



**Vuntut Gwitchin First Nation
Elections Law**

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Preamble

Whereas:

- A. We, Vuntut Gwitchin First Nation, have the right to self-determination, including the inherent right to self-government;
- B. We have selected our leaders throughout our history in accordance with Vuntut Gwitchin laws and traditions; and
- C. Our modern Constitution establishes the Council as a branch of our government and provides that there shall be a Vuntut Gwitchin Law for the election of the Chief and Councillors.

Now, therefore, the Council of the Vuntut Gwitchin First Nation enacts as follows:

Part 1 – General Provisions

Title

- 1** This Law shall be cited as the Elections Law.

Guiding Principles

- 2** All Citizens who are Electors, Candidates, Elections officers, Elections Committee members, General Assembly members and Council members shall be guided by Vuntut Gwitchin First Nation history, culture, knowledge and values in the exercise of their rights and the fulfillment of their responsibilities under this Law, including the following guidance:

- (1)** Robert Bruce Jr:

“I learn leadership role through my mom and my dad, they used to work at the church. In them days, we stay next door here in in log cabin and every weekend go down and cut wood, help clean up around the church and that’s how I learn leadership role. And then when they worked around the church, we learn leadership through them and when they used to have public meeting, is different from today because them days when they elect Chief and Council, they appoint them right there. People, the one going to be good Chief, good trapper, good hunter; that’s how they appoint leadership and we go to meetings and that time, Charlie Abel, Peter Charlie, Joe Kaye, Chief Peter Moses, when they were leadership they talked to us about how to be leadership, them days, no land claims and hardly, we hardly know Indian Affairs them days. Joe Netro is the one that look after us. He always talk to young people about leadership and when we had Chief, Chief don’t get paid, everybody go out trapping and when they come back, they hold a meeting to talk about what

they going to do, what they going to do for church, what they going to do for old people.” (VG2013-01-16)

(2) Alfred Charlie:

“I know some stories about Chief Peter Moses. When I was a child they made him chief, I remember... He liked his kids and raised them. Chief Peter Moses was well known...He knew a lot and always traveled...That’s how he kept his name good all the time. And after, he became Chief, and I remember he helped a lot of people. In 1939-40, no 1939 to 1945, during the last war, we all came from Crow Flats and he told the people there was a war. Lots of kids were going hungry their parents were killed so we should collect money for them. And that’s what they did. I don’t know how much they collected then. He sent the money after that they gave him a medal for the war. After that, every New Year he had a feast. At that time we were young boys and when he told us do something, we had to do it. In the morning we went to him and he led us, and we followed him. We did what he told us to do. Before Christmas, he held a meeting and he said to get wood for the church. The one who cannot get wood, he told him to cut wood by the church, and get the wood ready for morning so we can make a fire in the stove. All the people in town did what he said. After that we got wood for him, too. With that, he gave a feast at New Year. He was Chief for 18 years. They worked hard for the people; they work together when there’s a special day and they work hard. The people worked hard too...He always talked to us about helping the elders in town when we were young people, and we did what he told us.” (VG2001-2-28)

(3) Charlie Peter Charlie:

“Long time ago who they called Olti’, he was a smart man, they say. He was a good man also. Any poor people, poor children, orphaned children, those kinds of people he really looked after them. That’s why his name is good they say. All the people liked him. They say all the people depended on him; he really looked after the people good. He was smart and so he was lucky for everything too and he was very strong. The people were not hungry on account of him they say. His story is still big until today as we move forward. He was only friends with the poor people too, the children too. That’s how everything was good in his life. When he hunted too, he was lucky for food. When he brought lots of caribou home, he’d work good with it, the men would kill lots of caribou, that’s how he lived with his people. He really was a good leader for his people they said.” (VG2016-06-57)

“The leader when he speaks nobody would throw away his words. ‘Tomorrow we will do this,’ they would say and they talked. When

there's a big camp and there's lots of people those staying further can't hear good. From halfway the people would say, 'They said this, they're saying this,' they would say. Sometimes it's mentioned twice, they said. That's how many people [there were]. Whatever the leader says, all the people followed his direction, and nobody argued. All the people were happy everyday. So that's how the people moved ahead." (VG2006-08-10)

(4) Bella Greenland:

"They're going to elect of the leaders, someone to take his place, you know. Two people would go to community hall I remember and the two who are going to run for Chief sit in front towards the people. Then they say 'How many of you want this person to be Chief?' and they raise their hands and are counted. Then after that, 'How many of you for this one?' and the person who has more raised hands is made Chief. They tell him 'You are going to be the Chief' and they all shake hands, they tell him 'Good luck' and for the councilors, same thing, they have one councilor, I think, same thing. That too, they do it in a happy way and shake each other's hands. Then after that, they really listen to the Chief...The Councillor is right behind that Chief too. After when it's going to Christmas, they all meet up there and the leaders talk to them 'Put wood outside of the old women, then after that do the same for the church, then after that the dance hall. They do all that and they never look for money...Then after that they eat bannock, boiled meat, dried meat; whatever they had they take all that out and for choosing a new Chief they made a big feast." (VG2006-12-04)

(5) Jane Montgomery:

"I guess trying to be a leader is showing the young people what our traditional lifestyle was years ago and trying to teach them to continue it. We talk to them about respect. That's the most important part of our culture is to respect one another. When that happens, we all work together and we get things done in a positive way." (VG2013-01-10)

(6) William Nerysoo:

"Now we have Chief, when the government was in power, we hardly had Chief. We use to pick a person who have lots of good knowledge, good mind and who will listen to the people and we don't pick someone who don't listen to the people and who is against their people. That's how we live. That person we didn't pick and who is negative, we work with him or her and later on he become a good person. This is how people used to look after each other. No way that we don't listen to our leader. We worked with him, no way. This

leader become Chief for years and years. Some, after we work with them then they become Council and Chief." (VG1997-4-18B)

(7) Mary Kassi:

"Long ago our grandparents help us a lot by telling us stories, which we needed. When we were young, we cut wood and pack water for elders so that they would tell us stories and that's our pay. It's very important for us to contribute to these stories telling on tape so that we will teach each other for the future. Sometimes it is hard to tell stories of the past. We have leaders, but they are young and are not strong enough. Long time ago when I was young, elders were Chief like Peter Moses, Big Joe Kaye, and Charlie Abel was second. They were strong then, they used to take young boys around with them to cut wood for the poor people, just volunteer work." (VG1997-7-8)

"Yes, all over, far away they traveled the leader, what we call Chief, now. He goes among them, early morning he makes big meeting with all the people gathered there. He tells them, 'We are going to do this,' and he is to be obeyed. That's what they did and traveled." (VG2000-4-12)

(8) John Joe Kyikavichik:

"I will speak about leaders. Maybe they will hear me some day. I will talk about long ago. They say leader, people respected them. Whatever the chief said, we did. They took care of the chief. When the boys went hunting and killed caribou, they gave the chief meat, wood too. This is how they took care of the chief in the past. Now we say chief and council. Me too, I went through as chief and a councillor. They say things behind the chief's back: the chief is not good and the councillor too. After they get voted in, it's different. Long time ago when there was a chief, when we do wrong a meeting is called and we say, 'I don't like what the chief or council is doing.' Then everyone tries to resolve the situation. When we had a meeting, it is packed. Even the children came. They talked about solving the problem and everyone was happy. Now we have a chief, some don't like the chief and are against him. It's not right. Whatever is not good for us, we make a meeting. It's called an assembly. We discuss everything there." (VG2001-2-10)

"Long ago when they chose leaders, they call them the people's leader. They don't vote. Whichever man is a good provider, works very good, that is the kind of man they choose for a leader. They point to him and tell him he is going to be their leader and he is going to work for them, and he is then the Chief. Besides that too, his helpers, they point, councillors, those are men who work to survive, works hard, those kinds they choose." (VG2006-12-01)

(9) Lydia Thomas:

"My grandfather (John Kyikavichik) he was the people's leader, he was a leader, this, in this Crow Flat, all the way back and all the way down, he was the boss of all that. And down there where they call Geegoo, my grandfather Thomas, where his caribou fence is located, him too he was boss of around there. And anytime they wanted something to go on, they would visit each other and talk about it with each other, saying we want to do this and that and send each other messages and that's how they worked for their people... They fed the people. They took care of the people. This is how they worked; this is how they were chief." (VG2006-09-01)

(10) Clara (Linklater) Tizya:

"That is what happened with our people when the world began. They had a system where everybody had to toe the line. If a person don't listen to the head elder, there is always one man that is the head and he lays down all the agenda and whatever is going to happen the next day. He tell the men where they are going to hunt the next day because they move every day, they move the camp and the women and the children are responsible for moving the camp. So this person would go out and just shout the agenda to the people and he is heard all over the camp and they do exactly what he says. And the children grow up with that and the next generation they do that. But their punishment for disobedience is that if a person persists on not listening and if they are lazy, they are abandoned, they have to leave the people.

If they have to have their own way and they don't listen to the elders they are out. Those are the kind of people that they call Nanaa'in they are bush people. But you know when they are told to go, leave the people, what else can they do, they immediately have to work to survive. And every one of them has become successful and sometimes they even save the lives of the people that tell them to go. They have everything like I told you about Vii'agwaatr'al. They begin to be really successful because then it is their survival, you know. They didn't throw them in jail like they do today so then they become real good people and helpful. Sometimes they steal a woman, this is what they call Nanaa'in they steal woman and they have families. My grandmother said they knew of one that raise a family and they see them all the time but nobody bother them. But if people are hungry many times they save people's lives because like Vii'agwaatr'al they had everything, lots of food. This is their system of running their leaders, how to keep their people in line. That is why everything ran so well way back then." (VG1997-9-5)

Definitions

3 The following definitions apply to this Law:

Assistant returning officer means an assistant returning officer appointed by the Returning officer;

ballot means ballot paper and online ballot;

ballot paper means a ballot paper placed in the ballot box;

By-election means an election other than a General election for the purpose of addressing a vacancy on Council;

Candidate means a person nominated to be a candidate in an election for Council;

Chief has the same meaning as within the Constitution of the Vuntut Gwitchin First Nation, as amended from time to time;

Citizen has the same meaning as within the Constitution of the Vuntut Gwitchin First Nation, as amended from time to time;

Citizenship number means the designated number for each Citizen on the list of Citizens maintained by the Vuntut Gwitchin First Nation;

Council has the same meaning as within the Constitution of the Vuntut Gwitchin First Nation, as amended from time to time.

Councillor has the same meaning as within the Constitution of the Vuntut Gwitchin First Nation, as amended from time to time;

Election Committee means an election committee appointed by Council.

Elections officer means the Returning officer, an Assistant returning officer, poll clerk or an interpreter;

Election period means the period from the date of issue of the Writ to the date of the return of the Certificate of ballots or the date upon which an Election Committee decides any application to review the validity of an election, whichever is later;

Elector means any Citizen that is qualified to vote in an election for the Council;

Executive Director means the person appointed by Council as the Executive Director of the government of the Vuntut Gwitchin First Nation pursuant to Vuntut Gwitchin Law;

General Assembly has the same meaning as within the Constitution of the Vuntut Gwitchin First Nation, as amended from time to time;

General election means an election for which a Writ is issued other than a By-election;

Holiday has the same meaning as in the Interpretation Act (Yukon);

Official Agent means the official agent of a Candidate;

online ballot means a ballot cast online;

online Polling period means the period of time fixed for voting by online ballot;

Poll book means the book referring to Electors who voted;

Polling day means the day fixed as an election day;

Polling place means a building or location at which one or more Polling stations is established;

Polling station means premises secured for the taking of the poll;

Returning office means the office opened by the Returning officer for an election;

Returning officer means a returning officer for an election appointed by Council;

special ballot means a ballot paper administered in accordance with special procedures;

vote means to cast a ballot;

Vuntut Gwitchin Law has the same meaning as within the Constitution of the Vuntut Gwitchin First Nation, as amended from time to time; and

Writ means a writ of election.

Application

- 4** This Law applies to the election of the Council of the Vuntut Gwitchin First Nation.

Composition of Council

- 5** The Council shall consist of one Chief and four Councillors.

Terms of Office

- 6** The term of office for the Council shall be four years commencing on the second Wednesday of January immediately following the General election.

Methods of Election

- 7** The election of the Council shall be determined by a secret ballot vote of the Electors in accordance with this Law by either:
- (1)** General election;
 - (2)** By-election if a vacancy in an office of the Council occurs with greater than six months until the next General election; or
 - (3)** resolution of the General Assembly at a special meeting:
 - (a)** if a vacancy in an office of the Council occurs with less than six months until the next General election; or
 - (b)** if at the close of the time for receiving nominations during an Election period no Candidate for the office of Chief or less than four Candidates for the office of Councillor have been nominated or declared as elected by acclamation.

General Elections

- 8** The General election for the Council shall be held on the third Monday of November in the final year of each four-year term of office.

By-elections

- 9** Any By-election required under this Law shall be held on a date fixed by a resolution of the Council.
- 10** Unless otherwise specified under this Law, By-elections shall be conducted in the same manner as provided for under this Law for the conduct of General elections and any reference to General elections in this Law shall apply to By-elections.

Qualifications of Candidates for Office

- 11** Every Citizen that upon the issue of the Writ:
- (1)** is eighteen years of age or older;
 - (2)** is ordinarily resident in Canada; and

- (3)** has not been convicted within the past five years of a criminal code indictable offence;

is qualified to be nominated as a Candidate in an election for the Council.

Vacancy in Office

- 12** A Citizen that is elected to an office of the Council may be removed from their office in accordance with Vuntut Gwitchin Law or resign from their office effective immediately by delivering written notice of their resignation to the Council.
- 13** If a vacancy in an office of the Council occurs with greater than six months until the next General election, the vacancy shall be filled by a By-election.
- 14** If a vacancy in an office of the Council occurs with less than six months until the next General election, the General Assembly shall have a special meeting twenty-one days after the date on which the vacancy occurs and declare as elected by resolution a Citizen that is qualified to be nominated as a Candidate.
- 15** A Citizen that is elected to an office of the Council that was vacant shall assume the remainder of the four-year term of that office beginning fourteen days after the By-election or special meeting of the General Assembly in which they were elected.

Part 2 – Qualifications of Electors to Vote

Qualifications as an Elector

- 16** Every Citizen who is sixteen years of age or older on the Polling day is qualified as an Elector.

Manner of Voting in Election

- 17** A Citizen that is qualified as an Elector and whose name appears on the list of Electors is eligible to vote by either:
- (1)** special ballot in accordance with sections 71 to 78 of this Law;
 - (2)** online ballot during the online Polling period in accordance with sections 79 to 84 of this Law; or
 - (3)** ballot paper at a Polling place on the date of the advance polls and the Polling day in accordance with sections 89 to 132 of this Law.

Responsibility of Elector

- 18** It is the sole responsibility of every Citizen that is qualified as an Elector and who wishes to be eligible to vote in an election to confirm with the Executive Director that their correct surname, given name, residence address and Citizenship number are included on the list of Electors.

Responsibility of Executive Director

- 19** The Executive Director shall:
- (1)** exercise the utmost care in preparing the list of Electors for the electoral purposes of this Law; and
 - (2)** take all necessary precautions to ensure that the list of Electors when complete contains, in alphabetical order, the surname, given name, residence address and Citizenship number of every Citizen that is qualified as an Elector to vote in an election for the Council and does not contain the name of any other person.
- 20** For the purposes of subsection 19(2) of this Law, “residence address” means the numbers or letters, and the street name, designating the location of a residence, but if there is no such number, letter or street name, a description of the location of the residence is sufficient to distinguish it from other residences in the vicinity.

Restriction on Enrolment Applications

- 21** No applications for enrollment as a Citizen under Vuntut Gwitchin Law shall be decided by the Vuntut Gwitchin First Nation during an Election period.

Returning Officer Disqualified to Vote

- 22** The Returning officer is disqualified from voting and shall not vote in an election for the Council.

Residency of Citizens

- 23** The following rules apply to determine a Citizen’s residence status under this Law:
- (1)** “residence” and similar expressions means the person’s true, fixed, permanent home or habitation to which, whenever absent, the person has the intention of returning;
 - (2)** a Citizen’s residence status is not lost or changed by the person’s temporary absence from the place in which it is established; and
 - (3)** a Citizen may have only one residence at one time.

Calculation of Time

- 24** Where there is a reference to a number of days or a number of days in between two events within this Law, in calculating the number of days, the days on which the events happen are excluded and Saturdays and Sundays are included.
- 25** Where the time limited for the doing of an act under this Law expires or falls on a Saturday or Sunday or a Holiday, the act may be done on the next day that is not a Saturday, Sunday or Holiday.
- 26** If the time for doing an act under this Law is with respect to an act required to be done in a business office, and falls or expires on a day when the office is not open during regular business hours, the time is extended to the next day that the office is open during regular business hours.

Part 4 – Election Administration**Appointment of Election Committee**

- 27** An Election Committee composed of four members shall be appointed by resolution of the Council prior to a Writ being issued.
- 28** The term of the Election Committee members shall begin upon their appointment and continue until the fulfillment of their responsibilities during an election period.

Qualifications of Election Committee Members

- 29** A person that upon the issue of the Writ:
- (1)** is a Citizen;
 - (2)** is sixteen years of age or older; and
 - (3)** swears or affirms to maintain fairness, impartiality and compliance with the provisions of this Law in the fulfilment of their responsibilities and exercise of powers; and
 - (4)** consents to the restriction on political activity under section 38 of this Law;

is qualified to be appointed to the Election Committee.

Powers of Election Committee

- 30** The Election Committee:

- (1) may convene and provide non-binding advice or recommendations to the Returning officer with respect to the administration of this Law if the Returning officer requests their advice or recommendations during an election period; and
- (2) shall convene to hear and decide an application to review the validity of an election pursuant to Part 7 of this Law.

Appointment of Returning Officer

- 31** A Returning officer shall be appointed by resolution of the Council prior to a Writ being issued.
- 32** The term of the Returning officer shall begin upon their appointment and continue until the fulfillment of their responsibilities under this Law.

Qualifications of Elections Officers

- 33** A person that upon the issue of the Writ:
 - (1) is sixteen years of age or older; and
 - (2) has not been convicted within the past five years of a criminal code indictable offence;is qualified to be appointed as an Elections officer.

Powers of Returning Officer

- 34** The Returning officer shall:
 - (1) recruit and appoint Assistant returning officers, poll clerks and interpreters;
 - (2) determine the Polling places and the number of Polling stations for the poll and advance poll;
 - (3) exercise general direction and supervision over the administrative conduct of the elections;
 - (4) maintain order at all times in the Polling station and may cause to be removed any person who in any way interferes, disrupts or attempts to influence the orderly conduct of the poll;
 - (5) enforce on the part of all Election officer's fairness, impartiality and compliance with the provisions of this Law;

- (6) issue to Election officers any instructions the Returning officer considers necessary to ensure effective execution of the provisions of this Law;
- (7) approve any form other than the forms prescribed under this Law and set out in the Schedule for use in the administration of this Law if the Returning officer believes the circumstances require such a form; and
- (8) modify any prescribed form, voting procedures or the administrative conduct of the election under this Law if the Returning officer believes the circumstances require the modification including extending or postponing the time for the taking of the poll because of accident, emergency, extreme weather conditions, death of a Citizen or community emergency order made under Vuntut Gwitchin Law.

Appointment of Assistant Returning Officers

35 The Returning officer shall appoint Assistant returning officers.

Delegation of Returning Officer Powers

36 The Returning officer may authorize an Assistant returning officer or any other Elections officer to exercise any of the powers, or perform any of the duties, assigned to the Returning officer or any other Elections officer by this Law.

Duties of Assistant Returning Officers

37 Assistant returning officers shall assist the Returning officer in the performance of their duties of office and, if the Returning officer fails to perform those duties or is unable at any time for any reason to perform them, an Assistant returning officer shall act in place of the Returning officer.

Restriction on Political Activity

38 Every Elections officer and member of the Election Committee shall refrain from any active or public support or criticism of any Candidate or any political party endorsing a Candidate during an election period.

Restriction on Employee Campaigning

39 Every employee of the Vuntut Gwitchin First Nation shall refrain from working on any campaign material and campaigning for any Candidates within regular business hours during an election period.

Forms

40 The following forms are prescribed for use in the administration of this Law and set out in the Schedule:

- (1)** Writ (Form 1);
- (2)** Proclamation (Form 2);
- (3)** Nomination Paper (Form 3);
- (4)** Ballot Paper (Form 4);
- (5)** Statement of Poll (Form 5);
- (6)** Closing Declaration (Form 6); and
- (7)** Certificate of Ballots (Form 7).

Part 5 – Election Period**Writ of Election**

41 Every election shall begin upon the Returning officer receiving a Writ in the prescribed form approved by resolution of the Council.

42 Every Writ shall indicate:

- (1)** date that nominations close;
- (2)** date that applications for special ballots close;
- (3)** dates of the online Polling period;
- (4)** dates of the advance polls;
- (5)** date of Polling day; and
- (6)** date for return of the Certificate of ballots and conclusion of the election period.

43 The date of the Polling day in an election for the Council shall be at least thirty days after the issue of the Writ.

Approval and Delivery of Writ

44 Every Writ shall be approved by resolution of the Council and delivered in the prescribed form to the Returning officer as soon as possible.

- 45** Immediately upon receiving a Writ issued in the prescribed form and approved by resolution of the Council, the Returning officer shall:
- (1)** date and sign the Writ;
 - (2)** apply the provisions of this Law necessary for the election to be held; and
 - (3)** open an office in Old Crow in a location convenient for access by the Electors.

Proclamation Issued by Returning Officer

- 46** Within four days of a Writ being issued, the Returning officer shall issue and post in the Returning office and online on the Vuntut Gwitchin First Nation website a Proclamation in the prescribed form indicating:
- (1)** date, time and location set for the nomination of Candidates;
 - (2)** dates and times on which advance polls are to be held and the location of the Polling places;
 - (3)** date and time on which the Polling day is to be held and the location of the Polling places;
 - (4)** the days and times on which the online Polling period is to be held and instructions for voting by online ballot;
 - (5)** the names of any Assistant returning officers appointed by the Returning officer;
 - (6)** the place and time where the Returning officer will conduct the official addition of the ballots;
 - (7)** an exact description of the place where the Returning officer has established an office; and
 - (8)** the place and time where the Returning officer will declare the result of the election.

Division 1 – Nomination of Candidates

Nomination Day

- 47** The nomination day shall be ten days after the issue of the Writ.

Time For Receiving Nomination Paper

- 48** A nomination paper in the prescribed form shall be filed with the Returning officer at any time after the issue of the Proclamation and before 2:00 p.m. in the afternoon of the date of the nomination day.
- 49** The Returning officer shall attend at 10:00 a.m. on nomination day at the location set for the nomination of Candidates in the Proclamation and shall remain until 2:00 p.m. of the same day for the purpose of receiving nomination papers.

Electors Nominate Candidates for Chief

- 50** A Citizen that is qualified to be nominated as a Candidate in an election for the Council may be nominated for the office of Chief by five or more Citizens that are qualified as Electors signing a nomination paper in the prescribed form and filing it with the Returning officer during the time for receiving nominations.

Electors Nominate Candidates for Councillor

- 51** A Citizen that is qualified to be nominated as a Candidate in an election for the Council may be nominated for an office of Councillor by three or more Citizens that are qualified as Electors signing a nomination paper in the prescribed form and filing it with the Returning officer during the time for receiving nominations.

Dual Nominations

- 52** A Citizen that is qualified to be nominated as a Candidate in an election for the Council is eligible to be nominated for both the office of Chief and office of Councillor in the same election.
- 53** If a Candidate is nominated for both the office of Chief and office of Councillor in the same election:
- (1)** their name shall appear on the ballot for both offices;
 - (2)** an Elector shall be entitled to vote for the Candidate for both or either office that the Candidate is nominated for; and
 - (3)** all ballots cast for the Candidate for both offices shall be counted in accordance with this Law.
- 54** If a Candidate was nominated for both the office of Chief and office of Councillor in the same election and then becomes declared elected as Chief under this Law, then that Candidate shall be deemed ineligible to be declared elected to the office of Councillor notwithstanding the number of votes that Candidate may have received in the election for Councillor.

Nomination Paper

- 55** Every nomination paper shall be signed by the persons nominating the Candidate before a witness who shall require all such persons to state that they are a Citizen that is qualified as an Elector.
- 56** Every nomination paper that has been signed by the required number of Citizens qualified as Electors is valid even if other persons who signed the nomination paper are not Citizens qualified as Electors.
- 57** A nomination paper shall contain:
- (1)** name and address of Candidate;
 - (2)** address in Yukon for service of any legal process, notice or other document issued or to be served, under this Law, on the Candidate;
 - (3)** statutory declaration by the Candidate confirming consent to the nomination and qualifications;
 - (4)** printed name, address and signature of each person nominating the Candidate and initials by a witness;
 - (5)** name and address of each witness;
 - (6)** appointment, name and address of the Official Agent of the Candidate signed by the Candidate; and
 - (7)** statutory declaration by the person appointed as the Candidate's Official Agent confirming the person's consent to the appointment.
- 58** The Returning officer shall provide a receipt for each nomination paper that is filed during the time for receiving nominations.

Close of Nominations

- 59** Immediately on the close of the time for receiving nomination papers, the Returning officer shall:
- (1)** announce at the location set for nomination of Candidates in the Proclamation the name and address of every Candidate and the name and address of their Official Agents;
 - (2)** post in the Returning office and online on the Vuntut Gwitchin First Nation website a notice containing the name and address of every Candidate and the name and address of their Official Agents;

- (3)** post in the Returning office and online on the Vuntut Gwitchin First Nation website a notice containing the date of the forum for Candidates required under section 67 of this Law including instructions on how Candidates and Electors may remotely attend and participate in the forum.
- (4)** furnish free of charge to every Candidate or their Official Agent:
 - (a)** one copy of the Proclamation issued; and
 - (b)** two copies of list of Electors.

Procedures at Close of Nominations

60 If at the close of the time for receiving nominations:

- (1)** there is two or more Candidates for the office of Chief and five or more Candidates for the office of Councillor that have been nominated, the Returning officer shall grant a poll for taking the votes of the Electors and deliver a list of the Candidates nominated and the names and addresses of their Official Agents to every Candidate or to their Official Agent;
- (2)** there is only one Candidate for the office of Chief or four or less Candidates for the office of Councillor that have been nominated, the Returning officer shall immediately declare the nominated Candidates as elected by acclamation and send a certified copy of the return to the persons elected within three days; or
- (3)** there is no Candidate for the office of Chief or less than four Candidates for the office Councillor that have been nominated or declared elected by acclamation, the General Assembly shall convene a special meeting on the tenth day after the Polling day to select a Candidate and declare them as elected by resolution.

Withdrawal, Death and Incapacitation of Candidate

61 A Candidate who has been officially nominated may withdraw at any time before 2:00 p.m. of the thirteenth day after the issue of the Writ by filing with the Returning officer a declaration in writing to that effect signed by the Candidate and witnessed by the signatures of at least two Citizens qualified as Electors.

62 If a Candidate withdraws, dies, or becomes incapacitated to an extent that will prevent the Candidate from holding office between the close of the time for receiving nominations and the Polling day, the Returning officer shall:

- (1)** immediately notify the remaining Candidates;

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- (2) immediately issue a public notice to the Electors; and
 - (3) if the ballots have been printed, the Returning officer shall make every effort to draw, or have drawn, a line through the deceased, incapacitated or withdrawn Candidate's name on each ballot.
- 63** If, after a Candidate has withdrawn, dies or is incapacitated, only one Candidate for the office of Chief or four or less Candidates for the office of Councillor remain, the Returning officer shall declare as elected by acclamation the remaining Candidates.
- 64** Any votes cast for a withdrawn, dead or incapacitated Candidate in a ballot are void and shall not count.

Delivery of List of Electors

- 65** As soon as possible following the issue of a Writ and no later than the fifth day after the issue of the Writ, the Executive Director shall deliver the list of Electors to the Returning officer which shall include the names of all Citizens qualified as Electors.
- 66** As soon as possible following the receipt of the list of Electors from the Executive Director, the Returning officer shall:
- (1) correct any errors of a clerical nature in the name and particulars of any Elector appearing on the list of Electors;
 - (2) confirm the legibility of the list of Electors;
 - (3) make sufficient copies of the list of Electors to comply with the requirements of this Law; and
 - (4) keep one copy the list of Electors available for public inspection during the hours the Returning office is open until the close of the poll on Polling day.

Division 2 – Candidates Forum

- 67** A forum of the Candidates shall be organized and facilitated by the Returning officer or designate.
- 68** The forum of the Candidates shall take place after the close of the time for receiving nomination papers and at least fourteen days before the Polling day.
- 69** The forum shall be held in Old Crow and accessible online to enable remote attendance by Candidates and Electors.

- 70** The Returning officer or designate and all Candidates and Electors participating the forum of the Candidates shall use best efforts to ensure that the principles of fairness and equal opportunity for each Candidate is applied to the conduct of the forum.

Division 3 – Special Ballots

Voting by Special Ballot

- 71** Every Citizen that is qualified as an Elector and whose names appear on the list of Electors is eligible to vote in an election by special ballot upon application to the Returning officer if they are:
- (1)** housebound in the Traditional Territory of the Vuntut Gwitchin First Nation or Whitehorse;
 - (2)** unable to vote at an advance or regular poll because of their employment, business, or profession in the Traditional Territory of the Vuntut Gwitchin First Nation or Whitehorse;
 - (3)** a temporary resident in a treatment centre in the Traditional Territory of the Vuntut Gwitchin First Nation or Whitehorse;
 - (4)** a patient in a hospital or healthcare facility in the Traditional Territory of the Vuntut Gwitchin First Nation or Whitehorse; or
 - (5)** incarcerated or serving a custodial sentence in the Traditional Territory of the Vuntut Gwitchin First Nation or Whitehorse.
- 72** Every Elector who votes by special ballot under this Law shall:
- (1)** only vote by using the special ballot in accordance with the instructions of the Returning officer; and
 - (2)** be ineligible to cast any other ballot in the election.
- 73** It is the sole responsibility of an Elector who wishes to vote by special ballot to file a written application with the Returning officer during the time for receiving applications to vote by special ballot.

Application to Vote by Special Ballot

- 74** Any application to the Returning officer to vote by special ballot shall be:
- (1)** made in writing; and
 - (2)** filed with the Returning officer no later than 5:00 pm on the tenth day before the Polling day.

- 75** No special ballot shall be issued by the Returning officer after the opening of the polls on Polling day.

Conduct of Vote by Special Ballot

- 76** Voting by special ballot shall be conducted in the same manner as provided for in this Law for the conduct of a poll on the Polling day of an election, except by the Returning officer.

Duties of Returning Officer with Special Ballots

- 77** In order to ensure that voting by special ballot is administered in accordance with this Law, the Returning officer shall:

- (1)** distribute special ballot papers;
- (2)** receive and record the receipt of special ballot papers;
- (3)** record that special ballot papers have not been received; and
- (4)** update the Poll book as to Electors voting by special ballot.

- 78** At the close of business hours on the day prior to Polling day, the Returning officer shall:

- (1)** count the number of Electors whose names appear in the Poll book as having voted by special ballot, and sign it;
- (2)** prepare a list of all Electors who voted by special ballot including the name, address, number on the official list of Electors;
- (3)** draw a line through the name of each Elector on the list of Electors to be used on Polling day, and enter the words "special ballot";
- (4)** record the serial number of the special seal supplied for sealing the ballot box;
- (5)** place the record of the serial number in the ballot box; and
- (6)** seal the ballot box with the seal.

Division 4 – Online Ballots

Online Ballots

- 79** Every Citizen that is qualified as an Elector and whose name appears on the list of Electors is eligible to vote in an election by online ballot during the online Polling period.

80 Every Elector who votes by online ballot during the online Polling period shall:

- (1)** only vote by using the online ballot in accordance with the instructions of the Returning officer; and
- (2)** be ineligible to cast any other ballot in the election.

81 It is the sole responsibility of an Elector who chooses to vote by online ballot to do so prior to the close of the online Polling period.

Online Polling Period

82 The online Polling period shall begin at 8:00 a.m. on the tenth day before the Polling day and close at 8:00 p.m. on the Polling day.

Conduct of Vote by Online Ballot

83 Voting by online ballot shall be conducted in accordance with standard voting procedures that verify the qualifications of an Elector to vote, including verification of their identity, before an Elector may access and cast their online ballot in the election.

Duties of Returning Officer with Online Ballots

84 In order to ensure that voting by online ballot is administered in accordance with this Law, the Returning officer shall:

- (1)** prepare and post instructions for voting by online ballot during the online Polling period pursuant to subsection 46(4) of this Law;
- (2)** ensure that an accurate list of Electors with corresponding identification verification data is uploaded into the online voting system prior to the online Polling period;
- (3)** schedule the online voting system such that online access is available to Electors during the online Polling period only; and
- (4)** ensure that the results are programmed to be displayed by the online voting system as required immediately following the close of the online Polling period.

85 Immediately at the close of the Online polling period, the Returning officer shall retrieve the results the online voting system and record those totals for the purposes of applying these totals in the overall ballot count pursuant to subsection 133(11) of this Law.

Division 5 – Polling Day

Voting on Polling Day

- 86** Every Citizen that is qualified as an Elector and whose name appears on the list of Electors is eligible to vote in an election by ballot paper at a Polling place on the Polling day.
- 87** Every Elector who votes by paper at a Polling place on the Polling day under this Law shall:
- (1)** only vote by using the paper in accordance with the instructions of the Returning officer; and
 - (2)** be ineligible to cast any other ballot in the election.
- 88** It is the sole responsibility of an Elector who votes by paper at a Polling place on the Polling day to do so before the close of the poll.

Day of Polling

- 89** The day set for the Polling day shall be either:
- (1)** on the third Monday in November for General elections in accordance with section 8 of this Law; or
 - (2)** on a date fixed by resolution of Council for By-elections in accordance with section 9 of this Law.

Hours of Polling

- 90** The poll shall be open at 8:00 a.m. and close at 8:00 p.m. on the Polling day.

Polling Places

- 91** There shall be Polling places in each of the following communities:
- (1)** Old Crow; and
 - (2)** Whitehorse.
- 92** As soon as possible after the issue of the Writ, the Returning officer shall provide for Polling places with Polling stations in each of the communities.
- 93** The Polling places shall be located in places that are accessible and convenient to Electors so that:

- (1) access to it is convenient to all persons, including persons with disabilities;
- (2) if possible, it is at street level; and
- (3) if possible, it has separate doors for Electors to enter to cast their ballots and to leave after having done so.

94 Outside each Polling place there shall be placed, during the time that the poll is open, a conspicuous sign identifying the Polling place.

Polling Booths Arranged for Privacy

95 Every Polling place shall contain one or more Polling station arranged with a polling booth so that each Elector is screened from observation and from interference or interruption while marking a ballot paper.

96 In every Polling station at the polling booth there shall be provided for the use of Electors in marking their ballot papers, a table or desk with a hard, smooth surface and a suitable pencil, which shall be kept properly sharpened throughout the hours of polling.

Ballot Boxes

97 The Returning officer shall obtain ballot boxes made of durable material with a slit or narrow opening on the top so constructed that, while the poll is open, the ballot papers may be put in but cannot be removed.

98 Before the opening of the poll or during the poll, each ballot box shall be sealed shut with special seals provided by the Returning officer.

Ballot Papers

99 Every ballot paper shall be in the prescribed form and shall have a counterfoil and a stub with a line of perforations between the ballot paper and the counterfoil and a line of perforations between the counterfoil and the stub.

100 All ballot papers shall be in the same form and as nearly as possible identical and each ballot paper shall be a printed paper on which shall appear the names of the Candidates set as those names that appeared in their nomination papers.

Ballot Papers Initialled

101 Before the opening of the poll or during the poll on Polling day, an Assistant returning officer shall, at the Polling places and in full view of those of the Candidates or their Official Agents that are present, uniformly initial in ink on every ballot paper in the space provided.

Opening of the Poll

102 Every Assistant returning officer shall, on Polling day, at or before the opening of the poll, post printed directions to the Electors in conspicuous places in or about the Polling place and in each polling booth.

Ballot Boxes Sealed

103 At the hour set for opening the poll or during the poll, an Assistant returning officer shall:

- (1)** show the ballot boxes to the persons present in the Polling place so that they may see that it is empty;
- (2)** seal the empty ballot boxes in such a manner as to prevent it being opened without breaking the seal;
- (3)** place the ballot boxes in the polling station in full view of all present; and
- (4)** keep the ballot boxes so placed and sealed until the close of the poll.

Persons Present at Polling Place

104 The following persons are the only ones allowed to enter a Polling station:

- (1)** Returning officer;
- (2)** Assistant returning officers;
- (3)** poll clerks;
- (4)** interpreters;
- (5)** Candidates;
- (6)** Official Agents;
- (7)** Candidate's representatives; and
- (8)** Electors, while voting.

105 No media shall be permitted to be present at a Polling place.

Secrecy and Security of Vote

106 Every person in a Polling station shall respect and maintain the secrecy of the voting process.

107 No person shall on the premises of the Polling station:

- (1)** distribute any election-related printed materials except such materials as may be distributed by the Election officers for the purpose of conducting the election;
- (2)** attempt to interfere with or influence any Elector in marking his paper;
- (3)** attempt to obtain information as to how an Elector is about to vote or has voted; or
- (4)** take pictures or record images within a Polling station without the prior approval of the Returning officer.

Candidate's Official Agents or Representatives

108 Each Candidate may authorize their Official Agent and Candidate's representative to represent them a polling place by issuing a signed letter of permission to the Official Agent and Candidate's representative.

109 Only one Official Agent or Candidate's representative at a time may represent a Candidate at a Polling place.

110 Every Official Agent or Candidate's representative shall provide an Assistant returning officer with a letter of permission from the Candidate to represent them at a polling place in order to remain at the Polling place and such letters shall be kept with the Poll book.

111 Any Official Agent or Candidate's representative may:

- (1)** inspect the Poll book during the hours of polling; and
- (2)** witness the counting of ballots after the close of the polls.

Conduct of Vote on Polling Day

112 The taking of the poll shall be by ballot, and each Elector shall receive from the poll clerk or an assistant returning officer a ballot paper.

Elector Declaration for Elector List

113 On entering the room where the poll is taken, the Elector shall state their name and address to an Assistant returning officer and a poll clerk, who shall determine if the Elector is on the list of Electors.

114 If the name of an Elector is not on the list of Electors, the Returning officer may direct an Assistant returning officer to allow the Elector to vote if it is

apparent from the records that the Elector's name was omitted from the list by mistake.

Elector Addition on Polling Day

115 Where the name of an Elector is not on the list of Electors, the Elector shall be allowed to vote on Polling day if they:

- (1)** make a declaration of eligibility and a poll clerk shall enter into the Poll book that the declaration was taken;
- (2)** are vouched for by an Elector whose name is on the list of Electors who makes a declaration confirming the Elector's qualification; and
- (3)** provide sufficient proof of their name and residence address.

Assistant Returning Officer Instructs Electors

116 An Assistant returning officer shall:

- (1)** instruct each Elector how to mark the ballot paper and how to refold the ballot paper and return to an Assistant returning officer;
- (2)** fold the ballot paper so that the initials and the printed serial number on the counterfoil can be seen without unfolding the ballot paper; and
- (3)** direct the Elector to return the ballot paper when marked, folded as shown.

117 An Assistant returning officer may assist an Elector who is unable to read, write or unable to mark the ballot paper, when requested, by going to the polling booth with the Elector and marking the ballot paper as directed by the Elector.

Elector Marks Ballot Paper

118 An Elector on receiving a ballot paper shall immediately:

- (1)** proceed into a polling booth and mark the ballot paper by making a cross or check mark with a pencil in the small circular space on the ballot paper across from the name of the Candidate for whom the Elector intends to vote;
- (2)** fold the ballot paper as directed; and
- (3)** hand the ballot paper to an Assistant returning officer or poll clerk.

119 Every Elector shall vote without undue delay and shall leave the Polling place as soon as the ballot paper has been put into the ballot box.

120 No Elector shall:

- (1)** before receiving a ballot paper, openly declare, within the Polling place, the name or the Candidate they intend to vote for;
- (2)** show a ballot paper, when marked, so as to allow the name of the Candidate for whom they have voted to be known; or
- (3)** before leaving the Polling station, openly declare for which Candidate they have voted.

Second Ballot Paper

121 An Elector who has inadvertently dealt with a ballot paper in such a manner that it cannot conveniently be used shall return it to an Assistant returning officer who shall:

- (1)** deface it in such a manner as to render it a spoiled ballot; and
- (2)** deliver another ballot paper to the Elector.

Decline Ballot Paper

122 An Elector who is offered a ballot paper may decline it and a poll clerk or Assistant returning officer shall enter into the Poll book that the Elector declined the ballot paper.

123 An Elector who has declined a ballot paper shall not re-enter the Polling place or attempt to vote.

Counterfoil Removal

124 On receipt of a ballot paper, an Assistant returning officer shall immediately:

- (1)** without unfolding it, determine by examination of the initials and printed serial number that it is the same ballot paper that was delivered to the Elector;
- (2)** if it is the same ballot paper, in full view of the Elector and all others present, remove and destroy the counterfoil; and
- (3)** return the ballot paper to the Elector to deposit into the ballot box or, at the Elector's request or if the Elector declines to do so deposit the ballot paper in the ballot box.

Voting at Close of Poll

- 125** If at the hour of closing of the poll there are any Electors in the Polling station or in line at the door, who are qualified to vote and have not been able to do so since their arrival at the Polling station, the poll shall be kept open a sufficient time to enable them to vote.
- 126** An Assistant returning officer shall have the responsibility and authority to determine whether an Elector arrived at the Polling place in time to vote.

Poll Book Entries

- 127** Every Assistant returning officer or poll clerk shall enter in the Poll book:
- (1)** any entries in the Poll book that the Returning officer, pursuant to this Law, directs;
 - (2)** the name and address of every person who applies for or receives a ballot paper;
 - (3)** the name of each Elector who receives a ballot paper but whose name is not on the list of Electors;
 - (4)** the words "declined ballot" next to the name of each Elector who declines a ballot paper;
 - (5)** the word "voted" next to the name of each Elector as soon as the Elector's ballot paper has been deposited in the ballot box;
 - (6)** the word "declared" next to the name of each Elector to whom any declaration has been administered, indicating the nature of the declaration;
 - (7)** the words "refused to declare" or "refused to answer" next to the name of each Elector who has refused to make a declaration, or who has refused to answer questions authorized by this Law; and
 - (8)** the words "readmitted and allowed to vote" opposite the name of each Elector readmitted on the direction of the Returning officer.

Division 6 – Advance Polls**Advance Polling Dates and Hours**

- 128** Advance polls shall be held on the twenty-third and twenty-fourth days after the issue of the Writ between the hours of 2:00 p.m. and 8:00 p.m. on each day.

Number of Advance Polling Places

129 The Returning officer may direct that one or more Polling places be established for advance polls.

Conduct of Vote at Advance Poll

130 An advance poll shall be conducted in the same manner as provided for in this Law for the conduct of a poll on the Polling day of an election.

Duties at Close of Advance Poll

131 At the close of the advance poll an Assistant returning officer shall:

- (1)** count the number of Electors whose names appear in the Poll book as having voted, and make an entry on the line immediately below the name of the Elector who voted last, thus: "the number of Electors who voted at this election in this Polling station is...," and sign it;
- (2)** prepare a list of all Electors who voted at the advance poll including the name, address, number on the official list of Electors;
- (3)** deliver the list of Electors who voted at the advance poll to the Returning officer;
- (4)** record the serial number of the special seal supplied for sealing the ballot box;
- (5)** place the record of the serial number in the ballot box;
- (6)** seal the ballot box with the seal; and
- (7)** deliver the ballot box to the Returning officer by any means the Returning officer may direct.

Processing and Delivery of List of Electors

132 On receiving the list of Electors who voted in an advance poll, the Returning officer shall:

- (1)** draw a line through the name of each advance Elector on the list of Electors to be used on Polling day, and enter the words "advance poll"; and
- (2)** deliver to each Candidate, no later than three days before Polling day, a copy of the list of Electors who voted at the advance poll.

Division 6 – Counting the Ballots

Order of Procedure

- 133** Immediately after the close of the poll on Polling day, in the presence and in full view of any Candidates or their Official Agents or Candidate’s representatives, an Assistant returning officer shall, in the following order:
- (1)** open the ballot box;
 - (2)** unfold the ballots and examine each one to ensure that the voting choice of each Elector is clear on each paper and that the number of Candidates chosen does not exceed the maximum number allowed otherwise the paper shall be spoiled and set aside;
 - (3)** call out the names of the Candidate for which the papers have been cast;
 - (4)** count the number of ballot papers cast for each Candidate, giving full opportunity to those present to examine each ballot paper;
 - (5)** count the number of Electors whose names appear in the Poll book as having voted and make an entry on the line immediately below the name of the Elector who voted last, thus: “the number of Electors who voted at this election in this Polling station is...”, and sign it;
 - (6)** count the number of Electors whose names appear in the Poll book as having declined ballot papers and make an entry on the line immediately below the entry mentioned in subsection 133(5) of this Law, thus “the number of Electors who declined ballot papers at this election in this Polling station is...”, and sign it;
 - (7)** count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose, indicate the number of spoiled ballot papers and seal it;
 - (8)** count the unused ballot papers, place them all in the special envelope supplied for that purpose and indicate the number of unused ballot papers;
 - (9)** check the number of ballot papers supplied by the Returning officer against the number of spoiled ballot papers, if any, the number of unused ballot papers and the number of Electors whose names appear in the Poll book as having voted, in order to determine that all ballot papers are accounted for;

- (10) open the ballot boxes for special ballots and advance polls and officially add up the number of ballot papers cast for each Candidate; and
- (11) refer to the results of the online voting system programmed to be displayed immediately at the close of the online Polling period pursuant to subsection 84(4) of this Law and enter that information on the master tally sheet after verifying that none of the Electors who voted by online ballot have cast more than one ballot.

134 The Official Agent, Candidate's representative or witnesses may keep their own tally as the name of the Candidate for whom each ballot is cast is called out by the Returning officer or Assistant returning officer.

Rejected Ballots

135 In counting the ballots, an Assistant returning officer shall reject all ballots:

- (1) that have not been supplied by an Election officer;
- (2) that have not been marked for any Candidate;
- (3) on which votes have been given for more Candidates than positions to be filled;
- (4) that have not been marked in the small circular space across from the name of the Candidate, unless the manner in which the ballot is marked indicates a clear and unambiguous preference for a Candidate; or
- (5) on which there is any writing or mark by which the Elector could be identified.

136 No ballot paper shall be rejected only because:

- (1) it has on it any writing, number or mark placed on it by any Assistant returning officer; or
- (2) it has been marked with a writing instrument other than a pencil or with a mark other than a cross or check mark if the mark does not constitute identification of the Elector.

137 An Assistant returning officer shall place all the rejected ballot papers in a special envelope which then shall be sealed by an Assistant returning officer with a seal signed by the Assistant returning officer.

Counterfoil Attached to Ballot

- 138** If, in the course of counting the ballots, any ballot paper is found with the counterfoil still attached, an Assistant returning officer shall, while carefully concealing the number from all persons present and without examining it, remove and destroy the counterfoil.
- 139** An Assistant returning officer shall not reject a ballot paper merely because of failure to remove the counterfoil.

Ballot Not Initialed

- 140** If, in the course of counting the ballots, an Assistant returning officer discovers that a ballot paper has not been initialed, the Assistant returning officer shall, in the presence of the Official Agents, initial the ballot paper and count the ballot as if it had been initialed in the first place, if the Assistant returning officer is satisfied that:
- (1) the ballot paper is one that has been supplied by an Election officer; and
 - (2) an omission has been made in good faith.

Objections to Ballot

- 141** Each Assistant returning officer shall:
- (1) keep a record in the Poll book, of every objection made by any Candidate, Official Agent or Elector present, to any ballot paper found in the ballot box;
 - (2) number every objection made by any Candidate, Official Agent or Elector present, to any ballot paper found in the ballot box with a corresponding number placed on the back of the ballot paper and initialed by an Assistant returning officer; and
 - (3) immediately decide every question arising out of the objection.
- 142** An Assistant returning officer may consult with the Returning officer before making a decision under this Law with respect to an objection to a ballot.
- 143** A decision of an Assistant returning officer under this Law with respect to an objection to a ballot is final.

Sealing Counted Ballots

- 144** An Assistant returning officer shall place all the ballot papers counted for each Candidate in a special envelope for each Candidate, and each of the

envelopes then shall be sealed by an Assistant returning officer with a seal signed by an Assistant returning officer.

Statement of Poll

145 Each Assistant returning officer shall make the necessary number of copies of the statement of the poll in the prescribed form as follows:

- (1)** one copy shall be included with the Poll book;
- (2)** one copy shall be retained by an Assistant returning officer;
- (3)** one copy, for the Returning officer, shall be enclosed in a special envelope supplied for the purpose, sealed by an Assistant returning officer and deposited by itself in the ballot box; and
- (4)** one copy shall be delivered to each of the Official Agents.

Closing Declaration

146 Each Assistant returning officer, immediately after the completion of the counting of the ballots, shall make a closing declaration in the prescribed form.

Certificate of Ballots

147 Immediately after completion of the counting of the ballots, the Returning officer shall:

- (1)** declare and publish the name of the Candidate for the office of Chief for whom the greatest number of ballots has been cast;
- (2)** declare and publish the names of the Candidates for the offices of Councillor whom the greatest number of ballots has been cast;
- (3)** prepare a certificate of ballots in writing, in the prescribed form, showing the number of ballots cast for all Candidates; and
- (4)** deliver a copy of that certificate of ballots to each Candidate or Official Agent.

Poll Book Envelope

148 On completion of the counting of the ballots, an Assistant returning officer shall seal the Poll book in an envelope supplied for this purpose.

Procedures Following Counting

149 On completion of the counting of the ballots, an Assistant returning officer shall:

- (1)** place the following items in an envelope:
 - (a)** the envelope containing the Poll book;
 - (b)** the envelope containing the unused ballot papers;
 - (c)** the envelope containing the spoiled ballot papers;
 - (d)** the envelope containing the rejected ballot papers;
 - (e)** the envelopes containing the ballot papers counted for each Candidate;
 - (f)** the envelope containing the withdrawals;
 - (g)** the envelope containing the declarations of Electors; and
 - (h)** the envelope containing the official list of Electors;
- (2)** seal the envelope with a seal;
- (3)** sign the envelope;
- (4)** place the sealed envelope in the ballot box;
- (5)** place all other documents used at the poll in the ballot box;
- (6)** record the serial number of the special seal supplied for sealing the ballot box;
- (7)** place the record of the serial number in the ballot box;
- (8)** seal the ballot box with the seal;
- (9)** deliver the ballot box to the Returning officer by any means the Returning officer may direct; and
- (10)** report the number of votes for each Candidate.

Part 5 – Recounts

Automatic Recount

150 The Returning officer shall conduct a recount if there is a margin of three or less votes between a Candidate who will be elected and another Candidate who will not be elected after completion of the counting of the ballots.

Application for Recount

151 Any Candidate or Official Agent may apply to the Returning officer for a recount on any of the following alleged grounds:

- (1)** an Assistant returning officer in counting the ballots has improperly counted or improperly rejected any ballots and there is a margin of ten votes or less between the Candidate who will be elected and another Candidate who will not be elected;
- (2)** an Assistant returning officer has made an incorrect statement of the number of ballots cast for any Candidate; or
- (3)** the Returning officer has improperly conducted the official addition or recount.

152 Every application for a recount under this Law shall be:

- (1)** made in writing and detail all relevant particulars including any supporting evidence; and
- (2)** filed with the Returning officer no later than the close of business hours on the fifth day after the Polling day.

Date of Recount

153 The date of a recount to be conducted by the Returning officer under this Law shall be no later than two days after:

- (1)** completion of the counting of the ballots if the recount is automatically required pursuant to section 150 of this Law; and
- (2)** receiving an application for recount pursuant to section 151 of this Law;

154 The Returning officer shall give written notice to the Candidates or Official Agents of the date, time and location on which the Returning officer will conduct a recount upon.

Candidate Entitled to be Present

155 Each Candidate is entitled to be present at the recount.

Recount Procedure

156 At the date, time and location set for the recount and in the presence of those persons authorized by this Law to attend, the Returning officer shall proceed to make the addition from the statements of the poll contained in the ballot boxes returned by the Assistant returning officers, and to recount all the ballots returned by the Assistant returning officers and, in doing so, the Returning officer shall:

- (1)** open the sealed envelopes containing the ballot papers;
- (2)** not review any other election documents;
- (3)** recount the ballots in accordance with the provisions in this Law for Assistant returning officers at the close of the poll;
- (4)** verify whether an Assistant returning officer has improperly counted or rejected any ballots; and
- (5)** verify or correct the statement of the poll given the ballot recount and the number of ballots cast for each Candidate.

Returning Officer Powers

157 For the purposes of arriving at the facts as to a statement of the poll, the Returning officer may set its own practices and procedures and has all the powers of a court with regard to the attendance and examination of witnesses.

158 For the purpose of making a recount, the Returning officer has the power of summoning any Assistant returning officer, poll clerk or any other person as a witness and of requiring that evidence be given on oath, or affirmation.

Termination of Recount Application

159 The Returning officer may, at any time after an application for a recount has been made under section 151 of this Law, terminate the recount on request in writing by the applicant.

Concluding Recount Procedure

160 At the conclusion of a recount, the Returning officer shall:

- (1)** seal all the ballot papers and ballots in the appropriate envelopes;

- (2) add the number of ballots cast for each Candidate as determined at the recount;
- (3) certify immediately in writing the result of the recount; and
- (4) deliver a copy of the certificate of ballots to each Candidate, which certificate shall be deemed to be substituted for the certificate previously issued by the Returning officer.

Determining Tie on Recount

- 161** If a recount results in an equal number of ballots cast for two or more Candidates who also have the greatest number of ballots cast for them in the election, the election shall be decided immediately by the random drawing of names by the Returning officer in the presence of the Candidates or their Official Agents.
- 162** If the election is decided by the drawing of lots, the Returning officer shall complete the return and indicate in the return that the election was decided by the random drawing of names.

Part 6 – Return of the Certificate

Return of the Certificate

- 163** The Returning officer shall declare elected the Candidates for whom the greatest number of ballots have been cast by posting the final certified certificate of ballots in the prescribed form immediately after delivering a copy of that certificate of ballots to each Candidate or Official Agent or after any recount, whichever is later.

Certified Copy of Certificate to Candidate

- 164** The Returning officer shall forward to each Candidate a certified copy of the certificate of ballots.

Compilation of Elections Documents

- 165** Immediately after certifying the certificate of ballots, the Returning officer shall compile the following documents:
- (1) the Writ together with the certificate of ballots in the prescribed form to the effect that the Candidates for whom the greatest number of ballots has been cast have been duly elected;
 - (2) a written report of the Returning officer's proceedings including records of any rejected ballots;

- (3) the recapitulation sheets showing the number of ballots cast for each Candidate at each Polling station and making any observations the Returning officer may think proper as to the state of the election papers as received from the Assistant returning officers;
- (4) the statements of the polls from which the official addition was made;
- (5) the reserve supply of undistributed blank ballot papers;
- (6) the list of Electors;
- (7) the returns from the various Polling stations enclosed in sealed envelopes containing the envelope with the Poll book used at the poll, an envelope of unused ballot papers, envelopes of ballots cast for the several Candidates, an envelope of spoiled ballot papers, an envelope of rejected ballots and an envelope containing the official list of Electors used at the poll, the written appointments of Official Agents and declarations; and
- (8) all other documents used at the election.

Report of Returning Officer

- 166** The Returning officer shall, immediately after each election, print and publish a written report, including the number of ballots cast for each Candidate and the number of names on the list of Electors.
- 167** The Returning officer may, at any time, deliver to the Executive Director a written report setting out:
- (1) any matter that has arisen in connection with the duties of the Returning officer that the Returning officer considers ought to be brought to the attention of Council; or
 - (2) any amendments that, in the opinion of the Returning officer, may improve the administration of elections under this Law.
- 168** A written report received by the Executive Director from the Returning officer shall, at the earliest opportunity, be tabled at a Council meeting.

Retention of Elections Documents

- 169** The Returning officer shall retain all election documents received from each Assistant returning officer, with the Certificate of ballots, for at least one year if the election is not contested during that time and, if the election is contested, then for one year after the termination of the contest.

Inspection and Production of Elections Documents

- 170** No election documents that are retained in the custody of the Returning officer shall be inspected or produced except upon the request of the Election Committee in the exercise of its powers to hear and decide any application to review the validity of an election in accordance with this Law.

Certification and Delivery of Elections Documents

- 171** If the Election Committee has requested the production of any election documents, the Returning officer shall certify the documents and deliver them to the Election Committee, who shall, when the documents have served the purposes of the Election Committee, return them to the Returning officer.
- 172** Any documents purporting to be certified by the Returning officer are receivable in evidence without further proof.

Part 7 – Validity of Elections

Presumption of Validity

- 173** Every election shall be presumed to be valid and conducted in accordance with this Law.

Application to Review Election Validity

- 174** Any Candidate or Elector may apply to the Election Committee to review the validity of an election on the any of the following alleged grounds:
- (1)** corrupt practices in connection with the election;
 - (2)** a Candidate who was declared elected was not qualified to hold office at the time of the election; and
 - (3)** the election was not conducted in accordance with this Law.
- 175** Every application to review the validity of an election under this Law shall be:
- (1)** made in writing and detail all relevant particulars including any supporting evidence; and
 - (2)** filed with the Election Committee no later than the close of business hours on the fourteenth day after the Polling day.

Election Committee Review Proceedings

- 176** The Returning officer and each Candidate shall be provided notice and entitled to make representations to the Election Committee prior to a

decision being made under this Law on an application to review of the validity of an election.

Election Committee Review Powers

- 177** On reviewing the validity of an election, the Election Committee may decide that:
- (1)** an elected Candidate is qualified to hold office;
 - (2)** an elected Candidate is not qualified to hold office and that the office is vacant;
 - (3)** an election is confirmed as valid; and
 - (4)** an election is invalid, and that the office(s) is vacant.
- 178** The Election Committee shall not decide that an election was invalid only because the election was not conducted in accordance with this Law, if the Election Committee is satisfied that:
- (1)** the election was conducted in good faith; and
 - (2)** the non-compliance with this Law did not materially affect the result of the election.

Election Committee Review Decisions

- 179** The Election Committee shall render a decision under this Law within thirty days of receiving an application to review the validity of an election.
- 180** Upon written request to the Executive Director, the Election Committee may seek and be provided independent legal advice prior to rendering a decision under this Law.
- 181** Every decision of the Election Committee under this Law shall be provided with written reasons and is final.
- 182** The Election Committee shall immediately notify and deliver a copy of the written reasons of any decision that is made under this Law to the applicant, Returning officer and each Candidate.

Part 8 – Offences

- 183** Any person who contravenes this Law commits an offence.
- 184** Every person who is guilty of an offence under this Law is liable on summary conviction to a fine of not more than \$5,000 or to imprisonment for not more than six months, or to both a fine and imprisonment.

Part 9 – Coming Into Effect

- 185** This Law shall come into effect on the date in which the Law passes a second reading in accordance with Vuntut Gwitchin Law.
- 186** This Law shall repeal and replace the Vuntut Gwitchin First Nation 2020 Interim Elections Act upon coming into effect.

Schedule

**Vuntut Gwitchin First Nation
Elections Law
Forms**

Writ (Form 1)

Pursuant to the Vuntut Gwitchin First Nation Elections Law, the Returning officer appointed by Council resolution shall proceed with the administration of an election of the Chief and Councillors for the Vuntut Gwitchin First Nation in accordance with the following dates and times:

- (1)** The period for accepting nominations shall close on _____ (date) at 2:00 p.m.;
- (2)** The period for applying for special ballots shall close on _____ (date) at 5:00 p.m.;
- (3)** The online polling period shall open on _____ (date) at 8:00 a.m. and close on _____ (date) at 8:00 p.m. at the following online address: <https://simplyvoting.vgfn.com>;
- (4)** The advance poll shall be open on _____ (date) between 8:00 a.m. and 8:00 p.m.;
- (5)** The poll shall be open on _____ (date) between 8:00 a.m. and 8.p.m.; and
- (6)** The return of the certificate of ballots shall occur on _____ (date) or immediately following any recount.

Consent of Returning Officer:

I, _____ (name of returning officer), duly appointed by Council resolution as the Returning officer, hereby consent to administer the aforementioned election of the Chief and Councillors for the Vuntut Gwitchin First Nation in compliance with this Writ and the Vuntut Gwitchin First Nation Elections Law.

Signature

Date

Witness Signature

Proclamation (Form 2)**NOTICE to Vuntut Gwitchin First Nation Citizens:**

Please be advised that an election for one (1) Chief and four (4) Councillors of the Vuntut Gwitchin First Nation is underway and note the following information:

- (1)** The period for accepting nominations shall close on _____ (*date*) at 2:00 p.m.
- (2)** The period for applying for special ballots shall close on _____ (*date*) at 5:00 p.m.
- (3)** The online polling period shall open on _____ (*date*) at 8:00 a.m. and close on _____ (*date*) at 8:00 p.m. at the following online address: <https://simplyvoting.vgfn.com>
- (4)** The advance poll shall be open on _____ (*date*) between 8:00 a.m. and 8:00 p.m.
- (5)** The poll shall be open on _____ (*date*) between 8:00 a.m. and 8.p.m.
- (6)** The returning office is located at _____ (*location*).
- (7)** The Assistant returning officer is _____ (*name*).
- (8)** The official addition of the ballots shall take place at _____ (*location*).
- (9)** The return of the certificate of ballots shall occur on _____ (*date*) or the immediately following any recount.

If you require any additional election information, please contact me either by phone or email as indicated below.

Name of Returning Officer

Phone Number

Email Address

Nomination Paper (Form 3)

*PLEASE NOTE nomination papers must be fully completed.
Any incomplete or inaccurate information may disqualify a nomination.*

We, the undersigned, each:

(1) **NOMINATE** _____ (*name of nominee*) as a Candidate for the following office in the Vuntut Gwitchin First Nation Council election (*check all that apply*):

Chief

Councillor

A Citizen that is qualified to be nominated as a Candidate in an election for Council is eligible to be nominated for both the office of Chief and office of Councillor in the same election.

(2) **DECLARE** that, to the best of my knowledge, this person is qualified to be nominated as a Candidate in this election and that I am qualified to nominate this person as a Candidate under the Vuntut Gwitchin First Nation Elections Law.

DECLARED before me:

Name and Address (Nominator)	Signature (Nominator)	Name and Address (Witness)	Initials (Witness)

A Citizen may be nominated for the office of Chief by five (5) or more Citizens that are qualified as Electors and/or nominated for the office of Councillor by three (3) or more Citizens that are qualified as Electors. A Citizen may be nominated for both the office of Chief and of Councillor by five (5) or more Citizens that are qualified as Electors.

Nomination Paper (Form 3)

*PLEASE NOTE nominations papers must be fully completed.
Any incomplete or inaccurate information may disqualify your nomination.*

Consent and Declaration of Nominee:

I, _____ (*name of nominee*):

- (1) **DECLARE** that I am qualified to be nominated as a Candidate in this election under the Vuntut Gwitchin First Nation Elections Law;
- (2) **CONSENT** to be nominated as a Candidate in this election; and
- (3) **APPOINT** _____ (*name of nominee*) to act as my Official Agent for this election.

Signature

Date

Consent and Declaration of Official Agent:

I, _____ (*name of official agent*):

- (1) **DECLARE** that I am qualified to be appointed as an Official Agent in this election under the Vuntut Gwitchin First Nation Elections Law; and
- (2) **CONSENT** to be appointed as an Official Agent to _____ (*name of nominee*).

Signature

Date

Ballot Paper (Form 4)

BALLOT FOR CHIEF

Vuntut Gwitchin First Nation Election

Mark your ballot with an X in the space to the right of the name of your choice for Chief:

Closing Declaration (Form 6)
Vuntut Gwitchin First Nation Election Date: _____

Name of Candidate for <u>Chief</u>	Total Votes Received

Name of Candidate for <u>Councillor</u>	Total Votes Received

Number of valid ballots cast for candidates for Chief: _____

Number of rejected ballots for candidates for Chief: _____

Number of valid ballots cast for candidates for Councillor: _____

Number of rejected ballots for candidates for Councillor: _____

I, _____ (name of assistant returning officer), hereby declare that this count was conducted in accordance with the Vuntut Gwitchin First Nation Elections Law.

**Signature of Assistant
Returning Officer**

Date

Witness Signature

