

Kaska Dena National Government – Kaska Dena National Election Code – Summary

What is the Kaska Dena National Election Code?

The Kaska Dena National Election Code (“KDNEC”) establishes the process by which the members of the Kaska Dena National Government are elected. This includes the National Gudesdeje and Mesga Dena clan and Tysone Dena clan Men’s and Women’s representatives. The KDNEC enables 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 KDNEC is created on following principles: “the Kaska Dena possess the inherent right to govern ourselves and choose our government in accordance with our Kaska Dena National Constitution and laws, the right to vote is a fundamental human right and the Kaska Dena have chosen to elect our government by means of the Kaska Dena Election Code.”

“Kaska First Nation” means those Bands as defined under the *Indian Act*, which include Dease River Band Council, Kwadacha First Nation, Liard First Nation (including Daylu Dena Council) and Ross River Dena Council. Kaska First Nation citizens who are sixteen years of age and older on Election Day and whose names are on the List of Voters are eligible to vote at a National election.

To run for the office of National Gudesdeje or clan Representative, a candidate must be at least twenty-one years of age and have their name on the List of Voters. Additionally, to run for the Mesga Dena clan or Tsyone Dena clan Men’s or Women’s Representative, a candidate must be a member of that clan and same sex as the Representative. The candidates who receive the highest number of votes will be elected to the Kaska Dena National Government. The Official results will be released 14 days after the election.

Holding an Election

Election Day will be held on a Monday at least 31 days after the Notice of Election. Nominations will be accepted 21 days before the election. A Notice of Election will be posted in all communities where voting will take place and published in newspapers which are distributed in Kaska Dena communities. The Notice will state the locations, dates and times for voting, nominating candidates, revising the List of Voters, the declaration of the election results and the name of the person appointed as the Chief Returning Officer.

List of Voters

In order to vote, your name must be on the List of Voters. Each Kaska First Nation government will provide the Election Committee with the names of its citizens who are eligible to vote. The Election Committee will prepare a list of all persons who are eligible to vote in the election, which will be posted in one or more conspicuous places in each Kaska First Nation. 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. Applications for changes to the List of Voters will be accepted on the 18th and 19th days before Election Day. The Chief Returning Officer will

verify with the Kaska First Nation government whether that person is eligible to vote in the election, who confirms eligibility for the voter to be added to the List of Voters.

The name of any person on the list will be removed who is deceased or, not at least 16 years of age on Election Day, or is not a member of a Kaska First Nation. The Chief Returning Officer will 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.

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. 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.

Nomination of Candidates

In order to nominate a candidate, a nomination paper must be completed on the form provided by the Election Committee. It must contain: the name of the candidate their residence and mailing address, the position for which the candidate is seeking election, the names, addresses and signatures of at least fifty voters who are nominating the candidate, the witnessed consent of the candidate and 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.

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. Immediately after the close of nominations, the Chief Returning Officer will conduct a draw to establish the order of candidates' names on the ballot paper.

Procedure on Election Day

The polling stations will be open from 8:00 a.m. until 8:00 p.m. on Election Day. Subject to the discretion of the Chief Returning Officer these times may be extended. The communities will be provided with appropriate advance notice if polling stations will be open late. Any eligible voter who is in the polling station at the time that it is closed will be eligible to vote.

On Election Day voters will announce their names to the Deputy Returning Officer at the polling station and the poll clerk will confirm that the voter's name is on the list. The voter will receive one folded ballot paper initialed by the Deputy Returning Officer for each position for which they are eligible to vote. The voter will mark the ballot papers for one candidate across from the candidate's name and return each ballot paper folded in the same way they receive it. The Deputy Returning Officer will explain the voting procedure to a voter when requested to do so.

A polling booth will be provided at each polling station where a voter can mark his or her ballot free from observation. Only one voter can be in a polling booth at one time unless they require assistance. Once you are given your ballot you must proceed immediately to the polling booth

and mark the candidate for whom you are voting, fold the ballot papers as directed and deliver them to the Deputy Returning Officer who will remove the counterfoils and deposit them in the ballot box without unfolding them. There will be separate ballot boxes for each position at each polling station. After voting, you must leave the polling station. A voter who has received ballot papers but refuses to return the ballot papers to the Deputy Returning Officer as required will be considered to have refused to vote and has lost the right to vote in the election.

A voter who is not able to read or 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. If this occurs, 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.

A voter who mistakenly spoils their ballot by marking the wrong candidate or the ballot in such a way that the voter could be identified may return it to the Returning Officer or Deputy Returning Officer in order to obtain another ballot. The Officer will write the word "void" upon it, and provide the voter with another ballot.

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.

Special Ballot Papers

Special Ballot papers will be delivered to voters who are unable to vote in person on Election Day or are a prisoner in a correctional facility or a patient in a hospital. A voter, except those in a correctional facility or hospital, who is unable to vote in person on Election Day, must apply to the Chief Returning Officer who will have a Special Ballot paper delivered to the voter. If you receive a Special Ballot you will not be issued a second ballot or be able to vote in person at a polling station.

Persons Present at the Polling Place

The only people who 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 are Deputy Returning Officers, poll clerks, candidates or one representative seated away from the polling station, interpreters, poll attendants and the Chief Returning Officer.

Any person who is asked by the Deputy Returning Officer, poll attendant or Chief Returning Officer to leave the polling place or cease an action must do so immediately. Candidates' representatives are entitled to observe but not interfere with the voting process, confirm a voter's name and witness the ballot count. These rules are created to ensure that voters are not interfered with. No person may interfere, or attempt to interfere with a voter marking a ballot paper, obtain

information as to how a voter is about to vote or has voted or speak with a voter who has indicated that they do not want to be spoken to.

Counting the Ballots

Immediately after the last voter present at the polling station has voted, the Deputy Returning Officer will, in front of witnesses, count the number of eligible voters who cast a ballot, the number of spoiled and unused ballots, open the ballot box and call out votes for the witnesses to record the number of votes on tally sheets, reject any ballots that are marked for more than one candidate, marked in such a way that the voter can be identified or not issued during the election. The Deputy Returning Officer will advise the Chief Returning Officer of the number of votes for each candidate at the polling station and 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.

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. During that time observers cannot participate in the count and must remain seated in the area set aside for that purpose.

Results

The unofficial results on election day will be announced by the Chief Returning Officer following the counting of the ballots at all polling stations. The official results will not be delivered until 14 days after the election.

Recounts

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. In the event of a tie between candidates, the Chief Returning Officer will recount the votes in front of any candidates or their representatives and make any corrections.

In the event that after the recount the result is still tied, the Chief Returning Officer will choose the successful candidate by means of a draw process. The name of each candidate will be placed on identical slips of paper folded in the same way in a container. The Chief Returning Officer will then draw one slip of paper and announce the name of the successful candidate.

Appeals

A Kaska Election Adjudicator will be named by the Chief Returning Officer who is acceptable to the Kaska Dena National Executive and the Kaska Dena Elders Council.

An election appeal may be lodged in writing by any Kaska Citizen within seven days from the date of the vote who has reason to believe that there was corrupt practice in connection with the election or there was a violation of these rules and regulations that might have affected the result of the election. There will be a non-refundable fee of \$ 75.00 to lodge an appeal.

The Kaska Election Adjudicator will render a written decision regarding any appeals within fourteen days of receipt of the appeal. They may consult any documents or hear any person in order to investigate the appeal. Their decision will be final, and given to the Chief Returning Officer and a copy of the decision will be posted in a conspicuous place in each Kaska Community.

Election Committee

The Election Committee will administer the election. It will consist of five members who are eligible voters nominated and appointed at a Kaska Dena National Assembly. Each Kaska First Nation will have at least one member on the Committee. Two co-chairs will be selected by the members of the Election Committee following their appointment at the Kaska Dena National Assembly.

An Election Appeal Committee shall consist of the two Co-chairs and the Chief Returning Officer who will be appointed to decide appeals. 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.

The Chief Returning Officer

The Chief Returning Officer is appointed by the Kaska Dena National Government. They will report to the Election Committee and be a non-voting member of the Election Committee and not be an eligible to vote in the election. This is to ensure that they conduct their duties in an impartial manner.

The Chief Returning Officer will 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. They will also post a final List of Voters with the names of all Kaska First Nation voters eligible to vote in the election, accept nomination papers, recruit and train election officials required for the conduct of the election and generally administer the election including providing written directions and distributing forms, ballot papers and ballot boxes.

Deputy Returning Officers, Poll Clerks and Attendants

A Deputy Returning Officer will be appointed to supervise the election at a polling station, appoint any additional personnel required to facilitate the elections, secure the election documents and ballot boxes while in their custody and inform voters of the procedure to be followed in marking their ballot papers.

A poll clerk will be appointed to assist the Deputy Returning Officer at a polling station. Poll attendants will appointed to keep order in and near the polling places during the hours of voting.