

MANITOBA METIS FEDERATION INC.

CONSTITUTION



AS RATIFIED BY THE 46TH ANNUAL ASSEMBLY November 16, 2014

Preamble

WHEREAS the Metis Nation is one of the Aboriginal Peoples of Canada referred to in section 35 of the Constitution Act, 1982; and

WHEREAS, the Manitoba Metis Community is a part of the Metis Nation; and

WHEREAS, the Manitoba Metis Federation Inc. has been created to be the democratic and self-governing representative body of the Manitoba Metis Community; and

WHEREAS, the Manitoba Metis Federation Inc. has been created as a body corporate in order to conduct financial and administrative affairs relating to the Manitoba Metis Community and to otherwise carry out its objectives; and

WHEREAS, the Manitoba Metis Community comprises Metis Citizens, settlements also known as local communities, and traditional territories, and is defined by a common identity, culture, history and, among other things, social and kinship relationships;

BE IT HEREIN ENACTED:

CONSTITUTION
MANITOBA METIS FEDERATION INC.
HEREAFTER REFERRED TO AS MMF
BY-LAW NO. 1

ARTICLE I OBJECTIVES OF THE CORPORATION

1. To promote the history and culture of the Metis people and otherwise to promote the cultural pride of its membership.
2. To promote the education of its members respecting their legal, political, social and other rights.
3. To promote the participation of its members in community, municipal, provincial, federal, Aboriginal, and other organizations.
4. To promote the political, social and economic interests of its members.
5. To provide responsible and accountable governance on behalf of the Manitoba Metis Community using the constitutional authorities delegated by its members.

ARTICLE II POLITICAL AFFILIATION

The Manitoba Metis Federation Inc. (“the Federation”) shall not be affiliated with any political party.

ARTICLE III MEMBERSHIP

DEFINITIONS AND APPLICATIONS FOR MEMBERSHIP

1. DEFINITION

- a. “Métis” means a person who self-identifies as Métis, is of historic Métis Nation Ancestry, is distinct from other Aboriginal Peoples and is accepted by the Métis Nation;
- b. “Historic Métis Nation” means the Aboriginal people then known as Métis or Half-Breeds who resided in the Historic Métis Nation Homeland;
- c. “Historic Métis Nation Homeland” means the area of land in west central North America used and occupied as the traditional territory of the Métis or Half-Breeds as they were then known;
- d. “Métis Nation” means the Aboriginal people descended from the Historic Métis Nation, which is now comprised of all Métis Nation citizens and is one of the “aboriginal peoples of Canada” within s.35 of the Constitution Act of 1982;
- e. “Distinct from other Aboriginal Peoples” means distinct for cultural and nationhood purposes.

2. APPLICATION PROCESS

- a. All membership, except honorary membership shall be admitted in accordance with the provision of this article.
- b. Applications for membership (also referred to as Citizenship) shall be made in a form established from time to time by resolution of the Board of Directors. Consistent with demonstrating Citizenship in the Manitoba Metis Community, the application shall be submitted to the “Local” of the Manitoba Metis Federation, or the “Local” in care of Regional Office, which represents the:

- i. Birthplace of the applicant; or,
- ii. Childhood residence or current residence of the applicant; or,
- iii. Place in which the applicant has a direct ancestral connection as evidence by a genealogy including supporting evidentiary documents.

For the purpose of this Article “residence,” and “direct ancestral connection” shall bear the meaning established by resolution of the Board of Directors.

- c. All applications for membership shall be submitted to the Regional Committee by the receiving “local”. The Committee shall consider each application, and in accordance with such procedures as may be established by the Board of Directors, shall recommend acceptance or rejection of the application, or shall return the application to the applicant along with a request for further specified information respecting the application.
- d. Recommendations by Regional Committees in accordance with clause (c) shall be made to the Board of Directors who shall decide whether to accept or reject such applications. The Board’s decision shall be forthwith delivered by registered post or personally to the applicant.
- e. The Board of Directors may delegate its decision making authority described in (b) and (d) to the Regional Committee or any such other committee as may be determined from time to time by resolution of the Board of Directors.

3. APPEALS

- a. Any applicant whose application is rejected has a right to appeal that decision to the Membership Appeal Tribunal, provided that the appeal is placed before the Tribunal, in such form and in such manner as the Board of Directors may prescribe, within sixty days from the date of receipt of rejection.
- b. Any member has a right to appeal a decision respecting his or her membership, provided that the appeal is placed before the Tribunal, in such form and in such manner as the Board of Directors may prescribe, within sixty days from the date of receipt of the decision.

- c. The Membership Appeal Tribunal shall be determined and appointed from time to time by resolution of the Board of Directors. The decision made by the Tribunal shall be final and shall not be reviewable by, nor appealable to, any court of law.

4. CLASSES OF MEMBERSHIP

a. INDIVIDUAL MEMBER

Any person who is Metis, a Citizen of the Manitoba Metis Community, and who is 18 years of age is entitled to be an Individual Member (also referred to as a “voting Citizen”) of the MMF.

New Members:

All applicants for membership shall be required to provide a genealogy including supporting evidentiary documents completed by a recognized institution to objectively verify the applicant’s Historic Metis Nation Ancestry.

The Board of Directors shall by resolution designate acceptable recognized institutions and required criteria and documents.

Current Members:

All current members shall be required to provide a genealogy including supporting evidentiary documents completed by a recognized institution to objectively verify the member’s Historic Metis Nation Ancestry no later than September 1st, 2018.

The Board of Directors shall by resolution designate acceptable recognized institutions and required criteria and documents.

b. ASSOCIATE MEMBER

Spouses, as defined by resolution of the Board of Directors, of individual members. Such resolution shall only be effective upon confirmation by the members in general meeting. Associate members shall have no vote and shall not hold office, and shall be entitled only to such benefits as may from time to time be determined by the resolution of the Board, upon confirmation by the members in general meeting.

c. HONORARY MEMBERS

Such persons as may from time to time be admitted by resolution of the Annual General Assembly. Honorary members shall have no vote and no right to hold office.

d. CHILDREN

“Children” includes all natural or adopted children, whether legitimate or illegitimate under Canadian law. Children (under the age of 18 years) of individual members (also referred to as “voting Citizens”), and who are Metis and Citizens of the Manitoba Metis Community, shall be entitled to the benefits of the services of the organization and to such other benefits as shall be determined by resolution of the Board.

ARTICLE IV TERMINATION OF MEMBERSHIP

Individual membership shall terminate upon the happening of one or more of the following events; viz.

1. Death
2. Participation in any land claims agreement under the meaning of the Constitution Act, 1982, to which the Corporation is not a party.
3. The entry of the member’s name in a Band list or in the Indian Register according to the provisions of the *Indian Act*, R.S.C., c.1-6, as amended.
4. It is determined by the Federation that membership was granted as a result of the member:
 - a. misrepresenting that he/she is Metis; or
 - b. providing false information or documentation related to the application for membership; or
 - c. concealing information which was required to be provided to the Federation as part of the application process.
5. It is determined by the Federation that the member has not provided the genealogy including supporting evidentiary documents that he or she objectively and verifiably meets the definition of Metis in Article III 1 and the individual membership requirement in Article III 4 (a).

6. An individual may appeal the termination of his or her membership to the Membership Appeal Tribunal provided that the appeal is placed before the Tribunal in such form and in such manner as the Board of Directors may prescribe, within sixty days from the date of receipt of notice of the termination of membership.

ARTICLE V REGIONAL AND LOCAL ASSOCIATIONS

1. The Federation shall be organized on the basis of regional associations (“Regions”) which shall comprise the total of local associations (“Locals”) within the boundaries of each Region.

a. BOUNDARIES

- i. The boundaries establishing the “Regions” shall be established by resolution of the Board of Directors. Such resolutions shall take effect upon ratification by a 2/3 majority at an Annual General Meeting.
- ii. The boundaries establishing “Locals” shall be determined by the Regional Committees pursuant to rules established by the Board.

b. EXECUTIVE

- i. Each “Region” shall be administered by a Vice-President and two Directors for that Region, who shall sit on the Federation’s Board of Directors, and who shall form the Regional Committee for their respective Region.
- ii. The Vice-President and the two Regional executive officers shall be elected in accordance with the by-laws of the Federation.
- iii. Each “Local” shall be administered by a Chairperson, a Vice-Chairperson, and a Secretary-Treasurer.
- iv. These executives officers of each “Local” shall be elected in accordance with the by-laws of the Federation.

ARTICLE VI TERMS OF OFFICE

1. The executive officers of a Region shall hold office for a term, or terms, each of which shall not exceed four years and three months from the date of election, and each of which shall commence from the date such officers shall be declared elected by the Chief Electoral Officer and continue until the date of the next following election pursuant to bylaw No.2 or the vacation of that term under Article IX or Article X (5) hereof;

2. The executive officers of each “Local” shall hold office for a term as set and determined by each local. However, no change of executive officers shall be recognized until details of same are registered with the appropriate office and with the “Head Office” of the corporation;
3. Vacancies arising in any of the regional or local offices between regulation elections shall be filled in accordance with the by-laws by special by-election called for that purpose.

ARTICLE VII BOARD OF DIRECTORS

1. The Board of Directors shall consist of:
 - a. those individuals who have been elected to the position of Vice-President for each Region; and
 - b. those individuals who have been elected to the two Regional Executive positions for each Region; and
 - c. the person elected as President of the Federation; and
 - d. the person elected as Spokesperson of Infinity Women Secretariat Inc.
2. The Board shall have the power to manage and administer the affairs of the Federation.

ARTICLE VIII DIRECTORS: FAILURE TO ATTEND MEETINGS

A member of the Board who fails to attend three consecutive Board meetings without cause acceptable to the Board shall be liable to dismissal ipso facto. For greater certainty, the dismissal shall take effect from the date of the relevant third meeting unless cause acceptable to the Board is shown at that meeting.

ARTICLE IX BOARD OF DIRECTORS: POWER TO REMOVE MEMBERS

1. The Board of Directors shall have the power to remove any officer of the Federation or member of the Board for behavior which is contrary to, or detrimental to, the objects of the Federation, or for behavior which would tend to bring the Federation into disrepute.
2. The Board of Directors shall set a process for the removal of any director or Vice-President by the members of the Federation from the region represented by such director or Vice-President.

3. Where the members of a region have complied with the process defined by the Board of Directors, shall declare the position of such director or Vice-President vacant and institute an election as provided in the By-Laws.
4. Without restricting the generality of the foregoing any petition signed by a majority of members registered to vote in such region or a majority vote supporting such removal taken at any regional meeting at which such recall have been set as an order of business shall be grounds for removal.
5. No motion for removal shall apply unless Notice in writing of intention to remove the director or Vice-President shall have been delivered to such director or Vice-President at least twenty-one (21) days in advance of any regional assembly.

ARTICLE X PRESIDENT

1. The President shall be the Chief Executive Officer of the Federation, and shall chair all meetings of the Board.
2. The President shall hold for a term, or terms, each of which shall not exceed four years and three months from the date of election, and each of which shall commence from the date such President shall be declared elected by the Chief Electoral Officer and continue until the Chief Electoral Officer shall declare elected in an election pursuant to by-law No. 2 another person elected to the office of President or the vacation of that term under Article IX.
3. A candidate for the President's office must have served at least one year as an elected officer of the Federation.
4. In the event that a vacancy occurs in the office of the President before the expiration of a term, the Board shall appoint a member of the Board of Directors to fill the vacancy unless more than one year remains in the term of that vacancy. In that event an election for the position of President, or any vacancy, in the Federation shall be held in accordance with the by-laws of the Federation.

ARTICLE XI BOARD MEETINGS

1. The Board shall meet at least once in every calendar year.
2. A meeting of the Board may be convened at the request of the President, or at the request of four or more Board members.
3. At least ten (10) business days written notice shall be given for Board meetings provided that the notice requirement may be waived with the agreement of the Board.

4. QUORUM: A majority of the Board shall constitute a Quorum.
5. PROCEDURE: The procedure at meetings shall follow Robert's Rules of Order unless the Board by resolution adopts another standard for procedures as the first order of business.

ARTICLE XII GENERAL ASSEMBLIES

1. An Annual General Assembly (AGA) of all members of the Federation shall be called once in every calendar year.
2. The following business shall be transacted at every Annual General Assembly namely:
 - a. The Board shall inform the members regarding the Federation's activities in the previous year;
 - b. The Board shall present annual financial statements to the Assembly and arrange for the MMF Auditor to be available to provide information as may be required by the Assembly;
 - c. The members of the Federation shall appoint an Auditor for the following year;
 - d. The members of the Federation shall appoint a Resolutions Committee consisting of one member representative from each Region to receive and review Resolutions at the AGA and to submit all proper Resolutions to the Assembly for its consideration;
 - e. Subject to the provisions of this By-Law, the members of the Federation may by resolution of 60% of the members in actual attendance at the AGA make and approve, change or revoke by-laws for the regulation of the affairs of the Federation.
1. VOTING: At all General Assemblies, each voting member shall have one vote.
2. Regional Committees may submit resolutions to the Board for its consideration for submission to the AGA or to an extraordinary General Assembly.
3. Notice concerning an Annual General Assembly (AGA) shall be sent from the Federation's Head Office postmarked not less than forty-five (45) days before the date set for the AGA to all Regional offices. The Regional committee shall send such notice to the address of each "Local" secretary-treasurer postmarked at least thirty-five (35) days before the date of the AGA and shall take such other reasonable means available to it to bring notice of the AGA to the members within

its “Region”. Each notice shall provide for the opening and adjournment times which shall be confirmed by a majority vote at the outset of each assembly and which may not otherwise be changed or extended except as hereinafter provided in Article XII (7).

4. The notice concerning an AGA shall specify the place and time of the meeting, and shall state the business to be transacted.
5. Providing that proper and sufficient notice, as hereinafter set forth, shall have been given, there shall be no minimum nor maximum number of members entitled or required to conduct or hold any meeting of the membership. Any motion to extend the time set for adjournment shall require affirmative vote of eighty percent (80%) of the delegates registered to attend such meeting at the close of business on the first day of such meeting. The Assembly may, by majority vote, move to adjourn at any time prior to the times so determined.
6. Quorum for the purpose of an Annual General Assembly shall be one (1) delegate from at least 50% of the registered locals.

ARTICLE XIII EXTRAORDINARY GENERAL ASSEMBLY

An extraordinary General Assembly of the members may be called at any time, by the Board, provided that the notice required for an AGA be complied with and that the purpose for the assembly, and the business proposed for consideration be stated in the notice of such extraordinary General Assembly.

ARTICLE XIV BY-LAW AMENDMENT PROCEDURE

1. No proposed amendment to the Federation’s by-laws, shall be accepted from the floor at an Annual General Assembly or an extraordinary General Assembly;
2. Proposed by-law amendments may be initiated by the Board or, by a member in accordance with the procedure set out in this Article;
3. The wording of any proposed by-law amendment shall be forwarded by the Board to each Regional Office at least Twenty-Five (25) days prior to the Annual General Assembly. Each Regional Office shall distribute the wording of the proposed by-law amendment to each Local at least Twenty-One (21) days before the commencement of the Annual General Assembly or extraordinary General Assembly;
4. Any member who wishes to submit a proposed by-law amendment, must first submit the proposed amendment to his/her Local and obtain the approval of the Local to proceed with the proposed amendment;

5. If approval of the proposed by-law amendment is given by the Local, the Chair of the Local shall then submit the proposed by-law amendment to the Regional Committee (Regional Executive);
6. In the event a member's Local is not active, a member may submit a proposed by-law amendment directly to the Regional Committee (Regional Executive);
7. The Regional Committee (Regional Executive) shall within Fourteen (14) days of the receipt of the proposed by-law amendment, submit the proposed by-law amendment to the Board along with the recommendation of the Regional Committee (Regional Executive) with respect to the proposed by-law amendment;
8. The Board will review all proposed by-law amendments received from a Regional Committee (Regional Executive) and may, suggest such changes as in the opinion of the Board, may be appropriate;
9. Any suggested changes by the Board will be communicated to the Regional Committee (Regional Executive) which in turn shall communicate such suggested changes to the Local and determine whether the Local/member who first proposed the by-law amendment agrees to the changes suggested by the Board;
10. The Board will then decide whether the proposed by-law amendment should be brought forward to the next Annual General Assembly or extraordinary General Assembly. In the event the Board decides not to have the proposed by-law amendment brought forward to the Annual General Assembly or extraordinary General Assembly, a written explanation as to the Board's decision shall be provided to the Regional Committee (Regional Executive), the initiating Local and the member who proposed the by-law amendment;
11. In the event the Board agrees to have the proposed by-law amendment brought forward to the Annual General Assembly or extraordinary General Assembly, it shall do so in accordance within the time frame stated in paragraph number 3 above.

ARTICLE XV ELECTION OF DIRECTORS AND EXECUTIVE

The Board of Directors shall pass by-laws for the regulation of the elections of members of the Board of Directors and other officials of the Federation.

ARTICLE XVI MISCELLANEOUS

1. Each Director shall be entitled to receive an amount by way of Director's fees or any other form of remuneration, which amount shall be established by the Board of Directors on an annual basis.

2. No elected officer of the Federation may do work for the Federation, either as an employee or by contract, other than the fulfillment of the obligations of his or her position within the Federation.
3. For greater clarity, and not restricting the generality of the foregoing, no person who receives remuneration either by way of Director's fees, nor as payment for the holding of any office within the Federation (i.e. President or Vice-President) shall be considered an employee of the Federation. No person elected to office shall by reason only of having failed to be re-elected to such office be entitled to any further or other notice, or to any severance pay or other employee benefit.

ARTICLE XVII METIS HARVESTING INITIATIVE

1. The Metis Harvesting Initiative comprises the structures, policies and procedures enabling and regulating the exercise of the Manitoba Metis Community's collectively-held harvesting rights recognized in section 35 of Canada's *Constitution Act, 1982*;
2. The Metis Harvesting Initiative includes but is not limited to the following:
 - a. Metis Harvester Registration and Metis Harvester Identification Cards;
 - b. Metis Conservation Trust Fund;
 - c. Metis Management System;
 - d. Metis Laws of the Harvest.
3. Any person who is Metis, as defined in this Constitution, and a member of the Manitoba Metis Community, is entitled to register as a Metis Harvester, receive a Metis Harvester Identification Card, and participate in the Metis Harvesting Initiative and shall accept and be subject to all policies and procedures governing the Metis Harvesting Initiative as may be prescribed by resolution of the Board of Directors;
4. Harvester Application Process:
 - a. All applications to be registered as a Metis Harvester and to receive a Metis Harvester Identification Card shall be made in accordance with the provisions of this article;
 - b. The application process shall be objective and verifiable and in the form and manner as may be prescribed by resolution of the Board of Directors.

5. Harvester Application Appeals:

Any applicant whose application is rejected has a right to appeal that decision to the Membership Appeal Tribunal, provided that the appeal is placed before the Tribunal, in such form and in such manner as the Board of Directors may prescribe, within sixty days from the date of receipt of the decision.

MANITOBA METIS FEDERATION INC. ELECTION BY-LAW

ARTICLE I

This by-law applies to “Regional” and “Provincial” elections held by the MMF.

It does not apply to “Local” elections.

ARTICLE II

For the purposes of this by-law the following definitions apply:

1. “Candidate” – means a member of the MMF who:
 - a. is entitled to hold an elected office in the MMF; and
 - b. is duly nominated as a candidate for office.
2. “Chief Electoral Officer” – means the person appointed by the Board of Directors of the MMF to fulfil the position of Chief Electoral Officer.
3. “Deputy Chief Electoral Officer” – means a person appointed by the Chief Electoral Officer to assist him/her in carrying out the duties and responsibilities of Chief Electoral Officer.
4. “Deputy Returning Officer” – means a person appointed by the Chief Electoral Officer to manage and conduct voting procedures at polls that are established by the Chief Electoral Officer.
5. “Election” – means an election called pursuant to the Constitution and by-laws of the MMF.
6. “Elector” – means a member of the MMF who is entitled to vote pursuant to this by-law.
7. “Election Day” – means the day when all voting except Advance Poll or mail-in voting takes place.

8. “Election Officer” – means the Chief Electoral Officer and any Deputy Chief Electoral Officer, Deputy Returning Officer and Poll Clerk appointed by him/her for a particular election.
9. “List of Electors” – means the Preliminary List of Electors of the MMF as amended by the Chief Electoral Officer and distributed not less than twenty-one (21) days before Election Day.
10. “Local” – means the association of members established at the community level pursuant to the Constitution of the MMF.
11. “Local Executive” – means the Chairperson, Vice-Chairperson and Secretary-Treasurer of a Local of the MMF.
12. “Member” – means an individual member of the MMF.
13. “MMF” – means the Manitoba Metis Federation Inc.
14. “Poll Clerk” – means a person appointed by the Chief Electoral Officer to assist a Deputy Returning Officer at the Polls.
15. “Polling Station” – means a place established by the Chief Electoral Officer where electors may vote in person.
16. “Preliminary List of Electors” – means the Master List of individual members of the MMF on file at the MMF Head Office on the date the election is called.
17. “Presidential Candidate” – means a nominated member who is entitled to run for the office of President of the MMF.
18. “Region” – means one of the seven (7) Regions of the MMF created in accordance with the Constitution of the MMF.
19. “Regional Position” and “Regional Office” – means the office of the Vice-President and two Directors elected by the voting members in a Region.
20. “Scrutineer” – means a person appointed by a candidate to represent his/her interest at a polling station and to act as his/her agent.

ARTICLE III Chief Electoral Officer

1. The Board of Directors of MMF shall appoint a person to serve as Chief Electoral Officer for each election. The person so appointed shall also have the responsibility to conduct any necessary by-elections while his/her appointment remains in effect.

2. The Chief Electoral Officer shall set, manage and conduct the election.
3. The duties and powers of the Chief Electoral Officer shall include but not be limited to:
 - a. Creating all forms, notices, ballots and documents as may be required.
 - b. Appointing a Deputy Chief Electoral Officer and all Deputy Returning Officers and Poll Clerks.
 - c. Deciding the eligibility of all candidates to run for office. The decision of the Chief Electoral Officer shall be final and not the subject of appeal.
 - d. Deciding all challenges to candidates. The decision of the Chief Electoral Officer shall be final and not the subject of appeal.
 - e. Deciding the eligibility of all members to vote and all challenges to members. The decision of the Chief Electoral Officer shall be final and not the subject of appeal.
 - f. Preparing the List of Electors.
 - g. Providing a written report to the Board of Directors of the MMF within 60 days from the date of the election.
 - h. Taking all reasonable actions to ensure compliance with this by-law.
4. The Chief Electoral Officer shall ensure that all eligible electors of the MMF are permitted to vote and that no clerical mistake or omission results in the disenfranchisement of eligible electors.

ARTICLE IV Timing of Election and Rule for Calculation of Time

1. There shall be no more than sixty (60) days between the date of the notice setting the date of the election and Election Day. In order to calculate compliance with this provision, the first day counted shall be the day after the date of the notice setting the date of the election and the last day counted shall be Election Day.
2. For the purpose of calculating a period of time as provided for anywhere in this By-Law, when anything is to be done within a time after, from or before a specified day, the period of time does not include that day.

ARTICLE V **Preparation of List of Electors**

1. MMF Head Office shall distribute the Preliminary List of Electors, for each Region, to each Regional Office within three (3) days of the Chief Electoral Officer announcing the date of the election.
2. Each Regional Office shall post the Preliminary List of Electors at the Regional Office and shall, within two (2) days of receipt, send out a copy to each Local within the Region.
3. Members shall have twenty-one (21) days from the date of the notice setting the date of the election to apply for revision of the Preliminary List of Electors by adding or deleting a name/names.
4. The Chief Electoral Officer shall decide the procedure to be followed to allow for the revision of the Preliminary List of Electors by adding or deleting the names of members.
5. The Chief Electoral Officer may accept proof of death of any member from anyone who provides the Chief Electoral Officer with a valid Death Certificate or copy of a published obituary.
6. The Chief Electoral Officer shall only accept the submission of a name for addition to the Preliminary List of Electors, if the member has completed a form approved by the Chief Electoral Officer requesting that the member's name be added to the Preliminary List of Electors.
7. The Chief Electoral Officer shall revise the Preliminary List of Electors and shall distribute the List of Electors.
8. No names shall be added to the List of Electors by a Deputy Returning Officer or Poll Clerk on Election Day.
9. The Chief Electoral Officer may add the name of a member to the List of Electors on Election
10. Day after consulting with a Deputy Returning Officer only when there has been an obvious clerical mistake or omission and the member to be added satisfies the Chief Electoral Officer that he/she is a member of the MMF.
11. In the event, that an individual has made application for membership in the Manitoba Metis Federation prior to the date on which the Chief Electoral Officer gives notice of the date of the Election, and that application is processed and the individual is approved by the Central Registry Office prior to Election Day, the Chief Electoral Officer shall add the name of the new member to the List of Electors on Election Day.

ARTICLE VI **Qualifications of Electors**

1. A member whose name appears on the List of Electors may vote in a MMF Election.
2. A member may retain membership in his/her original or another Local indefinitely even though he/she has permanently moved to another community represented by a different Local.
3. If a member has moved and wishes to vote in the Poll where he/she lives, he/she must transfer his/her membership to that Local before an election is called.
4. A member may only belong to one Local at a time.
5. A member may vote only in the Region where the Local he/she is a member of, is located.

ARTICLE VII **Appointment of Deputy Returning Officers**

1. The Chief Electoral Officer shall appoint a Deputy Returning Officer and a Poll Clerk for every polling station.
2. A person appointed as Deputy Returning Officer or Poll Clerk shall hold office from the time appointed until thirty (30) days after the election and all recounts and appeals have been completed.
3. If a vacancy occurs in those offices during the election process, the Chief Electoral Officer shall appoint another person to fill the vacancy.

ARTICLE VIII **Nominations of Candidates**

1. The Chief Electoral Officer shall indicate the day on which nominations close in the notice setting the date of the election. The date on which nominations close shall not be more than fourteen (14) days after the date of the notice setting the date of the election. The notice shall be sent to and posted by each Local, Region and the Head Office of MMF. The notice shall also be published in at least one Aboriginal newspaper and in any other newspapers the Chief Electoral officer thinks necessary.
2. Nominations shall be in writing and shall include the candidate's written acceptance.
3. One or more Nomination Forms shall be signed by the person making the nomination and be supported and signed by at least twenty (20) more electors on the Preliminary List of Electors in the Region in which the candidate is running.

4. Nomination Forms must be filed with the Chief Electoral officer by 5:00 o'clock in the afternoon on the day set for nominations to close. The forms may be delivered or sent to the Chief Electoral officer by mail or fax transmission.
5. If a Nomination Form is received after the deadline, the Chief Electoral Officer may still accept it if it bears a postmark dated prior to the close of nominations.
6. A member may not be nominated for more than one position.
7. A nomination that fails to meet these requirements will be void and the name of the proposed candidate will not appear on a ballot.

ARTICLE IX **Qualification of Candidates**

1. Only members of the MMF who are residents of Manitoba are entitled to stand for election.
2. To run for the position of Regional Vice-President or Board Member in a Region, a person must be a member of a Local within that Region and reside in that Region. If a person is a member of a Local within that Region but does not reside in that Region, he/she shall be allowed to be a candidate provided he/she gives to the Chief Electoral Officer, a written promise that if he/she is elected, he/she will move and reside in that Region for the duration of his/her term within six (6) months of being elected.
3. Any candidate who breaches his/her promise to the Chief Electoral Officer referred to in subsection (2) shall automatically forfeit his/her elected office.
4. To run for the position of Regional Vice-President or President, a member must at some time have held office for at least one (1) year as Chairperson, Vice-Chairperson, or Secretary-Treasurer of a Local or have been a Regional Board Member.
5. A member who has a debt or financial obligation owing to the MMF or a MMF Region that is more than 30 days in arrears at the date nominations close may not be a candidate. Any member against whom the MMF or a MMF Region holds an unpaid judgment must pay such judgment in full on or before the date nominations close in order to be eligible to be a candidate.
6. A member who has a contract or an interest in a contract for pecuniary gain with the MMF at the date nominations close may not be a candidate.

7. A candidate who is employed by the MMF (except for Regional Administrators) must apply for a leave of absence without pay effective on or before the day on which nominations close. The application for a leave of absence shall be presented to the MMF and a copy shall be sent to the Chief Electoral Officer before nominations close. The MMF shall grant all such applications for a leave of absence.
8. A candidate who is employed by the MMF shall, at the time of applying for a leave of absence, claim and be paid all outstanding holiday pay, wages, claims and disbursements.

ARTICLE X **Challenge to Candidates**

1. Within seven (7) days of the close of nominations, any elector may submit a written challenge to the right of a candidate to run for the office to which he/she has been nominated.
2. The challenge shall be sent to the Chief Electoral Officer, along with any documents or other material that support the challenge.
3. A copy of the challenge and supporting material shall also be sent to the person being challenged.
4. An elector may only challenge a candidate for Vice-President or Board Member in the Region where the challenger is entitled to vote.
5. The Chief Electoral Officer may decide a challenge on the basis of the written material, or may set a date when the challenger and the candidate may present their arguments in person.
6. The onus to prove a challenge to the satisfaction of the Chief Electoral Officer is upon the challenger.

ARTICLE XI **Acclamation**

Where, on the close of nominations, the number of candidates nominated for an office equals the number to be elected, the Chief Electoral Officer shall declare the nominated candidates to be elected.

ARTICLE XII **Too Few Candidates**

Where insufficient candidates are nominated to fill a position, the Chief Electoral Officer shall declare any candidate who has been nominated to be elected and call for further nominations.

ARTICLE XIII **Poll Required**

Where more candidates are nominated for an office than are to be elected, the Chief Electoral officer shall:

1. Announce the names of the candidates that have been nominated, and
2. Announce the dates, places and times when voting will take place.

ARTICLE XIV **Withdrawals**

1. A candidate who has been nominated may, before 2:00 p.m. of the second day following the day on which nominations closed, send a written notice to the Chief Electoral officer withdrawing his or her nomination.
2. If such a withdrawal results in insufficient candidates to fill a position, the Chief Electoral Officer shall set a date and time for the receipt of further nominations.
3. If a member who wishes to run for President has already been nominated for another position, he or she shall withdraw from it and if there are not sufficient nominees to fill that position, the Chief Electoral Officer shall call for further nominations.

ARTICLE XV **Death of a Candidate**

1. Where a candidate dies after being nominated, but before nominations close, no further nominations shall be called for if there are enough remaining candidates to fill the position.
2. In the event of the death of a candidate for the office of President prior to Election Day, the election shall be postponed for at least one month and the Chief Electoral Officer shall call for further nominations for President.

ARTICLE XVI **Voting on Election Day**

1. Polls shall be open on Election Day between 8:00 a.m. and 8:00 p.m.
2. Elections shall be held at the Polling Stations established by the Chief Electoral Officer.
3. A Polling Station shall be established in such places as the Chief Electoral Officer may decide.
4. A Polling Station shall not be in premises owned by a candidate or a member of his/her immediate family.

5. Polling Stations in public buildings shall be accessible to disabled and handicapped persons.
6. Where a Polling Station is established in a private residence where such access is not available, the DRO and a Scrutineer, if one is present, may go outside the home to permit a handicapped voter to mark his/her ballots.

ARTICLE XVII **Advance Polls**

1. At least one Advance Poll shall be established in each Region.
2. Advance Polls shall be open for two (2) consecutive days. On the first day, the Advance Poll shall be open between 8:00 a.m. and 2:00 p.m. On the second day, the Advance Poll shall be open between 3:00 p.m. and 9:00 p.m.
3. Electors may vote at an Advance Poll if they wish.
4. Electors who choose to vote at an Advance Poll must vote at the Advance Poll established in the Region where they are entitled to vote.
5. Electors who choose to vote at an Advance Poll must vote in person.
6. There shall be no Mail-in Advance Poll.
7. When the Advance Poll closes, the Deputy Returning Officer shall:
 - a. Place the ballots in a marked and sealed envelope and place it in the Ballot Box,
 - b. Place a seal across the opening in the box and initial across it so it will not be opened until Election Day.

ARTICLE XVIII **Infirm or Incapacitated Voters**

1. Where an elector on the List of Electors comes to a Polling Station to vote and is unable to mark a ballot due to illiteracy, blindness or physical or mental disability, the Deputy Returning Officer shall:
 - a. Have a friend or relative complete a Voter Assisted form showing the name of the voter, his or her own name and the reason the person is incapable of voting alone.
 - b. Permit that person to accompany the voter into the voting compartment to mark the ballots in accordance with the voter's instructions.

- c. Receive the completed ballots, check his or her initials and place the ballots in the ballot box.
 - d. Enter the reason the person was permitted to vote in this manner, and the name of the person who assisted the voter, in the Poll Book.
2. Infirm or incapacitated voters who are unable to attend a Polling Station to vote may vote in the following way:
 - a. On receipt of an application, the Deputy Returning Officer shall send the Poll Clerk and any Scrutineers who are present and wish to attend to the place where the voter is living.
 - b. Ask the Poll Clerk to have the voter complete an Incapacitated Voter form. The completed form shall include the name of the voter, the reason the person could not attend a Polling Station and the signature of the Poll Clerk and Scrutineer.
 - c. The voter must sign the form, or if the voter is infirm, have a friend or relative do so.
 - d. If the Deputy Returning Officer requires the assistance of another Poll Clerk in the absence of the one who goes to assist a member vote, he/she may appoint a temporary replacement until the Poll Clerk returns.
 - e. When the ballots are returned, the Deputy Returning Officer shall place them in the ballot box and place the voter's declaration into an Incapacitated Voter envelope.

ARTICLE XIX **Ballots**

1. The Chief Electoral Officer shall cause a sufficient number of ballots to be prepared.
2. The ballots for the various offices to be filled shall be in the form and colour prescribed by the Chief Electoral Officer.
3. Each ballot shall list the nominated candidates in alphabetical order. If two or more candidates for the same office have the same surnames, their names shall be listed in the alphabetical order of their given names.

ARTICLE XX **Voting Material**

1. The Chief Electoral Officer shall ensure that each Polling Station has:
 - a. An area where electors can mark their ballots in private;
 - b. A document providing voting instructions;
 - c. A ballot box and tape to secure it until the ballots are counted;
 - d. A Poll Book containing the names of the electors, who are entitled to vote at that Poll;
 - e. Instructions for the Deputy Returning Officer and Poll Clerk;
 - f. Sheets for counting ballots;
 - g. Forms and envelopes when sorting ballots; and
 - h. Forms and envelopes for reporting to the Chief Electoral Officer after all the ballots are counted.

ARTICLE XXI **Conduct at Polling Stations**

1. No person shall speak to or interfere with an elector who is marking his/her ballots or placing them in the ballot box.
2. No person shall approach an elector in a Polling Station to suggest the candidate for whom they should vote.
3. No person shall approach an elector after they have voted to determine the candidate for whom they voted.
4. Any person in breach of these provisions will be removed from the Polling Station and will not be entitled to vote.
5. The campaign office of a candidate must not be within one (1) kilometre of a Polling Station.
6. There shall be no campaigning in or in the vicinity of a Polling Station on Election Day.
7. Except for casting their own ballots, no candidate or supporters of candidates shall be or remain in the vicinity of a Polling Station on Election Day.

Article XXII **Voting by Mail**

1. The Chief Electoral Officer may permit members to vote by mail only in remote areas and only if no Polling Station is established in their Local on Election Day.
2. Those electors wishing to vote by mail may only request ballots in writing, and such request shall be signed by the elector.
3. No person shall be allowed to request a mail-in ballot for any other elector.
4. When mail-in ballots have been forwarded to an elector, the poll book will be marked as having voted by mail and the elector may not vote in person at an Advance Poll or at a Polling Station on Election Day.

Article XXIII **Secrecy of Voting**

1. Voting shall be by secret ballot.
2. Deputy Returning Officers and Poll Clerks shall maintain the secrecy of the vote and shall not communicate any information obtained at the counting of the ballots to any person other than the Chief Electoral Officer or those in his or her office.
3. If they should inadvertently see the face of a voter's ballot, they shall refrain from telling anyone the name of the voter or for whom the votes were cast.

Article XXIV **Scrutineers**

1. A candidate is entitled to have one (1) Scrutineer at a time in each Polling Station while voting is in progress and while the ballots are being counted. Where there are several Polling Stations within one (1) Poll, a candidate may have one (1) Scrutineer at each Polling Station.
2. Candidates shall supply their Scrutineers with a form approved for such use by the Chief Electoral Officer, appointing them as a Scrutineer. If Scrutineers are only present for part of a day and are replaced by another Scrutineer, the replacement Scrutineer must have his/her own form to show the Deputy Returning Officer.
3. Scrutineers may observe the operation of the Polling Station and observe the counting of the ballots. They may object to a certain person voting or to the admissibility of a certain ballot but are not entitled to argue their position at length. The decision of the Deputy Returning Officer to accept or reject a challenge is final.

Article XXV **Ballot Box**

1. On the opening of a Polling Station on Election Day, the Deputy Returning Officer shall:
 - a. Open the ballot box and, if the same box was used at the Advance Poll, remove the envelope containing the ballots cast at the Advance Poll, and show the empty ballot box to the Scrutineers who are present. The envelope containing the Advance Poll ballots shall then be returned to the ballot box.
 - b. Seal the ballot box and place their initials across the sealing material and the box. The box shall remain sealed until the Poll closes and the counting of the ballots begins.
2. The ballot box shall not leave the Polling Station during the hours of voting. If it does leave, the ballots in the box shall not be counted, but the box and its contents shall be sent to the Chief Electoral Officer.
3. If there is a recount involving that Polling Station, the Chief Electoral Officer may hear evidence with respect to the removal of the ballot box and decide whether it was opened or tampered with, and may, in his/her discretion, count the ballots in the box or refuse to do so.

Article XXVI **Voting Procedure**

1. Where a person attends a Polling Station to vote, the Deputy Returning Officer or the Poll Clerk shall:
 - a. Make certain the person's name appears on the List of Electors and that the person did not vote at an Advance Poll. The Deputy Returning Officer, or the Poll Clerk shall require the person seeking to vote, to provide acceptable identification evidencing the identity of the person.

Acceptable identification shall be the following:

- i. a Manitoba Metis Federation card issued after September 10, 2009; or
- ii. a Province of Manitoba driver license; or
- iii. an Enhanced Manitoba identification card; or
- iv. a student photo identification card; or
- v. any other photo identification card or identification documents approved by the Chief Electoral Officer.

- b. If the person's name is not in the Poll Book, they shall not be allowed to vote unless the Chief Electoral Officer permits the addition of the person's name to the Poll Book,
 - c. Have the person sign the Poll Book next to his or her name,
 - d. Initial the ballots, hand them to the elector, and ask they be folded and returned when completed,
 - e. Explain the voting procedure if necessary and direct the elector to the voting booth,
 - f. Receive the completed ballots from the elector and examine them to make sure they bear the initials that were placed on them, and
 - g. Place the ballots, or permit the voter to place the ballots, in the ballot box.
2. Upon receiving ballots from the Deputy Returning Officer or Poll Clerk, the elector shall proceed directly to the voting compartment and mark them by placing an X beside the name of the candidate or candidates for whom he/she wishes to vote.
3. The elector shall then fold the ballots, leaving the initials where they can be seen and return them to the Deputy Returning Officer or Poll Clerk for examination.
4. Only one elector shall be permitted to enter a voting compartment at one time.
5. Where a person who is entitled to vote has received ballots from the Deputy Returning Officer or Poll Clerk, he/she may not speak to any other person or leave the Polling Station until his/her completed ballots have been placed in the ballot box.
6. If an elector makes a mistake in completing a ballot by putting an X opposite the wrong candidate, or opposite too many candidates, the elector may return the ballots to the Deputy Returning officer, explain the circumstances, and receive a new set of ballots in return for the original ones.
7. The Deputy Returning Officer shall write, "exchanged ballots" on the original ballots and indicate in the Poll Book that new ballots were issued. The original ballots shall then be placed in an "Exchanged Ballots" envelope and shall not be counted.

Article XXVII Counting Vote

1. Immediately after the close of the Polls, the Deputy Returning Officer and the Poll Clerk shall, in the presence of any Scrutineers who are present, proceed to count and tabulate the vote on forms provided by the Chief Electoral Officer.
2. The number of names on the List of Electors for the Poll and the number who voted shall be recorded.
3. The number of spoiled, exchanged and declined ballots shall be counted and recorded on the envelopes containing them. Those envelopes shall then be sealed so the ballots in them cannot be counted.
4. The Deputy Returning Officer and Poll Clerk shall count the remaining ballots and record the number of votes cast for each candidate.
5. During the examination and counting of the ballots, the Deputy Returning Officer shall show each ballot to the Scrutineers, hear any comments or challenges they make, and decide whether the ballot is to be counted or rejected.
6. A ballot shall be counted if the elector has clearly indicated the candidate he/she wished to vote for.
7. A ballot shall not be rejected merely because the elector used a pen or other instrument, rather than the pencil that was provided.
8. A ballot is not invalid merely because the elector, without any apparent intention of identification, marked it out of its proper space, as long as the mark clearly indicates the candidate for whom the vote was intended.
9. Ballots shall not be counted if:
 - a. They were not supplied by the Chief Electoral Officer;
 - b. Do not bear the Deputy Returning Officer or Poll Clerk's initials;
 - c. It is impossible to determine who the elector intended to vote for;
 - d. The elector voted for more than the permitted number of candidates;
 - e. The ballot contains a name, signature or other mark that enables the elector to be identified; or
 - f. If the ballot contains an improper remark about the election or any candidate.

10. The Deputy Returning Officer or Poll Clerk shall endorse each ballot that is rejected with:

- a. “Rejected by DRO”;
- b. “Challenged by a Scrutineer but counted” where a Scrutineer challenges the DRO’s decision. If the DRO disagrees with the challenge, the vote will be counted.

Article XXVIII **Forwarding Results**

1. As soon as possible after the counting of ballots is completed, the Deputy Returning Officer shall:
 - a. Telephone the Chief Electoral Officer’s election office and report the number of votes received by each candidate.
 - b. Forward to the Chief Electoral Officer the ballots, unused ballots, declaration forms, poll book, counting sheets, and the other documents used during the election, along with his/her signed report.

Article XXIX **Election Results**

1. The Chief Electoral officer shall, as soon as all telephone reports are received from the Deputy Returning Officers, announce the names of the candidates that appear to have been elected and the number of votes received by each.
2. When the original reports and ballots have been received from the Deputy Returning Officers, the Chief Electoral Officer shall check the reports, but not the ballots, and verify or confirm the results.

Article XXX **Recount**

1. Where two (2) or more candidates for the same position have an equal number of votes, the Chief Electoral Officer shall declare a tie and conduct a recount.
2. A candidate who was not elected, but received within twenty-five (25) votes of the total received by the elected candidate, may request a recount and the Chief Electoral Officer shall hold a recount with respect to that position.
3. A request for a recount on either basis must be requested within seven (7) days of the Election Day. The Recount shall, if possible, be held within the next seven (7) days.
4. Upon the completion of any and all recounts, the Chief Electoral Officer shall certify the final results of the election and declare the names of the successful candidates.

Article XXXI **By-Election**

1. If a recount results in the leading candidates having the same number of votes, the Chief Electoral Officer shall call and conduct a by-election as soon as possible. Only members who were on the List of Electors for the first election are entitled to vote in such by-election.
2. In the event a vacancy arises in the position of President or Regional Vice President or Regional Board Member and a by-election is required in accordance with the MMF by-laws, such by election shall be held in accordance with the provisions of the Election By-Law.

Article XXXII **Destruction of Ballots and Election Material**

1. Unless the Chief Electoral Officer is, within thirty (30) days after the date of the election or any recount or by-election, directed by a resolution of the Board of Directors of MMF or an order of a Court to retain election material, the ballots and such other election material as the Chief Electoral Officer may direct, shall be destroyed.

LOCAL BY-LAW
MMF

This by-law of the MMF (the Federation) is intended to cover all Locals under the auspices of the Federation.

ARTICLE I

1. Interpretation

This by-law will be interpreted in accordance with and consistent with the Federation’s Constitution, by-law No. 1.

ARTICLE II

1. Definition of Metis

- a. “Métis” means a person who self-identifies as Métis, is of historic Métis Nation Ancestry, is distinct from other Aboriginal Peoples and is accepted by the Métis Nation;
- b. “Historic Métis Nation” means the Aboriginal people then known as Métis or Half-Breeds who resided in the Historic Métis Nation Homeland;

- c. “Historic Métis Nation Homeland” means the area of land in west central North America used and occupied as the traditional territory of the Métis or Half-Breeds as they were then known;
- d. “Métis Nation” means the Aboriginal people descended from the Historic Métis Nation, which is now comprised of all Métis Nation citizens and is one of the “aboriginal peoples of Canada” within s.35 of the Constitution Act of 1982;
- e. “Distinct from other Aboriginal Peoples” means distinct for cultural and nationhood purposes.

ARTICLE III

1. Membership (Local)

Each Local in the Federation shall consist of two (2) kinds of members:

Individual member – Individual members must be of legal age (18) to be entitled to vote or hold office in the Federation.

Associate member – Spouses, as defined by resolution of the Board of Directors, of individual members. Such resolution shall only be effective upon confirmation by the members in general meeting. Associate members shall have no vote and shall not hold office, and shall be entitled only to such benefits as may from time to time be determined by the resolution of the Board, upon confirmation by the members in general meeting.

ARTICLE IV

1. Membership Fees

Individual Member

The fee for individual membership shall be established by the Federation’s Board of Directors.

“Local” Member

The fee for “Local” membership shall be established by the Federation’s Board of Directors.

ARTICLE V

1. Locals

Registration

Any Metis who unite to form a “Local” may apply for registration in a Region of the Federation in which they are located. The Region will decide registration at its next Regional Meeting. Any applicant may appeal any decision of the Region to the Federation’s Board of Directors.

Location

Communities may form Locals which shall consist of a minimum of nine (9) individual members. No more than one (1) Local shall be established in any community. For this purpose, all villages and towns shall be considered as single communities.

Naming of Locals

Each Local shall be named according to their pleasure which must be approved by the Board of Directors.

Activities of Local

To organize the Metis people of their community.

To promote the objectives of the Federation.

To act as a Local Metis governance on behalf of Metis in their respective communities. These activities must be consistent with the Federation’s objectives.

To inform the members within their Locals of all matters that affect the Federation.

To participate at Regional meetings of the Federation.

To initiate programs to address the needs of their Metis membership in their respective Locals.

To establish and maintain a registry of Local Metis members.

To update member lists and send revised copies at least once every calendar year to the Regional and Head Office of the Federation.

2. Local Meetings

The Local shall have at least four (4) meetings per year with a quorum requirement of at least five (5) members.

Copies of minutes of Local meetings shall be sent to the Regional and Head Offices of the Federation.

Seven (7) days public notice is required to hold a duly-called meeting of the Local.

3. Local Transfers

All Local memberships are permanent and transferable from one Local to another within the Federation.

4. Local Executives

Each Local shall be represented by an Executive, which shall be a Chairperson, Vice-Chairperson and Secretary-Treasurer.

The Chairperson, Vice-Chairperson and Secretary-Treasurer shall all be elected at the same time for a four (4) year term beginning in 2006 and every four (4) years thereafter. Any two (2) of three (3) Local Executives shall be the signing Officers of the Local.

Duties/Responsibilities of Local Executives:

Chairperson

- Chief Executive Officer of the Local.
- Chairs Local meetings.
- Spokesperson on behalf of Local.
- Calls and ensures that meetings are held.
- Follows up on motions.
- Is ex-officio member of all Local committees.
- Performs other duties as directed by Local membership.

Vice-Chairperson

- Assumes all the responsibilities of the Chairperson in the absence of the Chairperson.

Secretary-Treasurer

- Keeps minutes of meetings and records and files such minutes as well as all correspondence and activities of the Local.
- Assumes all responsibilities of the Chairperson in the absence of the Chairperson and Vice-Chairperson.
- Reads minutes of previous meetings and correspondence at all Local meetings.
- Responsible for all advertisement and notices regarding meetings, fund-raising notices and all other notices relating to the Local business.
- Maintains and is responsible for all Local financial records, (e.g. bookkeeping, ledger, deposits, income, bank statements, etc.).
- Presents financial statements to the membership at all Local meetings.
- Second signing Local authority.

ARTICLE VI

1. Local Elections

Local elections will be governed in accordance with the Constitution and by-laws of the Federation.

ARTICLE VII

1. Meetings

The Chairperson or any two (2) executive members may call a Local meeting. Failure to call at least four (4) meetings per year will result in appeals to the Regional Board of Directors or to the Federation's Provincial Board of Directors by any five (5) members of a Local.



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