

**TAKU RIVER TLINGIT FIRST NATION  
Custom Election Regulations, January 2006**

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**1. DEFINITIONS**

- 1.1 **"Candidate"** means a person who files a nomination paper that is accepted by the Chief Returning Officer;
- 1.2 **"Candidate's representative"** means a person who is present at the polling place to act on behalf of a candidate;
- 1.3 **"Chief Returning Officer"** means the person who is appointed by the Taku River Tlingit First Nation Election Committee to administer the election;
- 1.4 **"Deputy Returning Officer"** means the person who distributes and receives ballots to and from voters;
- 1.5 **"election"** means a general election or by-election to elect a Taku River Tlingit First Nation Spokesperson and one or more Clan Directors;
- 1.6 **"Election Committee"** means the group responsible for the conduct of elections;
- 1.7 **"Election officers"** means the members of the Election Committee selected at a Taku River Tlingit First Nation Joint Clan Meeting at least 30 days prior to the Notice of Election;
- 1.8 **"Election period"** means the time from the date of the Notice of Election to a date 21 days following polling day;
- 1.9 **"Enrollment officer"** means the person appointed by the Taku River Tlingit First Nation to maintain the register of citizens according to the Membership Code;
- 1.10 **"Nomination paper"** means the form used to nominate a candidate for office and signed by the candidate consenting to the nomination as set out in Section 14;
- 1.11 **"Notice of Election"** means the information published by the Election Committee to start the election period;
- 1.12 **"Poll Clerk"** means the person who assists the Deputy Returning Officer;
- 1.13 **"Polling"** means the voting at an election;
- 1.14 **"Polling day"** means the date on which the voting takes place;
- 1.15 **"Polling place"** means the location where the voting takes place at one or more polling stations;
- 1.16 **"Polling station"** means the ballot box, the Deputy Returning Officer and the Poll Clerk located at the polling place;
- 1.17 **"Reside"** means to live in a permanent, fixed home or habitation to which, whenever absent, the person has the intention of returning, and a person may have only one residence at one time;
- 1.18 **"Statement of the Vote"** means the form used by the Deputy Returning Officer to record the number of ballots cast for each candidate for each position and the number of unused, spoiled, and rejected ballots;
- 1.19 **"Voter"** means a person who is eligible to vote;
- 1.20 **"Voters List"** means the list of names of those persons who are eligible to vote at an election.

**2. ELECTION COMMITTEE**

- 2.1 Four eligible voters will be nominated to the Election Committee at a Taku River Tlingit First Nation Joint Clan Meeting, two members from the Crow Clan and two members from the Wolf Clan, which will have general responsibility for the conduct of the election process.
- 2.2 There will be two vice-chairs, one from the Crow Clan and one from the Wolf Clan, selected by the members of the Election Committee at the first meeting of the Election Committee following their nomination at the Joint Clan Meeting.
- 2.3 The duties and responsibilities of the Election Committee are:
  - (a) to exercise general responsibility for the administration of the election;
  - (b) to establish rules of procedure for the conduct of its meeting, operating by consensus when possible;
  - (c) to appoint the Chief Returning Officer to administer the election;
  - (d) to maintain the integrity of the election;
  - (e) to direct the Chief Returning Officer to facilitate the conduct of the Taku River Tlingit First Nation election by implementing these regulations;

**5 SPOKESPERSON**

- 5.1 The Spokesperson shall be elected by a majority of votes cast by voters at a Taku River Tlingit First Nation election.

**6 CLAN DIRECTORS**

- 6.1 The Crow Clan Directors shall be elected by a majority of votes cast by Crow Clan members at a Taku River Tlingit First Nation election.
- 6.2 The Wolf Clan Directors shall be elected by a majority of votes cast by Wolf Clan members at a Taku River Tlingit First Nation election.

**7 TERM OF OFFICE**

- 7.1 The Spokesperson, Crow Clan Directors and Wolf Clan Directors elected to the Taku River Tlingit First Nation government will hold office for a term of three years starting at 10:00 a.m. on the 7<sup>th</sup> day following the election until the declaration of the results of the next general election.
- 7.2 The Spokesperson, Crow Clan Directors and Wolf Clan Directors elected to the Taku River Tlingit First Nation government shall reside in the Atlin area within Taku River Tlingit First Nation territory during a term of office.
- 7.3 The Spokesperson, Crow Clan Directors and Wolf Clan Directors elected to the Taku River Tlingit First Nation government shall swear an Oath of Office, and conduct their duties according to the Taku River Tlingit First Nation Constitution Act and Code of Conduct.
- 7.4 Notwithstanding section 7.1, the term of office for the Spokesperson and Clan Directors elected according to these Regulations at the first Taku River Tlingit First Nation general election may be extended to April 30, 2009.

**8 ELECTION PERIOD**

- 8.1 The election period will be as follows:
- (a) polling day on a Monday not less than 45 days after the date of the Notice of Election with voting from 10:00 a.m. to 8:00 p.m.
  - (b) the nomination period will end at 4:00 p.m. 35 days before polling day.

**9 NOTICE OF ELECTION**

- 9.1 A Notice of Election dated not less than 45 days before polling day and authorized by the Election Committee will be posted at the Taku River Tlingit First Nation office in Atlin, B.C., and published in Atlin and Yukon newspapers and other media as selected by the Election Committee.
- 9.2 The Notice will state:
- (a) the date of the Notice of Election;
  - (b) the number and positions for which candidates shall be nominated;
  - (c) the time, date and place for nominating candidates;
  - (d) the date for polling day which shall be Monday (unless the Monday is a holiday, then the Tuesday following) not less than 45 days after the date of this notice and the hours during which voting shall take place; and
  - (e) the name of the Chief Returning Officer.

**10 ELIGIBILITY TO VOTE AND HOLD OFFICE**

- 10.1 Taku River Tlingit First Nation citizens who are eighteen years of age and older on polling day and whose names are on the Voters List are eligible to vote and to run for office at an election.

**11 VOTERS LIST**

- 15.2 At the close of nominations, if only as many candidates are nominated for the position of Crow Clan Director as positions to be filled, the Chief Returning Officer shall declare the candidates elected by acclamation.
- 15.3 At the close of nominations, if only as many candidates are nominated for the position of Wolf Clan Director as positions to be filled, the Chief Returning Officer shall declare the candidates elected by acclamation.

#### **16 WITHDRAWAL OF A CANDIDATE AFTER THE CLOSE OF NOMINATIONS**

- 16.1 A candidate shall give notice in writing to the Chief Returning Officer of the withdrawal of a nomination after the close of nominations.
- 16.2 If there are more candidates remaining for the positions to be filled, the Chief Returning Officer shall post a notice at the Taku River Tlingit First Nation office advising of the candidate's withdrawal.
- 16.3 The Chief Returning Officer shall advise the Deputy Returning Officer and the remaining candidates of a candidate's nomination being withdrawn.
- 16.4 If the ballots have been printed, the Chief Returning Officer shall write in red ink, the word "withdrawn" across the name of the candidate.
- 16.5 If the withdrawal of a candidate results in a number of candidates equal to the number of positions to be filled, the Chief Returning Officer shall declare the candidates elected by acclamation.

#### **17 DEATH OF A CANDIDATE**

- 17.1 The Chief Returning Officer shall, in the event of the death of a candidate after the nominations have closed;
- (a) if the ballots have been printed, draw a line in red ink through the name on each ballot; and
  - (b) post notice in the Taku River Tlingit First Nation office; and
  - (c) provide notice to the voters in the media of choice.
- 17.2 If the death of a candidate results in a number of candidates equal to the number of positions to be filled, the Chief Returning Officer shall declare the candidates elected by acclamation.

#### **18 INSUFFICIENT NUMBER OF NOMINATIONS**

- 18.1 The Chief Returning Officer shall extend the deadline for nominations by two days if, at the close of nominations, there is not the required number of candidates to fill all positions.
- 18.2 The deadline for nominations shall be extended two days after the first extension if there is not the required number of candidates to fill all positions.
- 18.3 Notice of a new nomination day shall be given by the Chief Returning Officer in a manner which shall ensure that the notice reaches the greatest number of voters in the shortest period of time.
- 18.4 If at the close of nominations at the second extension, there is an insufficient number of candidates to fill the positions, then the vacancy shall be filled at a Taku River Tlingit First Nation Joint Clan Meeting, called according to the Taku River Tlingit First Nation Constitution Act.

#### **19 NOTICE OF GRANT OF POLL**

- 19.1 If at the close of nominations, two or more candidates are nominated for the position of Spokesperson, the Chief Returning Officer shall post a Notice of Grant of Poll containing the names of the candidates in alphabetical order in the Taku River Tlingit First Nation Office and deliver one copy of the Notice to each candidate for Spokesperson.
- 19.2 If at the close of nominations, more candidates are nominated than positions to be filled for Crow Clan Director and Wolf Clan Director, the Chief Returning Officer shall post a Notice of Grant of Poll containing the names of the candidates in alphabetical order in the Taku River

## **20 BALLOT BOXES AND BALLOTS**

### **20.1 Ballot Boxes**

20.1.1 Each ballot box shall be constructed of durable material and shall have a narrow opening at the top for the ballots. The opening shall be constructed in such a way that the ballots cannot be removed from the ballot box.

20.1.2 The Chief Returning Officer shall provide each polling station with materials for sealing the ballot box during the hours of voting.

### **20.2 Ballot Papers**

20.2.1 The Chief Returning Officer shall provide for separate printed ballots for the positions of Spokesperson, Crow Clan Director and Wolf Clan Director.

20.2.2 Each ballot for the position of Spokesperson and for the position of Clan Director shall be identical and contain the following:

- (a) a consecutively numbered perforated stub and counterfoil, and a perforated line separating the counterfoil from the ballot;
- (b) on the front of the ballot paper, the names of the candidates, in alphabetical order of surname with
  - the first name in lower case followed by the surname of each candidate in upper case letters,
  - a circle across from each name into which a voter can mark an "x" or a checkmark to indicate a clear choice;
- (c) on the reverse of the ballot papers, a space for the initials of the Returning Officer, the phrase "Taku River Tlingit First Nation", the date of the election, the position to be elected, and the name of the printing company; and
- (d) be printed in books of 50 ballot papers on paper of sufficient weight that when folded the voter's choices are not apparent.

## **21 POLLING MATERIALS**

21.1 Each polling station shall be supplied with the following materials:

- a sufficient number of ballots for the position of Spokesperson and the position of Crow Clan Director and Wolf Clan Director,
- pencils for voters to mark their ballots,
- one or two polling booths,
- directions for voters on how to mark and fold a ballot,
- the Voters List,
- a ballot box, and
- such other materials as may be required.

## **22 SPECIAL BALLOTS**

22.1 Ballot papers will be delivered to voters who are:

- (a) unable to vote in person on polling day; or
- (b) a prisoner in a correctional facility or a patient in a hospital.

22.2 A voter who is unable to vote in person on polling day must apply to the Chief Returning Officer who will deliver, or have delivered, a ballot paper to the voter.

22.3 A voter who is unable to vote in person at a polling station may request a special ballot to be sent to the person in order for the voter to exercise the right to vote by secret ballot.

22.4 A special ballot shall be sent by priority mail or other courier service as deemed expedient by the Chief Returning Officer, or be delivered in person by the Chief Returning Officer, and shall include return courier costs.

22.5 A voter who has been issued a special ballot will not be issued a second ballot paper and must not appear in person to obtain a ballot paper at a polling station.

22.6 A special ballot voting kit will include

- (a) a ballot paper for Spokesperson and Clan Director in the prescribed form, which has been initialed by the Chief Returning Officer,
- (b) a ballot paper envelope in the prescribed form for the marked ballot paper.

- 27.4 The Deputy Returning Officer shall:
- 27.4.1 remove, fold and initial one ballot for the position of Spokesperson and one ballot for the position of either Crow Clan Director or Wolf Clan Director according to the Clan membership of the voter as stated on the Voters List;
  - 27.4.2 initial each ballot;
  - 27.4.3 instruct the voter to mark the ballot for the position of Spokesperson for one candidate only, and to mark the ballot for the position of Clan Director for no more than two candidates, and to return the ballots folded in the same way;
  - 27.4.4 when the voter returns the ballots and without unfolding the ballots, check each one for initials; and
  - 27.4.5 place the ballots in the ballot box.
- 27.5 The Poll Clerk shall enter "Voted" in the Poll Book across from the voter's name when the ballots are placed in the ballot box.

### **28 VOTING WITH ASSISTANCE**

- 28.1 The Deputy Returning Officer shall, when requested by the voter, assist a voter who is:
- 28.1.1 unable to read or write;
  - 28.1.2 blind;
  - 28.1.3 physically handicapped in such a way so that the voter is unable to vote in a normal manner.
- 28.2 The Deputy Returning Officer shall:
- 28.2.1 mark the ballots in a way directed by the voter after requesting the Poll Clerk and any candidates or candidates' representatives to move away from the polling station; or
  - 28.2.2 permit a friend or relative who is an eligible voter to accompany the voter to the polling booth to mark the ballots as the voter directs.
- 28.3 The Poll Clerk shall write the name of the friend or relative across from the voter's name in the Poll Book before the ballots are given to the voter.

### **29 VOTERS NAME NOT ON VOTERS LIST**

- 29.1 If the Deputy Returning Officer is unable to locate the name of a person on the Voters List who applies for ballots, the person shall be referred to the Chief Returning Officer.
- 29.2 The Chief Returning Officer shall request that the Enrollment officer confirm that the person is a citizen and entitled to vote.
- 29.3 The Chief Returning Officer shall advise the Deputy Returning Officer to add the person's name, if the person is eligible to vote, immediately under the last name on the Voters List and to distribute the ballots to the voter, otherwise following the procedures for voting.

### **30 SECRECY AND INTERFERENCE**

- 30.1 No person shall post or leave material which promotes or criticizes a candidate at or near a location which shall be used as the polling place.
- 30.2 Every person at a polling station shall maintain and aid in maintaining the secrecy of voting.
- 30.3 No person shall attempt to discover for whom a voter is marking a ballot.
- 30.4 No person at a polling station shall interfere with a voter marking a ballot.
- 30.5 No person at or near the entrance to the polling place shall attempt to influence for whom a voter should mark a ballot.
- 30.6 No candidate shall accompany a voter into the polling place.

### **31 SPOILED BALLOTS**

- 31.1 A voter who has accidentally spoiled a ballot by tearing or marking for the wrong candidate may return it to the Deputy Returning Officer who shall:
- 31.1.1 write "void" across it and place it in an envelope marked "Spoiled Ballots"; and
  - 31.1.2 issue another ballot to the voter.

- 34.2 An Election Officer shall prepare an identical slip of paper with one candidate's name on each one and fold each one in the same way.
- 34.3 The Chief Returning Officer shall draw one slip of paper, unfold it and read the candidate's name to break the tie.

**35 ANNOUNCING THE RESULTS**

- 35.1 The Chief Returning Officer shall announce the results as soon as the Statements of the Poll are available from each polling station and the number of votes for each candidate has been totalled.

**36 NOTICE OF ELECTION RESULTS**

- 36.1 The Chief Returning Officer shall post a Notice of Election Results in the Taku River Tlingit First Nation office not later than one day after polling day which shall:
- 36.1.1 name the candidates for the position of Spokesperson and the number of votes received by each one;
  - 36.1.2 name the candidates for the position of Crow Clan Director and the number of votes received by each one;
  - 36.1.3 name the candidates for the position of Wolf Clan Director and the number of votes received by each one;
  - 36.1.4 in the case of a tie vote, a statement that the results for a position were obtained by the drawing of lots.
- 36.2 The Chief Returning Officer shall post a revised Notice of Election Results following a recount of the votes.

**37 RECOUNTS**

- 37.1 A candidate may, not later than four o'clock in the afternoon two days after polling day, apply in writing to the Election Committee requesting a recount of the votes:
- 37.1.1 if the candidate can provide information that any ballots were improperly counted or reported; and
  - 37.1.2 if five or fewer votes separate the candidate with the greater number of votes from the candidate with the next higher number of votes.
- 37.2 A recount shall be conducted by the Chief Returning Officer and shall take place not later than seven days after polling day if the Election Committee can determine from the request that the ballots were improperly counted or reported.
- 37.3 The Chief Returning Officer shall:
- 37.3.1 advise the candidates of the date, time and location of the recount;
  - 37.3.2 at the recount, and in front of at least two and no more than five witnesses who may be candidates representatives and are provided with tally sheets, open the envelopes containing the ballots from each polling station and count the ballots for the candidates, the unused ballots, the spoiled ballots and the rejected ballots;
  - 37.3.3 amend, as necessary, the Statement of the Vote attached to the envelopes and those addressed to the Elections Committee;
  - 37.3.4 reseal the ballots in the envelopes and reattach the Statement of the Vote; and
  - 37.3.5 deliver a copy of the Statement of the Vote to each candidate and to the Election Committee on which the following appears:
    - the word "Recount",
    - the date of the recount, and
    - the Chief Returning Officer's signature.

**38 ELECTION RECORDS**

- 38.1 The Election Committee will deliver to the Spokesperson and Clan Directors following the declaration of the official results and not later than 14 days after polling day:
- (a) the statements of the results, including any changes at a recount;

**42 BY-ELECTION TO FILL A VACANCY**

- 42.1 A by-election shall be held for a position vacated by the resignation or death of the Spokesperson or a Clan Director.
- 42.2 A by-election shall be called within 45 days of the date of the resignation or death.
- 42.3 In spite of section 42.2, if the vacancy occurs within four months of the end of the term of office, the government may continue with four members for the remainder of its term.
- 42.4 If there is more than one vacancy, a by-election shall be held to fill the vacant positions, even if fewer than four months remain in the term of office.
- 42.5 A by-election shall be conducted in the same manner as a general election.

**43 OVERTURNING AN ELECTION**

- 43.1 A Taku River Tlingit First Nation citizen may apply in writing to the Election Committee not later than four o'clock in the afternoon seven days after polling day to overturn the election of the Spokesperson or a Clan Director stating that the election was not conducted as required by the Regulations and giving evidence in the application where the Regulations were not followed.
- 43.2 The Election Committee shall immediately review the application to overturn an election and provide a written response to the applicant with reasons for decision.
- 43.3 The Election Committee shall determine that, if the election was substantially conducted in good faith and administered as required by the Regulations, there are no reasons to overturn an election.
- 43.4 The Election Committee shall issue a new Notice of Election if it is determined that the election was conducted in such a manner that candidates were elected under circumstances contrary to the Regulations.
- 43.5 The Election Committee shall not review an application to overturn an election until such time as recounts have been completed.
- 43.6 The decision of the Election Committee shall be final and binding.

**44 AMENDMENTS TO ELECTION REGULATIONS**

- 44.1 Following each election, the Chief Returning Officer and the Election Committee shall meet within twenty-one (21) days after the date of the election to review the Election Regulations.
- 44.2 The Chief Returning Officer and the Election Committee shall present a report on the election to the newly elected Taku River Tlingit First Nation Spokesperson and Clan Directors, and make recommendations on any amendments they consider to be necessary.
- 44.3 The Taku River Tlingit First Nation government shall give thirty (30) days notice of a Joint Clan Meeting within one year of the date of the election, for the members to consider the proposed amendments to the Election Regulations.
- 44.4 Amendments to the Election Regulations shall come into effect at the appointment of the Election Committee and the Chief Returning Officer for the next Taku River Tlingit First Nation election.

**45 COMING INTO FORCE**

- 45.1 The *Taku River Tlingit First Nation Custom Election Regulations* shall come into effect on the date approved at the January 22, 2006 Joint Clan Meeting – *[insert effective date of approval per Joint Clan Meeting]*.
- 45.2 The first general election for one (1) Spokesperson and four (4) Clan Directors pursuant to these Regulations shall take place 45 days after the Notice of Election is issued by the Election Committee.
- 45.3 The first Notice of Election shall be issued no sooner than 30 days and no later than 90 days after the Election Committee is selected at a Joint Clan Meeting.