

KASKA DENA NATIONAL GOVERNMENT

**KASKA DENA
NATIONAL ELECTION CODE**

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TABLE OF CONTENTS

Section

1. Title
2. Definitions
3. Eligibility to Vote and Hold Office
4. Election of National Gudesdeje
5. Election of Mesga Dena clan and Tsyone Dena clan Men's Representatives and Women's Representatives
6. Election Committee
7. Election Committee -- Duties and Responsibilities
8. Chief Returning Officer
9. Chief Returning Officer -- Duties and Responsibilities
10. Office Closure
11. Election Period
12. Notice of Election
13. List of Voters
14. Revision of the List of Voters
15. Nomination of Candidates
16. Close of Nominations
17. Ballot Papers
18. Deputy Returning Officers
19. Poll Clerks
20. Special Ballot Papers
21. Interpreters
22. Persons Present at the Polling Place
23. Candidates' Representatives
24. Poll Attendants
25. Interference with Voter

26. Procedure on Election Day
27. Spoiled Ballot Papers
28. Loss of Right to Vote
29. Counting the Ballots
30. Observing the Counting of the Ballots
31. Statement of the Poll
32. Unofficial Results
33. Recounts
34. Official Results
35. Election Documents
36. Disposal of Ballots
37. Appeals

Appendices:

- A. Election Period Calendar
- B. Notice of Election
- C. Nomination Paper
- D. Declaration of Identity
- E. Election Officer Oath of Office

KASKA DENA NATIONAL ELECTION CODE

Explanatory Note: This Kaska Dena Election Code is intended to establish the process by which the members of the Kaska Dena National Government are elected and to enable the community to elect its leaders according to the rules which it adopts instead of the rules imposed by the Indian Act and the Indian Act Regulations. The Kaska Dena Election Code also provides for an appeal process.

WHEREAS the Kaska Dena possess the inherent right to govern ourselves and choose our government in accordance with our Kaska Dena National Constitution and laws;

WHEREAS the right to vote is a fundamental human right;

WHEREAS the Kaska Dena have chosen to elect our government by means of the Kaska Dena Election Code;

THEREFORE, the Kaska Dena National Election Code is enacted as follows:

1. Title and Commencement

- (1) This Act may be cited as the “Kaska Dena National Election Code”.
- (2) This Act shall come into force on the date the Constitution is ratified and comes into force.

2. Definitions

- (1) In this law:
 - (a) “ballot paper” means:
 - (i) “rejected ballot” – at the count, a ballot which is not counted because it is not marked according to the directions given by the Deputy Returning Officer;
 - (ii) “special ballot paper” – a ballot paper distributed other than during the hours of voting;

- (iii) “spoiled ballot paper” – a ballot paper which a voter returns to the polling station for another ballot paper;
- (b) “candidate” means a person who has filed a nomination paper with the Chief Returning Officer;
- (c) “Chief Returning Officer” means the person appointed to administer the election on behalf of the Election Committee;
- (d) “criminal background check” means proof of no convictions of indictable offences for a stated period of time;
- (e) “Deputy Returning Officer” means a person appointed by the Chief Returning Officer to administer the voting at a polling station;
- (f) “Election Appeal Committee” means the two co-chairs of the Election Committee and the Chief Returning Officer that decides appeals about names appearing on the List of Voters;
- (g) “Election Committee” means the people nominated at a Kaska Dena National Assembly to administer the conduct of elections;
- (h) “election day” means a day on which voting takes place not fewer than 31 days from the date of the Notice of Election;
- (i) “election period” means the time for an election from the date of the Notice of Election to the declaration of the official results;
- (j) “election” means an election for one (1) Kaska Dena National Gudesdeje, one (1) Mesga Dena clan Men’s Representative and one (1) Tsyone Dena clan Men’s Representative, and one (1) Mesga Dena clan Women’s Representative and one (1) Tsyone Dena clan Kaska Women’s Representative, as provided for in the Kaska Dena National Constitution;
- (k) “interpreter” means a person appointed by the Chief Returning Officer to translate the Deputy Returning Officer’s directions for voting;
- (l) “Kaska First Nation” means those Bands as defined under the *Indian Act*, R.S.C. 1985, c. I-5 which include: Dease River Band Council; Kwadacha First Nation; Liard First Nation (including Daylu Dena Council); and Ross River Dena Council.
- (m) “List of Voters” means the list of the names of people who are eligible to vote at an election, provided to the Election Committee by each Kaska First Nation, (as defined in the Kaska Dena National Constitution);
- (n) “Notice of election” means the information published by the Election Committee to start the election period;

- (~~o~~) “poll attendant” means a person appointed by the Chief Returning Officer to maintain order in and around a polling place;
- (~~p~~) “poll clerk” means a person appointed to assist the Deputy Returning Officer in the conduct of the vote at a polling station;
- (~~q~~) “polling booth” means a compartment in which a voter marks a ballot paper in secret;
- (~~r~~) “polling place” means the location in which one or more polling stations are set up for voting;
- (~~s~~) “polling station” means the Deputy Returning Officer, the poll clerk and the ballot box; there can be more than one polling station in a polling place.

3. Eligibility to Vote and Hold Office

- (1) Kaska First Nation citizens who are sixteen years of age and older on polling day, and whose names are on the List of Voters are eligible to vote at a National election.
- (2) A person who is eligible to vote as provided in the Kaska Dena National Constitution does not lose the right to vote if absent from Kaska Dena Kayeh while otherwise eligible to vote.
- (3) A candidate who is twenty-one years of age and whose name is on the List of Voters is eligible to run for the office of National Gudesdeje.
- (4) A candidate who is twenty-one years of age, a woman, and a member of the Mesga Dena clan is eligible to run for the office of Mesga Dena clan Women’s Representative.
- (5) A candidate who is twenty-one years of age, a woman, and a member of the Tsyone Dena clan is eligible to run for the office of Tsyone Dena clan Women’s Representative.
- (6) A candidate who is twenty-one years of age, a man, and a member of the Mesga Dena clan is eligible to run for the office of Mesga Dena clan Men’s Representative.
- (7) A candidate who is twenty-one years of age, a man, and a member of the Tsyone Dena clan is eligible to run for the office of Tsyone Dena clan Men’s Representative.

4. Election of Gudesdeje

- (1) The candidate who receives the highest number of votes at a Kaska National election will be the National Gudesdeje.

5. Election of Mesga Dena clan and Tsyone Dena clan Men's Representatives and Women's Representatives

- (1) The candidate for Mesga Dena clan Men's Representative who receives the highest number of votes cast by men who are eligible to vote at a Kaska National election will be the Mesga Dena clan Men's Representative.
- (2) The candidate for Tsyone Dena clan Men's Representative who receives the highest number of votes cast by men who are eligible to vote at a Kaska National election will be the Tsyone Dena clan Men's Representative.
- (3) The candidate for Mesga Dena clan Women's Representative who receives the highest number of votes cast by women who are eligible to vote at a Kaska National election will be the Mesga Dena clan Women's Representative.
- (4) The candidate for Tsyone Dena Clan Women's Representative who receives the highest number of votes cast by women who are eligible to vote at a Kaska National election will be the Tsyone Dena Clan Women's Representative.

6. Election Committee

- (1) The Election Committee will consist of five members who are eligible voters nominated at a Kaska Dena National Assembly, of which at least one member will be from each Kaska First Nation, which will administer the election.
- (2) The Kaska Dena National Assembly will appoint the first Election Committee. Members will be appointed for a term starting immediately until six months before the second election held under this Election Code.
- (3) Subsequent appointments of the members of the Election Committee will be from six months before an election to six months before the next election following.
- (4) There will be two co-chairs selected by the members of the Election Committee at the first meeting of the Election Committee following their nomination at a Kaska Dena National Assembly.
- (5) An Election Appeal Committee shall consist of the two Co-chairs and the Chief Returning Officer who will be appointed to decide appeals referred to in sections 14(4), (5) and (6).
- (6) A member of the Election Committee who files a nomination paper at the election will not be eligible to remain a member of the Election Committee.
- (7) A vacancy in the Election Committee members will not be filled during the term of appointment.

7. Election Committee -- Duties and Responsibilities

- (1) The duties and responsibilities of the Election Committee are:
 - (a) to exercise general responsibility for the administration of the election;
 - (b) to oversee the Chief Returning Officer who is appointed by the Kaska Dena National Government to administer the election;
 - (c) to maintain the integrity of the election;
 - (d) to direct the Chief Returning Officer to implement changes in policies or practices concerning the conduct of an election as expressed in a motion from a Kaska National Assembly and according to the terms of this Code;
 - (e) to prepare and implement a public education plan;
 - (f) to announce the official results of the election;
 - (g) to deliver election records to the Chief and Council for the Kaska National archives.

8. Chief Returning Officer

- (1) The Kaska Dena National Government will appoint a Chief Returning Officer who will not be an eligible voter, who will report to the Election Committee and be a non-voting member of the Election Committee, for a period starting not less than 30 days before the publication of the Notice of Election and ending not more than 21 days after election day.
- (2) The Chief Returning Officer will conduct his or her duties in an impartial manner.
- (3) The returning officer, and any Deputy Returning Officers, will be required to take an oath of office as described in Appendix E.
- (4) The Kaska Dena National Government administration will be invoiced and pay for the cost of all fees, allowances, services, supplies and expenses required for the conduct of the election under this Code, that are determined as reasonable and necessary services and materials by the Chief Returning Officer.

9. Chief Returning Officer – Duties and Responsibilities

- (1) The Chief Returning Officer will:
 - (a) post copies of the Notice of Election, and the List of Voters received from the Election Committee, in each community where voting will take place not later than three days after the date of the Notice of Election;

- (b) post a final List of Voters with the names of all voters eligible to vote in the election, listing the names of eligible voters in alphabetical order for each Kaska First Nation;
- (c) accept nomination papers;
- (d) recruit and train election officials required for the conduct of the election;
- (e) prepare written directions;
- (f) prepare and distribute all forms and ballot papers to the Deputy Returning Officers;
- (g) obtain a sufficient number of ballot boxes; and
- (h) generally administer the election following this Code and any directions from the Election Committee.

10. Office Closure

- (1) The offices of Kaska Dena National Government will be closed on election day.

11. Election Period

- (1) The election period will be as follows:
 - (a) election day on a Monday not less than 31 days after the date of the Notice of Election with voting from 8:00 a.m. to 8:00 p.m.;
 - (b) nomination day 21 days before election day and nominations received from 10:00 a.m. to 4:00 p.m.;
 - (c) revision of the List of Voters on the 18th and 19th days before election day from 10:00 a.m. to 4:00 p.m.;
 - (d) the declaration of the official results at 10:00 a.m. on the 14th day after election day.

12. Notice of Election

- (1) A Notice of Election dated not less than 31 days before election day and authorized by the Election Committee will be posted in all communities where voting will take place and published in newspapers which are distributed in Kaska Dena communities.
- (2) The notice will state:
 - (a) the locations, dates and times during which voting will take place;

- (b) the place, date and time for nominating candidates;
- (c) the place, dates and time during which the list of voters will be revised;
- (d) the place, date and time at which the election will be declared; and
- (e) the name of the person appointed as the Chief Returning Officer.

13. List of Voters

- (1) Each Kaska First Nation government will provide the names of its citizens who are eligible to vote to the Election Committee, for posting in the Kaska National election List of Voters.
- (2) Each Kaska First Nation government will provide its List of Voters to the Election Committee within 14 days of the selection of the Election Committee members at a Kaska Dena National Assembly.
- (3) The Election Committee will prepare a list of all persons who are eligible to vote in the election and will provide that list to the Chief Returning Officer for posting.
- (4) As soon as it is prepared, the List of Voters will be posted in one or more conspicuous places in each Kaska First Nation.
- (5) Each candidate is entitled to receive one copy of the revised List of Voters not later than 17 days before election day.
- (6) A person whose name does not appear on the List of Voters and who is eligible to vote may apply in writing to have his or her name added to the list.
- (7) Each candidate is entitled to receive before the start of voting on election day:
 - (a) the names of people who received special ballots and,
 - (b) those who successfully appealed to the Election Appeal Committee to have their names returned to the list.

14. Revision of the List of Voters

- (1) Applications for changes to the List of Voters will be accepted on the 18th and 19th days before election day from 10:00 a.m. to 4:00 p.m.
- (2) Upon receipt of a written request to be added to the List of Voters, the Chief Returning Officer will verify with the Kaska First Nation government, which will designate a government officer with the duty of maintaining a registry of citizens, whether the person who is applying to be added to the List of Voters is eligible to vote, and if the Kaska First Nation confirms eligibility the Chief Returning Officer will add the name to the List of Voters and initial the entry.

- (3) The Chief Returning Officer, on application in writing from a person who is eligible to vote and named on the list, will remove the name of any person who is on the list and:
 - (a) is deceased; or, on election day
 - (b) is not at least 16 years of age; or
 - (c) is not a member of a Kaska First Nation.
- (4) The Chief Returning Officer will:
 - (a) draw a line through the name of the person to be removed and initial it; and
 - (b) immediately make reasonable efforts to advise the person that the name has been removed, and that they have up to seven days to appeal the removal to the Election Appeal Committee.
- (5) A voter who has identification can request a change to his or her name by applying to the Chief Returning Officer to have the spelling of their name corrected or changed in such a way that the voter can be identified as that person and the Chief Returning Officer will make the correction, or change, and initial it.
- (6) At the close of revisions to the List of Voters, no further changes can be made to the List of Voters except to add the name of any voter whose name was removed and who has successfully appealed to the Election Appeal Committee.

15. Nomination of Candidates

- (1) A nomination paper will be completed on the form provided by the Election Committee and contain the following:
 - (a) the name of the candidate and the candidate's residence and mailing address;
 - (b) the position for which the candidate is seeking election;
 - (c) the names, addresses and signatures of not fewer than fifty voters who are nominating the candidate;
 - (d) the witnessed consent of the candidate; and
 - (e) a declaration of agreement to provide to the Election Committee, if elected, proof of no convictions of indictable offences within the previous 60 months, immediately after receiving the documentation from the RCMP.
- (2) Nomination papers may be looked at by members of the public but cannot be reproduced.

16. Close of Nominations

- (1) If only one nomination is received at the close of nominations the Chief Returning Officer will declare the candidate elected, subject to proof of no convictions of indictable offences during the previous 60 months.
- (2) Immediately after the close of nominations, the Chief Returning Officer will, in front of any candidates who are present, conduct a draw to establish the order of candidates' names on the ballot paper by:
 - (a) placing the name of each candidate on identical slips of paper folded in the same way;
 - (b) pulling one slip of paper at a time from a container; and
 - (c) recording each name as it is called out.

17. Ballot Papers

- (1) Ballot papers will be printed as follows:
 - (a) on the front of the ballot paper, the names of the candidates, in the order established by draw at the close of nominations, with given names capitalized in lower case letters appearing first, followed by surnames in upper case letters, with a circle across from each name into which a voter can indicate a choice;
 - (b) on the reverse of the ballot papers, a space for the initials of the returning officer, the phrase "Kaska Dena National Government", the date of the election, the position to be elected, and, the name of the printing company;
 - (c) printed on paper of sufficient weight that when folded the voter's choice is not apparent;
 - (d) in books of 50 ballot papers with a consecutively numbered stub and counterfoil.

18. Deputy Returning Officers

- (1) The Chief Returning Officer will appoint a Deputy Returning Officer for each polling station.
- (2) A Deputy Returning Officer will:
 - (a) supervise the election under the direction of the Chief Returning Officer at a polling station;

- (b) appoint, if authorized by the Chief Returning Officer, any additional personnel required to facilitate the elections;
- (c) secure the election documents and ballot boxes while in the custody of the Deputy Returning Officer;
- (d) inform voters of the procedure to be followed in marking their ballot papers.

19. Poll Clerks

- (1) The Chief Returning Officer will appoint a poll clerk who is an eligible voter to assist the Deputy Returning Officer at a polling station.

20. Special Ballot Papers

- (1) Special Ballot papers will be delivered to voters who are:
 - (a) unable to vote in person on election day; or
 - (b) a prisoner in a correctional facility or a patient in a hospital.
- (2) A voter, except for a prisoner in a correctional facility or a patient in a hospital, who is unable to vote in person on election day must apply to the Chief Returning Officer who will deliver, or have delivered, a ballot paper to the voter.
- (3) A voter who has been issued a special ballot paper will not be issued a second ballot paper and will not appear in person to obtain a ballot paper at a polling station. A special ballot voting kit will include:
 - (a) a ballot paper for Gudesdeje in the prescribed form, which has been initialled by the Chief Returning Officer,
 - (b) a ballot paper for one Mesga Dena clan and one Tsyone Dena clan Women's Representative; or for one Mesga Dena clan and one Tsyone Dena clan Men's Representative in the prescribed form, which has been initialled by the Chief Returning Officer,
 - (c) a ballot paper envelope in the prescribed form for the marked ballot paper,
 - (c) a certificate envelope in the prescribed form,
 - (d) an outer envelope in the prescribed form for delivery to the Chief Returning Officer, and
 - (e) instructions for marking and folding the ballot paper.

- (4) The Chief Returning Officer will keep a record on a separate List of Voters in the prescribed form of the names of each voter to whom the returning officer has delivered a ballot paper.
- (5) The Chief Returning Officer will advise the Deputy Returning Officer appointed for each polling station of the voters who have been issued a Special Ballot by drawing a line through each name on the copy of the Voters List to be used at the polling station on polling day, and across from each name with a line drawn through it, write "Special Ballot".
- (6) A special ballot must be returned to the Chief Returning Officer no later than seven o'clock in the afternoon on polling day.
- (7) On polling day, the Chief Returning Officer will deliver the special ballots to a Deputy Returning Officer, and the Deputy Returning Officer will otherwise observe the procedures for voting in Section 26.

21. Interpreters

- (1) An interpreter will be appointed by the Chief Returning Officer to assist a voter to understand the directions for marking a ballot paper, when required to do so at a polling station.

22. Persons Present at the Polling Place

- (1) The following people only are entitled to be present and remain in a polling place or within 25 metres of the entrance to the polling place during the hours of voting:
 - (a) Deputy Returning Officers;
 - (b) poll clerks;
 - (c) candidates, seated away from the polling station;
 - (d) one representative of each candidate at any given time, seated away from the polling station;
 - (e) interpreters;
 - (f) poll attendants;
 - (g) the Chief Returning Officer;

and any person who is asked by the Deputy Returning Officer, poll attendant or Chief Returning Officer to leave the polling place will do so immediately.

23. Candidates' Representatives

- (1) Each candidate is entitled to appoint in writing to the Chief Returning Officer, not later than seven days before election, one or more persons to represent the candidate at mandatory meetings called by the Chief Returning Officer, and at the polling stations during the hours of voting.
- (2) Candidates' representatives are entitled to:
 - (a) observe but not interfere with the voting process;
 - (b) confirm a voter's name; and
 - (c) witness the ballot count.

24. Poll Attendants

- (1) The Chief Returning Officer will appoint poll attendants to keep order in and near the polling places during the hours of voting and a person who is requested by any poll attendant to cease an action or to leave the polling place will obey that direction.

25. Interference with Voter

- (1) No person will:
 - (a) interfere, or attempt to interfere with a voter marking a ballot paper;
 - (b) obtain, or attempt to obtain at the polling place, information as to how a voter is about to vote or has voted; or
 - (c) speak with a voter who has indicated that they do not want to be spoken to.

26. Procedure on Election Day

- (1) The Chief Returning Officer will ensure that the polling station is open from 8:00 a.m. until 8:00 p.m. If the Chief Returning Officer judges, for reasons relating to weather or any other matter, that the polls should remain open until a later hour, he or she may keep the polls open until 10:00 p.m. and will provide appropriate advance notice to the community of this fact.

- (2) Any eligible voter who is in the polling station at the time that it is closed will be eligible to vote.
- (3) The Deputy Returning Officer will, when requested to do so, explain the voting procedure to a voter.
- (4) The Deputy Returning Officer will ensure there are separate ballots boxes for each position at each polling station.
- (5) The voting procedure on election day will be as follows:
 - (a) voters will announce their names to the Deputy Returning Officer at the polling station;
 - (b) the poll clerk will confirm that the voter's name is on the list and draw a line through it;
 - (c) the Deputy Returning Officer will:
 - (i) remove one folded ballot paper for each position for which they are eligible to vote with the counterfoil attached,
 - (ii) initial each ballot in a manner so that when the ballot is folded, the choices made by the voter are not visible, but the initials are,
 - (iii) instruct the voter to mark the ballot papers for one candidate with an "X" across from the candidate's name, and
 - (iv) to return each ballot paper folded in the same way.
- (6) The Deputy Returning Officer will ensure that a polling booth is provided at each polling station where a voter can mark his or her ballot free from observation.
- (7) The voter will proceed immediately to the polling booth and
 - (a) place a mark across from the name of the candidate for whom the voter is voting;
 - (b) fold the ballot papers as directed by the Deputy Returning Officer; and
 - (c) deliver them to the Deputy Returning Officer who will remove the counterfoils and deposit them in the ballot box without unfolding them.
- (8) A voter who is:
 - (a) not able to read; or
 - (b) incapacitated by blindness or other physical cause;will be assisted by the Deputy Returning Officer who will clear the area near the polling station, and while keeping secret the voter's choices, mark the ballot paper as the voter directs and deposit the marked ballot paper in the ballot box.
- (9) In the event that a voter votes in the manner described in sub-section (8), the Deputy Returning Officer will note on the voters list the fact that the ballot was marked in this manner in the presence of the voter, and any person chosen by the voter, and the reasons why this was done.

- (10) A voter who mistakenly spoils his or her ballot may return it to the returning officer or Deputy Returning Officer in order to obtain another ballot and the officer will write the word "void" upon it, and provide the voter with another ballot.
- (11) If a voter cannot be identified by the name on the list but it is believed that a name on the list is that of the voter, the voter will make a declaration stating that the name on the list is the name by which the voter is and has been known and be allowed to vote. If the voter refuses to take the declaration, the voter will not be issued any ballot papers and must leave the polling place.
- (12) Only one voter can mark ballot papers in a polling booth at one time.
- (13) The Deputy Returning Officer and poll clerk will not advise voters for whom to vote.
- (14) The poll clerk will enter the word "voted" across from the voter's name when the ballot papers are deposited in the ballot box.
- (15) After voting, all persons, except for those named in Section 22 (1) must leave the polling station.
- (16) All voters must turn off their cell telephones while in the polling station.

27. Spoiled Ballot Papers

- (1) A voter who marks a ballot paper for the wrong candidate, or in such a way that the voter could be identified, is entitled to receive another ballot paper.
- (2) The poll clerk will enter the words "issue of second ballot paper" across from the voter's name.

28. Loss of Right to Vote

- (1) A voter who has received ballot papers but refuses to return the ballot papers to the Deputy Returning Officer as required has refused to vote and has lost the right to vote in the election.
- (2) The poll clerk will record the words "refused to vote" across from the voter's name.

29. Counting the Ballots

- (1) Immediately after the last voter present at the polling station at 8:00 p.m., or the time established in Section 26(1) has voted, the Deputy Returning Officer will in front of not more than five witnesses, one of whom is the poll clerk:

- (a) count the number of voters whose names have a line through them and the word “voted” across from the names;
- (b) count the spoiled ballot papers for each position and seal them in an envelope with the word “spoiled” and the number of spoiled ballot papers marked on the envelope;
- (c) count the number of unused ballot papers for each position and seal them along with the stubs in an envelope with the word “unused” and the number of unused ballot papers marked on the envelope;
- (d) open the ballot box and empty the contents onto a cleared space;
- (e) call out and show for whom the ballots marked while the witnesses record the number of votes on tally sheets;
- (f) reject any ballots:
 - (i) marked for more than one candidate;
 - (ii) marked in such a way that the voter can be identified; or
 - (iii) not issued by the Deputy Returning Officer,

and seal them in an envelope with the word “rejected” with the number of ballots marked on the envelope;

- (g) seal the ballots in an envelope and mark on the envelope the names of the candidates and the number of votes each received.
- (2) The Deputy Returning Officer will advise the Chief Returning Officer as directed of the number of votes for each candidate at the polling station.
- (3) The Deputy Returning Officer will place all election documents and envelopes, including the List of Voters, in the ballot box, seal it, and transmit it to the Chief Returning Officer.

30. Observing the Counting of the Ballots

- (1) The Chief Returning Officer may provide an area at the polling place at which observers can be seated to observe the counting of the ballots and during that time cannot participate in the count and must remain seated in the area set aside for that purpose.

31. Statement of the Poll

- (1) The Deputy Returning Officer will prepare sufficient copies of a statement with the results as follows:

- (a) the number of votes for each candidate, in the same order as the names appear on the ballot;
 - (b) the number of voters;
 - (c) the number of ballots in the ballot box;
 - (d) the number of rejected ballots;
 - (e) the number of spoiled ballot papers;
 - (f) the number of unused ballot papers; and
 - (g) the number of ballot papers received from the Chief Returning Officer which must equal the total number of ballots in the ballot box, the number of spoiled ballot papers, the number of ballot papers which were not returned to the Deputy Returning Officer and the number of unused ballot papers;
 - (h) the signature of the Deputy Returning Officer and the date and location, along with any signatures of the witnesses.
- (2) A copy of the statements must be delivered by the Deputy Returning Officer:
- (a) to each candidate;
 - (b) to the Chief of each Kaska First Nation;
 - (b) to the Chief Returning Officer; and
 - (c) to the Election Committee.

32. Unofficial Results

- (1) The unofficial results on election day will be announced by the Chief Returning Officer following the counting of the ballots at all polling stations.

33. Recounts

- (1) The Chief Returning Officer will secure the unopened ballot boxes received from the Deputy Returning Officers for seven days after polling day unless a request for a recount of the votes is received.
- (2) In the event of a tie between candidates, the Chief Returning Officer will recount the votes at a place and time not later than seven days after election day in front of any candidates or their representatives. A total of three (3) recounts may be ordered at the discretion of the Chief Returning Officer.
- (3) A voter may, within seven days of election day, request in writing a recount of the ballots if the voter believes that the ballots were counted incorrectly.

- (4) At the recount, the Chief Returning Officer will count the ballots and on the copy of the statement prepared on election day, make any corrections.
- (5) In the event that, after the recount referred to in section 33 (2), the result is still tied, the Chief Returning Officer will choose the successful candidate by means of a draw process. The Chief Returning Officer will place the name of each candidate on identical slips of paper folded in the same way in a container, and pull one slip of paper out of the container and announce the name of the successful candidate.

34. Official Results

- (1) Not earlier than 14 days after election day, at 10:00 a.m., the Chief Returning Officer will declare elected the candidate who has received the greatest number of votes for the position of Kaska Dena National Gudesdeje.
- (2) Not earlier than 14 days after election day, at 10:00 a.m., the Chief Returning Officer will declare elected the candidate who have received the greatest number of votes for the position of Mesga Dena Clan Men's Representative.
- (3) Not earlier than 14 days after election day, at 10:00 a.m., the Chief Returning Officer will declare elected the candidates who have received the greatest number of votes for the position of Tsyone Dena Clan Men's Representative.
- (4) Not earlier than 14 days after election day, at 10:00 a.m., the Chief Returning Officer will declare elected the candidate who have received the greatest number of votes for the position of Mesga Dena Clan Women's Representative.
- (5) Not earlier than 14 days after election day, at 10:00 a.m., the Chief Returning Officer will declare elected the candidates who have received the greatest number of votes for the position of Tsyone Dena Clan Women's Representative.
- (6) The Election Committee will announce the official results by publishing a notice in newspapers distributed in Kaska communities.

35. Election Documents

- (1) The Election Committee will deliver to the Kaska National Executive following the declaration of the official results and not later than 21 days after election day:
 - (a) the statements of the results, including any changes at a recount;
 - (b) the completed nomination papers;
 - (c) a copy of the List of Voters used at the polling stations;
 - (d) any decisions taken during the election period or written directions to the Chief Returning Officer; and
 - (e) any recommendations, which could improve the conduct of elections of the Kaska Dena National Government.

36. Disposal of Ballots

- (1) The Chief Returning Officer will deposit the ballots used in the voting, the rejected, spoiled and unused ballots in a sealed envelope, and retain it for twenty-one days after the date on which the election is held or until a decision on an appeal is rendered, whichever date is later, after which time the Chief Returning Officer will destroy them in the presence of two witnesses.

37. Appeals

- (1) There will be a Kaska Election Adjudicator consisting of one person named by the Chief Returning officer who is acceptable to the Kaska Dena National Executive and the Kaska Dena Elders Council.
- (2) An election appeal may be lodged by presenting in writing, together with a non-refundable fee of seventy-five dollars (\$ 75.00), within seven (7) days from the date of the vote, by any Kaska Citizen who has reason to believe that:
 - (a) there was corrupt practice in connection with the election; or
 - (b) there was a violation of these rules and regulations that might have affected the result of the election.
- (3) The Kaska Election Adjudicator will render a written decision regarding any appeals within fourteen (14) days of receipt of the appeal. This decision will be given to the Chief Returning Officer and a copy of the decision will be posted in a conspicuous place in each Kaska Community.
- (4) The Kaska Election Adjudicator may consult any documents or hear any person in order to investigate the appeal.
- (5) All decisions of the Kaska Election Adjudicator will be final.

**APPENDIX A
ELECTION PERIOD CALENDAR – KASKA DENA NATIONAL ELECTION**

Day	Activity
61	Appointment of Chief Returning Officer
31 Friday	Notice of Election
	Preliminary List of Voters Posted
30 Saturday	
to	
22 Sunday	
21 Monday	Nomination Day – 10 am to 4 pm
19 Wednesday	Revision of Lists – 10 am to 4 pm
18 Thursday	Revision of Lists – 10 am to 4 pm
17 Friday	Final List of Voters Posted
	Final List of Voters to Candidates
16 Saturday	
15 Sunday	
14 Monday	Issue of Special Ballot Papers
13 Tuesday	
12 Wednesday	
11 Thursday	
10 Friday	
9 Saturday	
8 Sunday	
7 Monday	
6 Tuesday	List of Voters to Candidates
5 Wednesday	Train Regular Poll Officials
4 Thursday	Train Regular Poll Officials
3 Friday	Train Regular Poll Officials
2 Saturday	
1 Sunday	
0 Monday	Voting Day – 8 am to 8 pm
+7 Monday	

+14 Monday

+15 Tuesday

+21 Monday

Declaration of Election/Official Results

Term of Office Commences

Appointment of CRO Ends

APPENDIX B

NOTICE OF ELECTION

KASKA DENA NATIONAL GOVERNMENT

AN ELECTION WILL TAKE PLACE ON (day, month, year) TO ELECT ONE (1) KASKA NATIONAL GUESDEJE, ONE (1) MESGA DENA CLAN MEN'S REPRESENTATIVE, ONE (1) TSYONE DENA CLAN MEN'S REPRESENTATIVE, ONE (1) MESGA DENA CLAN WOMEN'S REPRESENTATIVE, AND ONE (1) TSYONE DENA CLAN WOMEN'S REPRESENTATIVE

- **NOMINATION DAY: (day, month, year) FROM 10 A.M. TO 4 P.M AT (a location in Watson Lake, Yukon).**
- **REVISION OF THE LIST OF VOTERS: (days, month, year) FROM 10 A.M. TO 4 P.M. AT (a location in each Kaska First Nation).**
- **VOTING DAY: (day, month, year) FROM 8 A.M. TO 8 P.M AT (a location in each Kaska First Nation). (location), Whitehorse, Yukon**

THE CHIEF RETURNING OFFICER IS (name).

(name of Election Committee co-chair) (name of Election Committee co-chair)

(date of notice)

Published by the Kaska Dena National Election Committee

APPENDIX C

NOMINATION PAPER – KASKA DENA NATIONAL ELECTION

The following eligible voters nominate:

_____ (name of candidate)

_____ (residence address of candidate)

as a candidate for the position of

_____ (name of position)

Name

Address

(lines for names and residence addresses of fifty (50) electors nominating candidates)

Consent and Declaration of Candidate

I _____ consent to be nominated for the position of
(name of candidate)

_____ (name of position)

and declare that:

I have not been convicted of an indictable offence within the past 60 months, and I have applied to the RCMP for a criminal background check and will, if elected, provide proof of no convictions of indictable offences during the last 60 months to the Election Committee immediately upon receiving my documentation from the RCMP. A copy of my application for a criminal record check is attached. I understand that if my application for a criminal record check is not attached, my nomination will not be accepted.

_____ (signature of candidate)

_____ (signature of Chief Returning Officer or Justice of the Peace)

Mailing address: _____

Telephone No. _____

APPENDIX D

KASKA DENA NATIONAL ELECTION

DECLARATION OF IDENTITY

Polling Station Location

Date

I declare that I believe that I am the person named on the list of voters shown to me

of the name _____

which I am or have been known by,

and that my address is _____

and that I have not already voted at this election.

Signature of Voter