

**CANDIDATE INFORMATION  
PACKAGE AND FORMS  
FOR  
JAMES SMITH BAND #100 & #100A  
OF THE CREE NATION  
  
ELECTION  
FOR OKEMOW AND  
HEADPERSONS**

**RECORD OF RECEIPT  
OF CANDIDATE DOCUMENTATION**

<b>DOCUMENTATION REQUIRED AND RECEIVED FROM CANDIDATE</b>		
	<b>YES</b>	<b>NO</b>
Declaration of Intent form		
Vulnerable Sector Check		
Declaration Regarding Criminal Record		
Waiver of Claim – External Bodies and Process for Appeals		
Copy of Valid Driver’s License		
Candidate Agreement and Provision of Drug Testing Results <b>Provided One Week Prior to Nomination Meeting (January 4, 2018)</b>		

DATE: \_\_\_\_\_

TIME RECEIVED: \_\_\_\_\_

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Chief Electoral Officer Signature

**CANDIDATE ELIGIBILITY AND CONDUCT  
PURSUANT TO *JAMES SMITH BAND ELECTION ACT***

**XVI. CANDIDATE ELIGIBILITY**

45. Any Candidate running for an elected government position of the Band shall meet the following eligibility requirements:
- a) shall be the age of eighteen (18) years as of the date of the Band Election;
  - b) a registered band member of the James Smith Band #100 & #100A who has the original last name of one of the eleven (11) families/clans identified as Burns, Constant, Daniels, Marion, McKay, McLean, McLeod, Moostoos, Turner, Twist, and Walker and shall exclude those individuals identified as members of the Chakastapasin Band or Peter Chapman Band;
  - c) must have a valid driver's license, a copy of which shall be provided to the Chief Electoral Officer when filing the Declaration of Intent
  - d) must file a Declaration of Intent (Appendix A) to run for a position in a Band Election no later than 1:00 p.m. on Nomination Day;
  - e) a Candidate shall provide a Vulnerable Sector Check, with their Declaration of Intent, as proof they have not been convicted of an indictable offence in the past seven (7) years, or if he has been convicted of an indictable offence, he has received a record suspension (formally known as pardon) through the Canadian Legal System;
  - f) a Candidate shall complete and file the Declaration Regarding Criminal Record (Appendix B);
  - g) a Candidate shall complete and file the Waiver of Claim – External Bodies and Process for Appeal (Appendix C) recognizing the authority and jurisdiction of the James Smith Band to deal with appeals and agreeing that there will be no appeal or review with outside agencies;
  - h) must refrain from the use of alcohol;

- i) Candidates must agree to take a drug test and:
  - i) assume sole responsibility for ensuring the drug test results are completed and provided to the Electoral Officer one week prior to Nomination meeting;
  - ii) must pay for the drug test;
  - iii) have test results showing no presence of banned drugs under the Controlled Drugs and Substances Act, S.C. 1996, C.19;
  - iv) must sign the Candidate Agreement and Provision of Drug Test Results Pursuant to the James Smith Band Election Act (Appendix D) to disclose results of drug test to Electoral Officer;
  - v) if candidate disputes drug test, they can take a second test following the same procedure but it must be done prior to all results being submitted to Chief Electoral Officer;
  - vi) all results must be submitted to Chief Electoral Officer one (1) week prior to nomination meeting; and
  - vii) in the event of a drug test showing positive indication of prohibited drugs the Chief Electoral Officer will deem the candidate ineligible to run for office.

46. A Candidate shall be **ineligible** to run for a Band Election if they:

- a) have been convicted for fraud, bribery, breach of trust, or other criminal actions that will impair the integrity of the Band;
- b) are under criminal investigation;
- c) have pending or outstanding criminal charges;
- d) have failed to provide a Vulnerable Sector Check;
- e) have failed to complete and provide the Declaration Regarding Criminal Record;

- f) have failed to complete and provide the Waiver of Claim – External Bodies and Process for Appeals;
- g) do not have a valid driver's license; or
- h) have not provided a drug test or has a drug test showing positive indication of prohibited drugs.

## **XVII. CANDIDATE CONDUCT**

### **47. Candidates shall:**

- a) campaign without coercion, violence or use of intimidation;
- b) respect the right and freedoms of other Candidates to organize and campaign and to reach out to voters with their message;
- c) respect the rights of Band Members to obtain information from a variety of sources and to attend events or other activities;
- d) refrain from conducting smear campaigns, ones of rumor and innuendo or making false statements in relation to the personal character or conduct of any Candidate;
- e) refrain from offering or promising cash to Band Members;
- f) refrain from defacing and destroying campaign material of other Candidates;
- g) refrain from using facebook or other media to make negative statements about Candidates or the Band election;
- h) not be under the influence of alcohol or drugs during the election process; and
- i) refrain from requesting and accepting financial contributions from any source external to James Smith Band for the purpose of seeking elected office.

48. Where it has been proven that a candidate has breached any requirement outlined in “Section XVII – Candidate Conduct”, the Chief Electoral Officer shall declare the candidate unable to seek elected office and shall notify the candidate and membership accordingly.

**DECLARATION OF INTENT FOR BAND COUNCIL**

I, \_\_\_\_\_,  
print first name, middle name, last name

also known as \_\_\_\_\_  
if applicable, include alias

\_\_\_\_\_, am a member of the  
date of birth

JAMES SMITH BAND, # \_\_\_\_\_, do hereby declare that I intend  
Ten Digit Status Number

to seek election for the position of \_\_\_\_\_ of the JAMES SMITH  
indicate Okemow or Headperson

BAND scheduled on \_\_\_\_\_, 200\_\_\_\_\_.  
month/day

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_  
Candidate Signature

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FOR THE PURPOSE OF FILING THIS DECLARATION. THE NOMINATOR AND  
SECONDED MUST SIGN THIS DECLARATION.

\_\_\_\_\_  
Signature of Person Nominating

\_\_\_\_\_  
Print Name of Nominator

\_\_\_\_\_  
Signature of Person Seconding this Nomination

\_\_\_\_\_  
Print Name of Seconder

**JAMES SMITH BAND**  
**DECLARATION REGARDING CRIMINAL RECORD**

I, \_\_\_\_\_, Treaty Number \_\_\_\_\_ of the  
 James Smith Band:

**PLEASE CHECK THE APPROPRIATE STATEMENT(S) AS IT APPLIES TO YOU:**

_____	<b>I HEREBY DECLARE</b> that <i>I have never been charged</i> in any legal proceeding with any offence, criminal or otherwise.
_____	<b>I HEREBY DECLARE</b> that <i>no charges are pending</i> against me.
_____	<b>I HEREBY DECLARE</b> that I was <i>charged</i> but I <i>have never been convicted</i> of an offence.
_____	<b>I HEREBY ADMIT</b> that I <i>have a criminal record</i> and/or that I <i>have been convicted</i> of certain offences, whether criminal or otherwise.
_____	<b>I HEREBY DECLARE</b> that I <i>did</i> have a criminal record, but that I <i>have since been pardoned</i> .
<p><b>Please provide full details on a separate sheet including the charges, sentence, if any, and date of conviction, if applicable.</b></p>	



**AND FOR GREATER CLARITY, I DECLARE that I *have never* been charged with**

PLEASE CIRCLE YES OR NO FOR EACH OF THE FOLLOWING:

- |            |           |                                                                                                                                                                                                                                         |
|------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>YES</b> | <b>NO</b> | <b>an assault of any kind</b> [including, but not limited to, sexual assault, aggravated sexual assault, uttering threats, threatening a third party, or causing bodily harm];                                                          |
| <b>YES</b> | <b>NO</b> | <b>any sexual offence</b> [including but not limited to sexual interference, sexual exploitation, or sexual touching];                                                                                                                  |
| <b>YES</b> | <b>NO</b> | <b>an offence of intending to corrupt morals</b> [including, but not limited to, making, possessing or distributing child pornography, corrupting children, or procuring sexual activity]; or                                           |
| <b>YES</b> | <b>NO</b> | <b>disorderly conduct</b> [including, but not limited to, indecent acts, exposure, public nudity, causing a disturbance, or vagrancy].                                                                                                  |
| <b>YES</b> | <b>NO</b> | <b>common nuisance</b> [including, but not limited to, spreading false news].                                                                                                                                                           |
| <b>YES</b> | <b>NO</b> | <b>any drug or alcohol-related offence</b> [including offences under the <i>Criminal Code, the Controlled Drugs and Substances Act, or the Traffic Safety Act or any other Provincial Legislation similar to any of the foregoing</i> ] |

**If any of the above questions are answered in the affirmative, please provide *full* details on a separate sheet.**

**I HEREBY AUTHORIZE** the Chief Electoral Officer to undertake such investigation with the RCMP or City Police as the Chief Electoral Officer deems necessary to confirm that the information provided herein is complete and true in every respect and waive any right to privacy that I may have with respect to the disclosure of the same by the RCMP or City Police provided, of course, that the information is not to be used for any purpose other than determining my suitability to run as a candidate in the James Smith Band Election.

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Signature of Candidate

DECLARED BEFORE ME at the City/Town/Village  
 of \_\_\_\_\_, in the Province  
 of Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_,  
 20\_\_\_\_.

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A Commissioner for Oaths in and  
 for the Province of Saskatchewan

My Commission expires: \_\_\_\_\_

or Being a Solicitor

**WAIVER OF CLAIM - EXTERNAL BODIES AND PROCESS FOR APPEAL**

In seeking election for a position with the JAMES SMITH BAND, I agree and accept the following conditions, terms and processes:

I, \_\_\_\_\_, Treaty Number \_\_\_\_\_ agree that the *JAMES SMITH BAND ELECTION ACT* is made under the authority and jurisdiction of the James Smith Band #100 & #100A of the Cree Nation based on the Band's right to govern itself as bestowed upon the Band by the Creator.

I agree that if I proceed to an appeal, I must submit the dispute in writing under the above Act within fourteen (14) calendar days from the date of election. The issues for dispute shall be clearly set out in writing indicating the procedures that I say were not followed in the process duly verified by affidavit.

I agree that the jurisdiction of the Appeals Tribunal will be to determine whether to allow or disallow an appeal to proceed to a hearing. Where appropriate, the Appeal Tribunal shall decide whether to uphold or overturn the election.

I AGREE THAT THE DECISION OF THE APPEAL TRIBUNAL IS FINAL AND BINDING.

I further agree that there will be no appeal or review to the Courts or otherwise on any ground whatsoever. I agree that it will be an offence against the authority and jurisdiction of the JAMES SMITH BAND and its right to self-government for a Candidate to seek a resolution for any problem encountered in the election process through any process outside of the processes established under the *JAMES SMITH BAND ELECTION ACT*.

DECLARED BEFORE ME at the	)	
_____ of _____,	)	
in the Province of Saskatchewan,	)	
this ____ day of _____,	)	
201__.	)	_____
		Signature of Candidate

\_\_\_\_\_  
 A Commissioner for Oaths in and for the  
 Province of Saskatchewan. Being a  
 Solicitor - or - My commission expires \_\_\_\_\_

**CANDIDATE AGREEMENT AND PROVISION OF DRUG TESTING RESULTS  
PURSUANT TO THE JAMES SMITH BAND ELECTION ACT**

I \_\_\_\_\_, Treaty Number \_\_\_\_\_, of the James Smith Band hereby submit, upon a requirement of the James Smith Band Election Act, the results of my drug test.

I understand that only the Electoral Officers, so appointed by the James Smith Band, shall have access to information furnished or obtained in connection with the test; and that they will maintain and protect the confidentiality of such information to the greatest extent possible.

I understand that this information is to be used solely for the purposes of determining my eligibility to run for Okemow or Headperson of the James Smith Band.

If further clarification on the drug test results is required by the Chief Electoral Officer, I agree to provide all necessary consent in an expedient manner in order to meet nomination requirements. I acknowledge that my actions in not providing required consent for further examination of the drug test results may result in my disqualification to run for office of Okemow or Headperson.

I hereby agree and acknowledge that my drug test results shall be sealed in an envelope and securely maintained with the election documentation for a period of thirty (30) calendar days after the date of election. My drug testing information shall be destroyed with the election documentation unless I provide prior notification to the Chief Electoral Officer of my intent to maintain this personal information.

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Chief Electoral Officer

\_\_\_\_\_  
Date