



*PETER BALLANTYNE
CREE NATION
ELECTION 2011*

To: PBCN Membership

Date: Wednesday, April 20, 2011

Re: Councillor Candidate ballot re-count in Prince Albert & Chief Candidate request decisions

As the Head Electoral Officer I have been seeking legal advice with respect to certain provisions or lack thereof within our 1994 Act. The results of Thursday, April 14th stand and we have forwarded said results to all departments, communities and Indian and Northern Affairs Canada (INAC). All candidates will receive copies as well. I have discussed legal opinion with regard to certain sections of the 1994 Act and upon receiving legal advice on Tuesday, April 19, and Wednesday, April 20, 2011 our Elections Office must make the following decisions.

Be advised that under SECTION 10. (19) (a) For the office of Chief and Councillors, the candidates having polled the most votes will be declared the winner. Ballot boxes shall be resealed.

Further, SECTION 10. (19) (b) Any candidate has a right to a re-count if the number of votes between his/her votes is less than ten (10) from the last elected Councillor. This request must be made within forty eight (48) hours after the closing of the polls.

A Councillor candidate for **Prince Albert** has met this requirement and therefore our Polling personnel will conduct a re-count for the Prince Albert Council ballots ONLY on:

Wednesday, April 27th, 2011 at the Senator Bird Memorial Gym on the Joe Custer Reserve #201 at 10am.

After attaining legal advice and review of the PBCN Band Custom Election Act & Procedures 1994 in its current form, be advised that there is NO provision to a recount for the Chief candidates. SECTION 10. (19) (b) above restricts the right to a recount for Councillor candidates ONLY. Therefore, there will be NO recount of the chief ballots under the current election rules. In the 16 years that the Election Act has been utilized, there has never been any recount in regards to the Chief position

However, under **SECTION 11. (4) (a) Any candidates may appeal the results of the election within fifteen (15) days from the day of the election in writing. Candidates may forward any and all appeals to:**

**PBCN Appeals Committee, Chief Joseph Custer Reserve #201, 2300 - 9th Avenue West, P.O. Box 2350
Prince Albert, SK S6V 6Z1, Tel: 953-4400 Fax: 953-4420**

Ted Merasty – Head Electoral Officer

In the event there are any appeals, the Appeal Committee will review the appeal based on **Section 11. (3) The appeal committee shall be appointed for the term between elections as determined in the Act, and shall monitor the provisions of Section 10, subsections 12, 13, 14 and 16.** For copies of the Act 1994, go to <http://www.peterballantyne.ca/administration/policies.html> plus copies were distributed to each community prior to the election.