### Building on our Past, Creating our Future



### WDFN Members' Guide to Self-Government



### **Table of Contents**

- 4 Message to WDFN Members from Chief and Council
- 5 Our Dakota Traditional Governance: Oceti Sakowin
- 6 The Indian Act system
- 7 Paving the way to Self-Government
- 10 Self-Government basics
- 11 Moving away from the Indian Act
- 12 The WDFN Constitution
- 13 WDFN's Agreement with Canada to implement Self-Government



### **Table of Contents**

- 14 The benefits for WDFN and its members
- 15 Restore our power
- 16 A solid foundation
- 17 Planning for the future
- 18 Answers to your questions
- 21 Approval and implementation
- 22 Voting information
- 24 Contact us





# Message to WDFN Members from Chief and Council



Our community has taken many steps already towards self-governance and leaving the Indian Act. Our community's decisions to implement a custom Election Code in 1989, approve the Whitecap Dakota First Nation (WDFN) Land Code in 2004, and adopt of our Membership Code in 2012, combined have effectively removed 35 percent of the Indian Act's control of WDFN affairs. Our Land Code was our first major step in sectoral-based self-government and has generated economic opportunity for our members and made WDFN a leading First Nation in Canada.

Together with our own Constitution, we are asking you to approve the final tools that will make WDFN truly self-governing. This handbook sets out the essential elements of the agreement, the benefits we will enjoy, and answers questions that many people have had about WDFN self-governance.

Today, WDFN remains controlled by the Indian Act. This colonial legislation stripped away WDFN's inherent governing powers and created a form of government that does not fit with or respond to the needs of our community. The Indian Act took away our inherent right to govern ourselves, took away the opportunity to build our own economy, and took away our Dakota language and culture.

Over the last ten years, with the direction of WDFN membership, Chief and Council has negotiated a self-governance agreement with the Government of Canada. The Whitecap Dakota First Nation Governance Agreement will bring the voice of our Nation back to the community in our dealings with other governments and will restore the decision-making authority to our Nation so that we can continue to build on our success. We have negotiated an agreement that gives us more funding for our community and puts us in a group with Canada's other self-governing Indigenous Nations to push for financial arrangements that will ensure our future sustainability.

It is also important to understand that the positive benefits of the Indian Act will remain under self-government: protecting the Reserve status of our lands, retaining Indian Status for our members, and maintaining the section 87 tax exemption.

Along with the Governance Agreement, we have worked with the community in developing the WDFN Constitution. The Constitution asserts our inherent right, establishes WDFN as a new order of government within the Canadian Federation, and is our blueprint for how our WDFN government will work and how WDFN Members' interests will be protected.

On behalf of Chief and Council, we invite you to read this WDFN Member's Handbook as it provides essential information in relation to the elements and contents of the agreement, the benefits of self-governance, and frequently asked questions and answers. We urge you to attend upcoming band membership meetings that will be announced for late September. And, most important, we ask you to participate in our community vote on October 6 and 7 either in-person at our polls at Whitecap and in Saskatoon, or by e-voting.

As we move forward in developing our economy, we need to have strong and sound governance that gives us the power to control our own affairs. This self-governance package achieves that. Chief and Council are pleased to have negotiated an agreement over the last 10 years that will benefit all current and future Members.

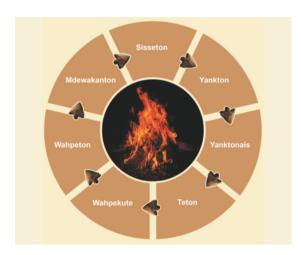
We ask for a strong show of support from our members as we together continue to build a Dakota legacy of achievement and prosperity.

# Our Dakota Traditional Governance: Oceti Sakowin



### Traditional Ways of Dakota Government: Oceti Sakowin

Long before European contact, the Dakota were a self-governing people. They were a cultural group within a much larger Indigenous cultural family known as the Seven Council Fires or the Oceti Sakowin (Oh-CHAY-tee SHAW-ko-ween). This was an alliance of seven Dakota, Lakota, and Nakota groups, who all shared a similar language, history, and culture. The traditional territories of our Dakota Oyate span the central regions of modern day United States and Canada.



In traditional Dakota culture, leadership was based on consensus. Those who upheld the Dakota values and had proven leadership abilities were chosen as leaders. Historically, each community leader sought out and expressed the opinion of the majority.

The cultural practices of the Dakota were based on sharing, gift exchange and Ceremonies and were central to the economic, political, social and governance systems of the Dakota. It was through this that they renewed the bonds of kinship—a deep cultural value of the Dakota Nation.

The Dakota Nation built alliances to establish peace and prosperity for their people. The Dakota form of governance influenced how they interacted with other nations. Dakota communities were defined by their oral laws and traditions and connected through their cultural beliefs.

By implementing our own system of governance, we can revive this spirit of alliance as equal governing bodies and incorporate our traditional governance systems, culture, and traditions back into our modern way of life. The Whitecap Dakota First Nation (WDFN) Self Government Agreement will bring the voice of our nation back to the community in its dealings with other governments and bring decision-making powers back to our Nation so that we can continue to achieve success and prosperity as Dakota people.

## The Indian Act System

"Indigenous peoples have an inherent right to self-government, as recognized under section 35 of the Constitution Act, 1982. Recognized by the Government of Canada, the inherent right to self-government forms the core of the Crown's relationship with Indigenous peoples. Canada reiterated its recognition of the section 35 right through the 1995 Inherent Right to Self-Government Policy, which is expected to be replaced through the Recognition and Implementation of Indigenous Rights Framework. The Government of Canada negotiates self-government agreements to give a practical effect to the inherent right of self-government." (Government of Canada, 2019)

### The Indian Act

WDFN, along with all other First Nations within Canada, are governed by the Indian Act. Since the implementation of the Indian Act in 1876, it has oppressed First Nations Communities for generations. This colonial legislation stripped away WDFN's inherent governing powers and created a form of government that often didn't fit with or respond to the needs of the community.

The Indian Act essentially made WDFN members "wards of the state." Its many restrictions over the past 150 years have prevented our community from participating in the economy and our members from being able to build generational wealth. Its powers enabled such backward policies as the residential school system, and being able to fight for rights within the legal system. Although this has changed over time, the Act still legally makes WDFN and its government creatures of a federal law. It does not recognize WDFN's section 35 inherent rights.

### Moving away from the Indian Act

The proposed Governance Agreement is the tool, combined with Whitecap's own Constitution, to get our Nation out from under the Indian Act. With the support of WDFN members, Chief and Council entered into self-government negotiations to have its inherent rights implemented. Self-government is an "inherent right," which means Indigenous people had established political systems, institutions, and governments prior to European contact and settlement. These inherent rights cannot be extinguished as they existed since time immemorial. Through the WDFN Governance Agreement, WDFN's inherent right as set out in Canada's Constitution will be recognized in both Canada's laws and WDFN Law.

Pre-Contact: Indigenous Self-Government



Contact: Increasing Colonial Control



Indian Act:
Federal Control of
Indigenous Governance



WDFN Self-Government: Return to Indigenous Governance

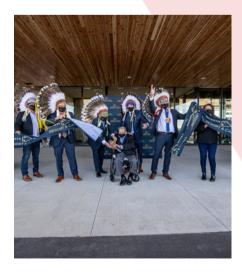
# Paving the way to Self-Government

When WDFN first started on its "nation-building path" in the 1990s, the community was in debt with lots of bills to pay, had poor quality housing, no on-reserve amenities and no jobs. Fast-forward to today, we have a bustling economy, many on-reserve amenities, consistent job growth, elders housing and new residential subdivisions, with plans to create a brand-new residential neighborhood.

A critical step in this journey was our Land Code. In 2004, WDFN members voted 89 per cent in favour of the new Land Code, and that decision has benefited WDFN members greatly. WDFN's Land Code removed 25 per cent of the Indian Act and has built the foundation for self-governance. The WDFN Land Code created the land management systems we use today that provides accountability, community engagement and financial systems that will also support us in self-governance.

Along with these fundamental changes in WDFN governance, we have initiated a number of projects and partnerships to assert greater control over our affairs, including:

- Health Alliance with Saskatchewan Health Authority to expand services at Health Centre;
- Regional Education Authority Agreement with Saskatoon Public Schools;
- Stronger environmental protection laws in partnership with Saskatchewan;
- Community Safety Officer pilot program and its work will ensure our current and future laws can be fully enforced; and
- A fiscal transfer agreement with Canada (1995) to create more certainty in funding that has evolved into a new fiscal agreement and financial administration law (2019).





# Paving the way to Self-Government

As a result of this growing economy, WDFN used its own source revenues to supplement the shortfalls in funding from the Canadian government when it came to education, language, programs and services, healthcare and housing. While this has certainly improved life in our community, it has let the federal government off the hook in keeping its obligations. The SGA will include new financial rules that ensure WDFN's existing contributions are recognized and also fairly set out what it needs for its programs and services to residents. This will free up our own revenues to continue to invest in economic development and infrastructure, housing, and services for members living both on- and off-reserve.

WDFN is fortunate to have the structures we have in place. With our growing local economy, job creation and community development, we are a model for other First Nations across the country. Voting in support of and implementing the WDFN SGA is the next step to taking back our rights as Dakota people.



Our Nation can only get better as we move away from the Indian Act System.



# Paving the way to Self-Government





WDFN's steps toward Self-Government

# Self-Government basics



There are 25 self-government agreements across Canada involving 43 Indigenous communities.

Currently there are about 50 self-government negotiation tables across the country. These tables are at various stages of the negotiation process and in many cases are being negotiated in conjunction with modern treaties.

# Self-government agreements address (among other things) the following key aspects:

- the structure of the new government and its relationship with other governments
- new funding arrangements that recognize the needs of the community
- · the relationship of laws between jurisdictions, such as how different laws will work together
- how programs and services will be delivered to community members
- ways to promote improved community well-being, often with a focus on Indigenous languages, heritage and culture and socio-economic initiatives
- preparations for when the agreement takes effect, such as implementation planning
- consult Agreements under negotiations to learn about ongoing self-government negotiations.



Scan the QR Code to see the video on Self-Government





# Moving away from the Indian Act to a third order of government

### A system of laws working together





- WDFN laws will operate side-by-side with Canada and Saskatchewan
- Canada and Saskatchewan will also respect WDFN laws
- Agreement sets out whose laws prevail in different areas



# The WDFN Constitution

Along with the WDFN Self-Government Agreement, WDFN will also adopt its Constitution.



This written document follows Dakota customs, practices, and traditions and must be approved by WDFN Members.

The WDFN Constitution is our blueprint for Self-Government. The Constitution states what is important to the community, and although it does affect Governance and Accountability, it is more about protection of land, economy, resources, education, training, programs and services, health, language, and culture.

Only through community consultation can the Constitution be changed or altered; every member has a voice.

## What is the purpose of a constitution?

A constitution describes the most important principles by which WDFN will be governed and organized. It sets out the basic rules to ensure that the WDFN government serves the interests of WDFN members.

The constitution will serve to maintain peace and order; equality; and to ensure the rights and representation of the people are protected. The constitution will protect your rights as a member of WDFN and provide you with a secure environment for you to work and live in.

### The WDFN Constitution covers:

- How the WDFN Government is structured.
- The rules for WDFN membership and how membership is determined and reviewed.
- How the WDFN Council is elected and the terms of office.
- The duties, jurisdiction and authority of the WDFN Government.
- The creation of WDFN Laws.
- How WDFN reports and is accountable to WDFN Members.
- The conflict-of-interest requirements for the WDFN Government.
- How the WDFN Constitution can be changed in the future.
- The rights of appeal for WDFN Members affected by decisions of the WDFN Government.
- · How authority is delegated; and
- How WDFN Institutions are established, including provisions for accountable governance.

The Charter of Rights and Freedoms applies to the WDFN Government and WDFN Institutions.

Scan the QR Code for more on the WDFN Constitution





# WDFN's Agreement with Canada to implement Self-Government

In 2009, Chief and Council proposed to members that WDFN should take the journey towards self-government. Based on a resolution of support at a band membership meeting this lengthy process began. We are now at the end of this journey and see members' approval of the agreement negotiated between Canada's representatives and WDFN Chief and Council. The agreement will recognize WDFN as a self-governing First Nation—the 26th in Canada and the first in Saskatchewan. If approved along with WDFN's Constitution, our community will start the new exciting journey of being a self-governing First Nation, moving forward with new tools to continue to build economic wealth, create opportunity and secure social well-being.

WDFN Chief and Council entered into self-government negotiations with Canada based on the federal government's Inherent Rights Policy in 2012, at the direction of WDFN members. Since that time, with a new federal government the agreement's negotiations became separately mandated by Cabinet so that the the negotiations could be more responsive with WDFN's needs. As such, much of the old Inherent Rights Policy has been replaced by new policies—the best example being a moratorium on WDFN having to use its own source revenues and Canada's new Fiscal Collaboration Process with self-governing indigenous nations. Our Constitution will assert our inherent rights and recognize a new government-to-government relationship with Canada.



Visit whitecapdakota.com for a copy of the Agreement and a plain language summary.

Each self-government agreement, which is unique:

- identifies governing structures, accountability mechanisms, constitutions, elections, and law-making authorities
- adopts a concurrent law model, where federal and provincial laws apply alongside Indigenous Government laws
- addresses responsibilities in providing programs and service delivery for members (e.g., health, social services, education)
- enables a new inter-governmental relationship with the Government of Canada

Although we are not taking back all Self-Determination, we are taking back the pieces that are most important to community wellbeing and give us the tools to take on more in

# The benefits for WDFN and its members

### Reconciliation and Reclaiming our Rights

Prior to Colonization, Indigenous groups in Canada already had their own systems in place to govern their people. Signing a Self-Government Agreement with Canada returns this inherent right back to WDFN and is an important step towards reconciliation between Canada and the Indigenous peoples of Canada.

WDFN will be recognized as a third order of government to Saskatchewan and other Governments. This changes our relationship with other governments because WDFN leadership has full authority with no Minister oversight.

The Agreement is NOT a treaty, and does not limit, change or remove WDFN's existing Aboriginal and treaty rights or reserve lands.

### Why Choose Self-Government?

The WDFN SGA will allow the community to create more sustainable programs and services for its members that are tailored to our culture, our history, and our needs. Self-Government gives our community the voice it deserves and provides us with the tools to build wealth and prosperity for today and tomorrow.

By voting for the agreement, you are helping to build a legacy that will carry on for generations to come.



# Restore our power

Unless they have negotiated alternate self-government arrangements, most First Nations are currently governed by the Indian Act.

The Indian Act establishes a limited and dependent form of local administration that is overseen by a federal Minister and does not consider the specific circumstances of the community. Under the Indian Act, Band Councils are not only accountable to the members but the Minister of Aboriginal Affairs and Northern Development as well. This paternalistic relationship is not responsive to the needs and priorities of our people and funding continues to be lacking in most, if not all areas. By returning law-making power to the hands of the First Nation, this means:

- Enhanced law-making powers increase community's say over issues related to education, lands, culture, community, and economic development.
- Certainty over rights to land and resources, good positive investment climate, increased potential for economic development.
- Our nation will decide what is important to us as a nation and will be able to design and implement
  programming and services that prioritize the health and well-being of our members rather than the
  Minister dictating what they think we need.
- Experience shows that Indigenous Services Canada is becoming less in touch with needs of First Nations at the local level.

The SGA will establish clearly defined roles, responsibilities and procedures that cannot be changed without approval of WDFN membership. To ensure transparency to our community, financial reporting will continue to be completed and will be provided to our members on a yearly basis.



The SGA will provide our Nation with a voice to address funding shortfalls, deficiencies and inadequacies in government funded programs and services.

# A solid foundation

### **Building our economy**

By taking more control in land management through its Land Code, WDFN has learned a valuable lesson already. In assuming more control and having more tools, our community is building vital local opportunities and creating more opportunities for our members and our neighbours alike.

Research proves that as a First Nation takes on more control over its government and programs, it strengthens the foundation for a strong economy.



### Housing and Infrastructure

- The Self-Government Agreement (SGA) will build a better relationship with CMHC, improved timing of approvals and longer term funding commitments
- New funds for Self-Government can free up WDFN's own revenues for enhanced housing
- Better funding than the current Indigenous Services Canada formula
- WDFN will be at the National Fiscal Tables work moves forward to establish proper funding levels in areas such as public works and infrastructure



### **Employment & Training Initiatives**

- Mesh with housing investment opportunities; More local control of access to training through a direct relationship with the Government of Canada/ESDC.
- The SGA will provide us with better tools to ensure a safer community, such as the continuation of the Community Safety Officer Program.
- If we agree to the SGA, we can place it in our funding for the future



### **Funding and Finances**

- Becoming a self-governing First Nation with a strong fiscal relations agreement will give WDFN more credibility in dealing with financial institutions
- Economic development projects require strong, stable cash flow streams to support financing
- Builds bridges between corporate Canada and WDFN



### Health

- Full control of health programming can ensure the foundation of community wellbeing is maintained and enhanced
- Address gaps in health care through partnerships with Canada and Saskatchewan
- Address service population issue and change population driver in formula
- We can grow health services the way the community wants them

The SGA will provide us with the tools we need to ensure a safe and prosperous community. We need these funds to help develop great leaders in the future.

# Planning for the future

### Healthy community

With Self-Government, WDFN will be able to design and deliver programs and services that can better meet the needs of the people.

The goal is to enhance the design and delivery of programs and services, not reduce them.

WDFN will have the power to pass its own education and language acts to continue our language building strategies. As government funding is enhanced, the WDFN government will be able to use freed up funds to continue to invest in language and culture programming.



### Strong economy

Self-government agreements address the structure and accountability of First Nation governments, their law-making powers, financial arrangements and their responsibilities for providing programs and services to their members.

Fostering good government and strong accountability in First Nation communities increases investor confidence, supports economic partnerships and can help to improve living conditions.

WDFN and WDFN members will still be eligible to participate in federal government programs and services where WDFN has not taken over those programs.

# Answers to your questions

# Q: Will the cost-of-living increase for on-reserve members once Self-Government is implemented?

A: No. Self-Government will not cause the cost of living to increase for members. Many costs are outside Chief and Council's control (e.g. utilities). Where WDFN sets prices on rent, it will do so based on the rates needed to finance our housing programs, which remain very reasonable compared to other rents.

### Q: Are other First Nations implementing Self-Government?

A: Yes. There are already 25 self-governing First Nations across Canada. In addition, along with WDFN, there are approximately 50 other self-government negotiation tables across the country. With the Land Code already in place, WDFN is already part way down that path of self-government and has strong capacity to move forward. WDFN is among the most progressive First Nation communities within Canada and has met all the above requirements. Implementing Self-Government is the next logical step forward.

## Q: WDFN is already successful. Why would we want to change that by implementing Self-Government?

A: While WDFN has achieved many successes, it has not been easy. Because of the Indian Act there were many barriers to overcome to achieve these successes. The Indian Act has not helped our success in any way. We have had to overcome it in different ways such as through eliminating part of it when we adopted the Land Code. The Self-Government Agreement's financial arrangements will create a contract with Canada that ensures the costs we experience are recognized and transferred to WDFN as needed. This will free up money we currently take from our own businesses to put towards things like language and culture, recreation, parks and enhanced housing.

## Q: What is the difference between staying under the Indian Act and being Self-Governing?

A: The biggest difference is that under the Indian Act, the Government of Canada tells us how we can govern ourselves without consideration of our needs and priorities. Under Self-Government, Canada agrees to step back and allow WDFN to govern themselves so that the needs and priorities of our members can be met without interference by the government.

Put another way: WDFN will have its own Constitution, that creates its own Government, that is accountable to its own people. The Self-Government Agreement binds the Government of Canada to observe and respect this new place of WDFN within Canada.

# Our Self-Government Agreement keeps your benefits under the Indian Act.

# Answers to your questions

## Q: How will Self-Government contribute to the revitalization of our Dakota Language, Culture and Traditions?

A: Revitalizing our Dakota language, culture and traditions is one of the key building blocks of our WDFN Constitution. The WDFN Constitution mandates current and future Leadership to continue to make this a priority. The Governance Agreement recognizes WDFN's power to make its own laws to protect its culture and language. A WDFN Government will also be in a better position to negotiate better funding to support the communities' efforts to develop language programs, traditional land-based learning, as well as funds to build infrastructure and reserve lands to be utilized strictly for ceremonial use.

## Q: Will we have to pay for our own health care under Self-Government? Will we lose our tax exemption status?

A: No. The WDFN Self-Government Agreement will not take away our existing Aboriginal and Inherent Rights from us. Under Self-Government our Aboriginal and Inherent Rights will be PROTECTED. Your existing health benefits under Indigenous Services Canada will remain and you will still have tax exemption status.

## Q: Under Self-Government, will we stop receiving the government funding dollars that we need to financially support our Nation?

A: No. There will always be a financial relationship between WDFN and Canada. Part of the negotiations has been about making sure that WDFN gets all that it needs. For example, to run its government and make laws, WDFN will receive 600% more than it receives now. Also, WDFN will join other self-governing First Nations in the joint negotiation of funding in many other areas (e.g. infrastructure, health, housing, education) to make sure funding arrangements fairly meet WDFN's true needs.

The Agreement is guaranteed to increase funding with inflation and population growth. Under Self-Government, government funding is locked in for longer time periods. The amounts are protected through the rules set out in the Agreement's Fiscal Relations Chapter and a supporting Fiscal Relations Agreement. WDFN will also be at the Fiscal Collaboration Table with Canada and other self-governing First Nations to set more adequate funding for the different program areas under Self-Government.

The WDFN Self-Government Agreement will not take away our existing Aboriginal and Inherent Rights from us.

Under Self-Government our Aboriginal and Inherent Rights will be PROTECTED.

# Answers to your questions

# Q: What is the contingency plan if Self-Government does not work for our community?

A: WDFN would ask Canada to repeal its self-government legislation for the community and put it back under the Indian Act. This is very unlikely.

## Q: Will the current Band Chief and Council system remain the same as before Self-Government?

A: WDFN's Constitution will be voted on at the same time as the Self-Government agreement. It gives the power to the community to make detailed laws around the make-up of its government when it develops and passes its Governance Code after the Self-Government vote. It is expected that the community will generally want to keep with the same "Chief and Council" system. However, the community can also decide on the number of councillors and other requirements such as a female councillor or an urban councillor.

Q: Will Self-Government allow us the opportunity to appoint additional decision-making boards/councils to have final say in all matters concerning housing, band membership and policies, etc.?

A: Yes. All of these powers and how decisions are made will be up to members to decide.

# Q: Who will make the decisions under Self-Government? Will there be an outside agency or someone to go to for disagreements and grievances or appeal processes?

A: Just like any other government, community members will have a voice. Our members will have an opportunity to introduce new administrative mechanisms and processes as WDFN develops the Governance Code that is part of the WDFN Constitution. For disagreements and grievances, the community has the power to set up processes for appealing decisions.

### Q: Under Self-Government, who decides who is a member?

A: The Self-Government Agreement states that WDFN has the power to decide who is a member. The current Membership Code will become part of WDFN Law and then it is up to the community to decide if it needs to be changed in the future. At the same time, Canada's Indian Register will remain and those that are eligible will still have their status card based on Indian Act rules.

Implementing Self-Government is the next logical step forward.

# Approval and implementation

### **WDFN Community Approval Process**

In order for Self-Government to be approved,

- At least twenty-five (25) per cent of all Eligible Voters must participate.
- At least twenty-five (25) per cent of all Eligible Voters must support this Agreement and the WDFN Constitution. This would be approximately 117 voters.
- Of all those to vote, there must be a majority in favour.
- WDFN Chief and Council sign the agreement and the WDFN Constitution.



### Implementation Plan

Once the Self-Government Agreement is signed by WDFN leadership and the Government of Canada, there will be an official signing ceremony after which WDFN can officially be declared a Self-governing nation.

The first Implementation Plan takes effect on the Effective Date and has an initial term of ten (10) years or such other term as the Parties may agree.

No later than sixty (60) days before the Effective Date, the Parties will establish an Implementation Committee comprised of one representative from each Party.

Each Party may invite technical or support staff to Implementation Committee meetings.

# Voting information

### 1 Ballot question

Do you approve the Whitecap Dakota First Nation Constitution, and do you authorize Whitecap Dakota First Nation Council to, on behalf of Whitecap Dakota First Nation Band Members, move forward and reclaim our inherent right to self-government by signing the Whitecap Dakota First Nation Governance Agreement with Canada, as presented in the Approval Package?

\_\_\_\_\_YES

Mark the Ballot by placing an "X" in the box containing the word "YES", if you agree, or "NO" if you do not agree.

### ? How to vote

You may vote in person at one of our designated polling stations located in Saskatoon or at Whitecap Dakota First Nation.

Alternatively, you may vote electronically by using our online voting platform LBNet. E-voting registration begins on September 21, 2022.

Voting will take place from October 6 and 7, 2022. Polling stations will be open from 9:00 AM to 8:00 PM each day.



Voting takes place October 6 & 7, 2022. We need your vote!



# Voting information

### 3 Who can vote?

Only eligible voters who are +18 on or before the last voting day will be eligible to vote. "Eligible Voter" means a WDFN Member:

- whose name appears on the membership list or who is entitled to have their name appear on the WDFN membership list; and
- who is at least eighteen (18) years of age on the last day of the voting period.

All eligible voters must also present a valid piece of identification prior to submitting their vote.



### **Polling stations**

Whitecap Dakota First Nation
Whitecap Firehall
182 Chief Whitecap Trail

Saskatoon White Buffalo Youth Lodge 602 20th Street West

Online - E-voting



# **Contact Us**

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For more information on our Self-Governance processes, scan the QR code or visit whitecapdakota.com

