by secret vote in which a majority of the Electors of The Key First Nation participated.

**13.2.** Upon ratification or subsequent amendment, an electronic version of this Constitution shall be immediately posted to the official website of The Key First Nation. This Constitution may be posted in the *First Nations Gazette*, but such posting is not required.

**13.3.** This Constitution may be amended from time to time by the Legislative Assembly of The Key First Nation in the same manner as any other law of The Key First Nation, provided at least one third of the Citizens of The Key First Nation participated in that Legislative Assembly.

## **14. Interpretation**

**14.1.** This Article respecting interpretation shall apply throughout this Constitution and to all laws, policies, and Band Council Resolutions of The Key First Nation.

**14.2.** In the event of a conflict between this Constitution and any other law, policy, or Band Council Resolution, this Constitution shall prevail. This provision shall apply notwithstanding any other provision in any other law, policy, or Band Council Resolution.

**14.3.** While this Constitution is enacted pursuant to the Inherent and Treaty rights of The Key First Nation to govern itself, this Constitution is further enacted as a by-law pursuant to the *Indian Act*.

**14.4.** The Defined Terms in this Constitution shall apply throughout this Constitution and to all laws, policies, and Band Council Resolutions of The Key First Nation.

**14.5.** This Constitution and the laws, policies, and Band Council Resolutions enacted shall be considered as always speaking, and where a matter or thing is expressed in the present tense, it shall be applied to the circumstances as they arise, so that effect may be given to this Constitution and the laws, policies, and Band Council Resolutions according to its true spirit, intent and meaning.

**14.6.** This Constitution and the laws, policies, and Band Council Resolutions enacted are deemed remedial, and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of their objects.

**14.7.** Where the time limited for the doing of a thing expires or falls on a holiday, the thing may be done on the day next following that is not a holiday.

**14.8.** Where a form is prescribed, deviations from that form, not affecting the substance or calculated to mislead, do not invalidate the form used.

**14.9.** Words importing female persons include male persons and corporations and words importing male persons include female persons and corporations.

**14.10.** Words in the singular include the plural, and words in the plural include the singular.

**14.11.** Where a word is defined, other parts of speech and grammatical forms of the same word have corresponding meanings.

## **15. Defined Terms**

**15.1. Band Council or Council** means the Chief and Councillors of The Key First Nation

**15.2. Band Council Resolution or BCR** means a resolution of Band Council enacted at a duly called and convened meeting

**15.3. Candidate** means an Elector who is qualified, nominated, and accepts their nomination to run for the position of Chief or Councillor of the Band Council of The Key First Nation

**15.4. Chief** means the Chief elected pursuant to this Constitution

**15.5. Citizen** means a Member of The Key First Nation

**15.6. Councillor** means the Councillors elected pursuant to this Constitution

**15.7. Criminal Record Check** means a certified criminal record check issued by the Canadian Police Information Centre upon search of the National Repository of Criminal Records upon request of the Elector to the RCMP or another police force in Canada

**15.8. Elder** shall mean a Citizen considered by The Key First Nation to be an Elder as confirmed by the determination of Band Council

**15.9. Elector** shall mean, regardless of their residence, a Citizen who is at least eighteen years old as of the last date that an Elector may cast a ballot in respect of an election

**15.10. Employee** means an individual who is employed by the First Nation, its affiliates, operating entities and/or subsidiaries on a permanent, part-time, seasonal basis or term appointment, for which salary, benefits and/or remuneration are paid by The Key First Nation

**15.11. Director of Operations** means the officer of The Key First Nation retained by Band Council to perform the top management functions for The Key First Nation.

**15.12. First Nation** shall mean The Key First Nation

**15.13. Knowledge Keeper** shall mean a Citizen considered The Key First Nation to be a Knowledge Keeper as confirmed by the determination of Band Council

**15.14. Immediate Family** includes parents, children, siblings, grandparents, in-laws and spouse (including common-law)

**15.15. Outstanding Debt** means a debt owed to the First Nation, its affiliates, operating entities and/or subsidiaries, which includes but is not limited to all debts assigned to the First Nation, its affiliates, operating entities and/or subsidiaries

**15.16. Parent** means a biological parent of a person, or an adoptive parent of a person provided the adoption occurred in accordance with the laws and customs of The Key First Nation

**15.17. Ratification** means the official approval of this constitution or laws by the electors of The Key First Nation in accordance with this Constitution, or the amendment of laws in accordance with the amendment procedure set out herein

**15.18. Voters List** means the list of Electors created by the Electoral Officer in accordance with this Constitution