
ELECTION CODE

FOR

ACHO DENE KOE FIRST NATION

Definitions

- 1) "Candidate" means a person seeking election as a council member.
- 2) "Code" means the **Acho Dene Koe First Nation Election Code**.
- 3) "Council" means the **Acho Dene Koe First Nation Council** comprised of a Chief and Councilors (Section 3 of the Indian Act).
- 4) "Council members" means a Chief or Councilors.
- 5) "Election Day" means the day set aside for the election of **Acho Dene Koe First Nation Council**, the second Monday in June in the year that the term of the previous council comes to an end (Section 14) or, if an entire Council resigns or is removed from office at a time determined by the majority of resident **Acho Dene Koe First Nation** electors.
- 6) "Elector" (also known as a voter) means a person qualified to vote in the **Acho Dene Koe First Nation Council** elections (Section 10).
- 7) "Employee" means a salaried person working for the **Acho Dene Koe First Nation Council**.
- 8) "Existing Council" means the **Acho Dene Koe First Nation Council** in office.
- 9) "Proxy Ballot" means a ballot is given to another elector who has written authorization (proxy form) to vote on behalf of another elector. For those members who are unable to vote at a polling station, as a result of being incarcerated, or attending a post-secondary institution (i.e. college, trade school or university), or ill in a hospital for an extended period of time, or are employed full time outside of the community on the day of the election, proxy votes and/or mail-in ballots will be made available.
- 10) "Quorum" means the portion of Council members attending a meeting which can legally conduct business (usually 50% + 1 of all Council members).
- 11) "Registered member" means a person whose name appears on the Indian Register as a member of the **Acho Dene Koe First Nation** (where the ADKFN membership list is maintained by DIAND under section 11 of the Indian Act) or on the membership list of the **Acho Dene Koe First Nation** (where the ADKFN has assumed control over its membership under section 10 of the Indian Act).
- 12) "Polling Station" is a place set aside for voting in the community/on the serve for resident electors to vote on Election Day.
- 13) "ADKFN" means **Acho Dene Koe First Nation**.

INTRODUCTION

The purpose of the Election Code is to assist Acho Dene Koe First Nation in ensuring that the majority of the electors understand and agree with the election procedures outlined in the code.

ELIGIBILITY OF VOTERS

1. An eligible member who is:
 - a) Registered on the Membership List as of the date that nominations open; and
 - b) 18 years of age or older as of the date that nominations open; is eligible to vote in an election held in accordance with these Rules; and
 - c) A Canadian citizen; and
 - d) Continuously resident in the community a minimum of two years prior to election day. However, if the individual is incarcerated or attending a post-secondary institution or ill for an extended period of time in hospital or working in camp on the day of the election, he/she will be eligible to vote.
2. The local Returning Officer shall compile a list of voters who meet the eligibility criteria set out in section #1. The list shall be called the Voters List. The list shall specify whether a voter is a resident of Acho Dene Koe (Fort Lard) or otherwise.

ELECTIONS

3. Elections for Council shall be held every three (3) years, in the month of June.
4. The election for Chief shall be held at the same time as the election for councilors. The Candidates running for the Chief position with the most votes shall be declared Chief. If there is a tie, the Acho Dene Koe First Nation will call another election to determine a clear winner.
5. The election for Councilors shall be held the same day as the election for Chief in June. The five candidates with the most votes shall be each declared Councilors.
6. The Chief and Councilors shall appoint a Sub-Chief from amongst themselves within thirty (30) days after their election. A Band Council Resolution will be required stating whom they have selected.
7. The nomination period shall be from the 45th day prior to the election and close on the 30th day prior to the election.

8. A member is eligible to be nominated for Chief or for a position on Council if he or she is on the Voter's List.
9. A member may run for both Chief and Councilor.
10. Nominations shall be submitted in writing to the Returning Officer in the form provided for in Schedule 1. Nominations must be
- a. Signed by two (2) members who are eligible to vote, and
 - b. signed and accepted by the nominee.
- before being submitted to the Returning Officer.

LIMIT ON NOMINATIONS

11. Each elector may nominate *only one candidate for the position of Chief and one candidate for the position of Councilor*. If the elector or candidate is not satisfied with the decision of the local Returning Officer, he/she may *appeal that decision to the Appeal Committee, whose decision on the matter shall be final*.

RETURNING OFFICER

12. The existing Council shall appoint a local Returning Officer no later than 85 days before election day. The Returning Officer may be appointed to serve more than 1 term. The Returning Officer shall not be eligible to vote.
- a) The local Returning Officer shall be independent of Council and shall be responsible for conducting elections in accordance with these Rules, and maintaining the integrity of the election process.
 - b) The Chief and Council will pass the necessary motion to approve a limited budget for all anticipated expenses related to the election.
13. The local Returning Officer shall be responsible for:
- a) Posting all notices and announcements as required by these rules;
 - b) Responding to all inquiries regarding the election process;
 - c) Providing nomination forms to all Members who request them;
 - d) Supervising the polling stations and guarding the confidentiality and safety of ballots returned by mail;
 - e) The counting of the ballots;
 - f) The safekeeping of ballots and the voters list after the election is over;

- g) All other duties and functions necessary to carry out elections in accordance with these Rules, and to maintain the integrity of the election process.
- 14 The local Returning Officer will have the authority to hire and set the terms of employment of staff members, noting that they shall not be employees of Acho Dene Koe First Nation, to assist him or her with the election process, as outlined in an approved budget.
- 15 The local Returning Officer shall have the power to make further rules and policies in regards to the conduct of elections to ensure that elections are fair.

NOTICE OF ELECTIONS

- 16 The local Returning Officer shall provide the voters with notice of the nomination period and of the upcoming elections at least 7 days in advance of the first Monday in June.
- 17 The local Returning Officer shall provide notice to the voters by
- a) Posting notices prominently in public areas within the community of Acho Dene Koe.
 - b) Advertising in a local newspaper and on local radio broadcasts; and
 - c) Posting notice on a website maintained by Council, if and when such a website is created; and
 - d) Notice of an election and nomination period shall indicate:
 - i. The dates of the elections;
 - ii. The date and time when nomination period opens and closes;
 - iii. How nomination forms may be obtained; and
 - iv. The name of the local Returning Officer and an address (including an electronic address and fax number if any) and telephone number at which the Returning Officer can be reached.

WITHDRAWAL OF CANDIDATES

18. Candidates wishing to withdraw from the election must submit a written statement to that effect to the Returning Officer no later than 5 working days after the close of nominations.

ELECTION BY ACCLAMATION

- 19 At the close of the nomination period, the local Returning Officer shall determine whether there are sufficient nominations to proceed to an

election. If there are 1 or fewer candidates for the position of Chief, and/or 5 or fewer candidates for the position of Councilor the Returning Officer shall declare the affected candidates to have been duly elected by acclamation and shall cancel the relevant election(s).

20. The Returning Officer shall announce any election by acclamation and the resulting cancellation of any election by posting notice prominently in public areas within the community of Fort Liard.

CANDIDATES

21. If the Returning Officer determines that there are sufficient nominations to proceed to an election, the Returning Officer shall compile a list of candidates and shall provide the voters with this list by the Friday following the close of the nomination period. The list of candidates shall be provided to voters in accordance with section #16.
22. The list of candidates shall indicate:
- a) the names of the candidates running for Chief in alphabetical order;
 - b) the names of the candidates running for Councilor in alphabetical order;
 - c) the dates of the election and the location(s) and hours of operation of the polling station(s);
 - d) the date, location and hours of operation of any advance poll;
 - e) the name of the local Returning Officer and an address (including an electronic address and fax number if any) and telephone number at which the Returning Officer can be reached.

ELIGIBILITY OF CANDIDATES FOR THE POSITION OF COUNCILOR

23. The following is a listing of eligibility requirements for the position of Councilor:
- a) Registered on the Membership List as of the date that nominations open; and
 - b) 18 years of age or older as of the date that nominations open; is eligible to vote in an election held in accordance with these Rules; and
 - c) A Canadian citizen; and
 - d) Continuously reside in the community a minimum of two years prior to Election Day.

- e) A member running for the Councilor's positions cannot be an employee of Acho Dene Koe First Nation.
- f) If an Acho Dene Koe First Nation employee wishes to be a candidate for the position of Councilor, he/she must take leave of absence without pay upon nomination and, if elected, continue that leave until the end of his/her term.
- g) Candidate should successfully complete a criminal record check which will indicate a minimum of five (5) years free of criminal offenses.

24. Is not in debt to the Acho Dene Koe First Nation or any of its subsidiary companies, financially or otherwise, for an amount equivalent to \$500.00 or more. Restitution within 90 days must be made prior to nomination day.

ELIGIBILITY OF CANDIDATES FOR POSITION OF CHIEF

25. The following is a listing of eligibility requirements for the position of Chief:

- a) Registered on the Membership List as of the date that nominations open; and
- b) 18 years of age or older as of the date that nominations open; is eligible to vote in an election held in accordance with these Rules; and
- c) A Canadian citizen; and
- d) Continuously reside in the community a minimum of two years prior to Election Day.
- e) A member running for the Chief position cannot be an employee of Acho Dene Koe First Nation.
- f) If a First Nation employee wishes to be a candidate for the position of Chief, he/she must take leave of absence without pay upon nomination and, if elected, continue that leave until the end of his/her term.
- g) Candidate should successfully complete a criminal record check which will indicate a minimum of five (5) years free of criminal offenses.
- h) Is not in debt to the Acho Dene Koe First Nation or any of its subsidiaries, financially or otherwise, for an amount equivalent to \$500.00 or more. Restitution must be paid within 90 days or more prior to nomination day.

METHODS OF VOTING

- 26 An elector may vote once for the position of Chief and one vote each for the five positions of Councilor using one of the following methods:
- a) Voting by ballot in person during the hours and at the place designated by the *Acho Dene Koe First Nation in the community* on election day;
 - b) Voting by mail-in ballot as described in Section #39; or
 - c) Voting by proxy as described in Section #41.

VOTING BY NON-RESIDENT MEMBERS OF ADKFN

- 27 The local Returning Officer shall provide non-resident voters with:
- a) 2 different colour ballots, one for Chief and one for Councilors;
 - b) a letter explaining non-resident voting procedures, including:
 - i. the proper way to complete the ballot forms,
 - ii. the date by which the ballots must be returned to the Returning Officer in order to be valid; and
 - iii. If, following the counting of the votes, a candidate for councilor is also the successful candidate for Chief, the candidacy for councilor will be declared void and the candidate having the next highest number of votes shall be declared elected.

VOTING BY RESIDENT MEMBERS OF ADKFN: ADVANCE POLLS

- 28 An advance poll may be held on the Friday before the election for Chief is held. Members of ADKFN may vote for Chief and Councilors at an advance poll.

VOTING BY RESIDENT ADKFN MEMBERS: THE POLL

- 29 Elections shall be conducted by secret ballot. One colour will be used for votes for the Chief while another colour will be used for votes for the Councilors.
- a) The ballots for Chief shall:
 - i. Instruct the voter to place a mark next to only one candidate's name; and
 - ii. List the names of the candidates for Chief in alphabetical order.

b) The ballots for Councilor shall:

- iii) instruct the voter to place one mark next to a maximum of 5 candidates' names; and
- iv) List the names of the candidates for Councilor in alphabetical order.

30 Voters must be on the Voters List to receive ballots at the polling stations. Each resident voter shall receive only one ballot for each position being elected.

31 Ballots must be completed at the polling station. Any ballot taken out of the polling station before being placed in the ballot box shall be invalid.

32 The local Returning Officer shall begin counting the ballots immediately after the close of the poll.

33 The local Returning Officer shall reject any ballot:

- a) that has not been supplied by the Returning Officer;
- b) on which more marks next to the candidates' names have been made than are permitted;

Or

- c) on which the voter has made a mark that reveals his or her identity

34 The Returning Officer shall write "cancelled" on any ballot that is rejected and shall keep these ballots separately from the valid ballots.

35 All ballots shall be kept for a period of 90 days following the announcement of the results of the election. The ballots shall be kept in sealed envelopes with the Returning Officer's signature inscribed across the seal of the envelope.

36 The voters list shall be kept until after the next Council election.

37 Candidates for Chief and Councilor may each appoint a scrutiner to observe the conduct of the polls and the counting of the ballots.

38 One or more South Slavey Dene – English translator-interpreters shall be available at polling stations to assist voters. The local Returning Officer shall appoint the interpreters, who are not family members of the candidates or Acho Dene Koe First Nation staff.

MAIL-IN BALLOT PROCEDURE FOR NON-RESIDENT MEMBER ELECTORS

39 *No later than 56 days* before Election Day the Returning Officer shall mail to every non-resident member elector who has requested a *mail-in ballot*

kit or proxy consisting of:

- (1) a ballot for the position of Chief folded and signed on the outside by the Returning Officer;
- (2) a ballot for the positions of Councilor folded and signed on the outside by the Returning Officer;
- (3) an envelope large enough to hold the ballots marked **BALLOT**;
- (4) an Elector's Declaration Form;
- (5) a stamped envelope large enough to hold 1 to 4 above addressed to the **Acho Dene Koe First Nation Returning Officer**, and;
- (6) a letter inviting anyone who wishes to vote by proxy to contact the local Returning Officer for the necessary forms.

PROCEDURE FOR RECEIVING MAIL-IN BALLOTS

40. As each mail-in ballot is received, The Returning Officer shall:

- (1) verify the information on the Elector's Declaration Form;
- (2) indicate on the Voters' Register that the elector's mail-in ballot has been received and cross off the elector's name; and
- (3) store the unopened **BALLOT** envelope in a safe place until election day.

PROCEDURE FOR RECEIVING PROXY FORMS

41. The Returning Officer, upon receiving a proxy form shall

- (1) verify the information on the Elector's Declaration Form;
- (2) indicate on the Voters' Register that the elector's proxy form has been received and cross off the elector's name; and store the proxy form in a safe place until election day.

ELECTION RESULTS

42. The local Returning Officer shall announce the results of an election as soon as possible after the poll closes. The announcement shall be made by posting a notice prominently in public places within the community of Fort Liard. The notice shall indicate:

- a. The names of the candidates;
- b. The numbers of votes for each candidate;

- c. The number of voters who participated; and
 - d. The number of spoiled or invalid ballots, and
 - e. Shall be signed by the Returning Officer.
43. Where a candidate has been elected as Chief and was also running for the position of Councilor, the local Returning Officer shall:
- a) Strike the newly elected Chief from the list of candidates for the position of Councilor, the Returning Officer, and:
 - b) Post a revised list of candidates for the position of Councilor at the same time as the results of the election for Chief are announced. The list must be posted prominently in public areas within the community of Fort Liard.

Where the election of a candidate as Chief who was also running for the position of Councilor, results in the reduction of the number of candidates running for the position of Councilor to 5 or less, the Returning Officer shall declare the remaining candidates to have been duly elected by acclamation at the same time as the results of the election for Chief are announced, and shall cancel the election for Councilors.

Upon confirmed election results for Chief and Council and being sworn into office, they shall be authorized to assume immediate legal responsibilities for the continued smooth operations of Acho Dene Koe First Nation.

ELECTION APPEALS

44. Where an eligible voter or candidate believes that the election process violated the letter or spirit of these Rules, he or she may appeal the results of the election to the Supreme Court of the Northwest Territories within 10 days of the announcement of the results of that election.

An Appeal Committee comprised of non Acho Dene Koe First Nation members will be appointed 14 days prior to the election in readiness should they be required.

ENTITLEMENT TO ADMINISTRATIVE RECOUNT

45. Any candidate whose margin of loss is ***one (1) vote or one percent (1%) of the total number of votes cast (whichever is greater)*** shall be entitled to an administrative recount which shall, if requested by the candidate, be carried out by the local Returning Officer immediately after the recording of the votes.

ENTITLEMENT TO RECOUNT BY APPEAL COMMITTEE

- 46 If a candidate is not satisfied with the results of the administrative recount as provided for in Section #46, he/she is entitled to a recount by the *Appeal Committee*, whose decision shall be final, *no later than the day after election day*.

PROCEDURE FOR APPEALS

- 47 The appellant must present the appeal in writing stating the circumstances and specifying the Electoral Offence(s) which he/she believes have been committed to the Appeal Committee within *twenty-one (21) days* after election day.

CONSIDERATION OF APPEAL BY APPEAL COMMITTEE

- 48 The Appeal Committee shall investigate the circumstances of the appellant's allegation and decide within *twenty-eight (28) days* after election day
- (1) whether the allegation is based in fact; and
 - (2) if so, whether it is sufficiently serious to nullify any part of or the entire election against which the offence(s) were committed.

NEW ELECTION

- 49 If the Appeal Committee decides that the offence(s) committed are sufficiently serious it may order that the result of the election against which the offence(s) was/were committed be declared null and void and that a new election be held in its place, in accordance with the provisions of this code

PUBLICATION OF ELECTION RESULTS

- 50 When all appeals have been dealt with the Returning Officer shall publish the official results of the election in the manner indicated with any amendments resulting from the appeals and with the word "PRELIMINARY" replaced with the word "OFFICIAL" in the title

TERM OF OFFICE

- 51 The term of office for all positions in the Acho Dene Koe First Nation shall be three (3) years so that newly-elected Council members have time to learn about their new role and to implement their plans

VACANCIES ON COUNCIL

- 52 A vacancy shall be declared on Council when a Council member
- a) Resigns his/her office;
 - b) Is unable to continue his/her duties due to illness, disability or death.

- c) Becomes ineligible to hold office or
- d) Is removed from office (See Section #65).

53. Vacancies will be filled on council 30 days after receipt of notification that the individual will no longer be on council. Dependent upon the number of vacancies on council, the positions will be filled by the first and second runner up once they are approached and agree to assume a role on council.
54. If "runner-up (s)" is not available to assume a position on council, a by-election will be called to fill the position.

VACANCIES ON COUNCIL LESS THAN SIX MONTHS

55. If one or more vacancies occur less than six (6) months prior to the end of the Council's normal term of office it they shall remain unfilled and the quorum of Council shall be reduced appropriately.

PROCEDURES FOR FILLING VACANCIES LONGER THAN SIX MONTHS

56. Vacancies longer than six (6) months shall be ordered filled by Council either by:
- a) Appointing to fill out the remainder of the term the candidate who received the next highest number of votes in the previous election; or
 - (b) Holding a by-election for the position.

Exception: In case of a vacancy longer than six (6) months created by the removal from office of an elected official, the vacancy thus created must be filled by a by-election.

VACANCY FOR POSITION OF CHIEF

57. If the Chief's position becomes vacant within the first two years of the election a by-election shall be called. If the vacancy should occur between the second and third year of office, then the position shall *be filled by the Sub-Chief*. The Councilors position thus vacated shall be filled as provided for.

PROCEDURES FOR HOLDING BY-ELECTIONS

58. The procedures for by-elections shall be the same as the procedures for elections provided for in this code.

CAMPAIGNING BY CANDIDATES

59. Candidates may campaign openly in the community and to reach non-resident electors up to the day before Election Day.

NOTIFICATIONS OF AUTHORITIES

60. a) Upon publication of the official results, the existing Council shall notify DIAND's regional office and appropriate GNWT authorities accordingly and indicate the date when the new Council is to take office.
- b) All signing authorities of Acho Dene Koe First Nation must be able to speak, understand and write in English.

ASSUMPTION OF OFFICE BY NEW COUNCIL

61. The newly elected Chief and Council shall assume office on the next working day following the publication of the Official Election Results.

OATH OF OFFICE FOR CHIEF AND COUNCILORS

62. On the day the new Council takes office each newly elected (or re-elected or acclaimed) member shall be required to take an Oath of Office before an appropriate authority as required by the custom of the Acho Dene Koe First Nation.

AUTHORITY OF NEW COUNCIL

63. Council duly elected under the provisions of this code which has assumed office shall be deemed to be the lawful body representing the members of the Acho Dene Koe First Nation with all the powers and authority pertaining thereto.

INELIGIBILITY OF ELECTED COUNCIL MEMBERS TO HOLD OFFICE

64. An elected member of the Acho Dene Koe First Nation Council shall become ineligible to hold office
- a) if he/she accepts a position as an employee of Acho Dene Koe First Nation;
 - b) is convicted of an *indictable* offence while in office; or
 - c) misses *three (3) or more consecutive regular Council meetings without the approval of Council*.

SCHEDULE 1 – NOMINATION FORM

We nominate _____ as a candidate for the position(s)
of _____ in the election to be held _____, 20 ____

We confirm that as Members of the Acho Dene Koe First Nation we are both eligible to
vote in this election.

DATED _____ 20 ____

Print Name

Witness

Sign Name

Print Name

Witness

Sign Name

I, _____, accept my nomination as a candidate
for the position(s) of _____ in the election to be held
_____, 20 ____.

I confirm that as a Member of the Acho Dene Koe First Nation, I am eligible to be
nominated for this (these) position(s).

DATED _____ 20 ____

Sign Name

Witness

DECLARATION OF ADOPTION

This Election Code for the *Acho Dene Koe First Nation* was duly ratified by the majority of the *Acho Dene Koe First Nation's* electors this 2nd day of, November 2007 and is hereby declared adopted

Not Applicable

Signature of Chief
Acho Dene Koe First Nation

Signature of INAC Authority
Government of Canada