

2021



KDC ELECTION CODE FOR ELECTION
OF KDC EXECUTIVE

KASKA DENA COUNCIL, PO BOX 9, LOWER POST, BC VOC 1W0

Approved by KDC Board Resolution March 3, 2021



Kaska Dena Council Election Code for Election of KDC Executive

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1. Preamble

The Kaska Dena Council (KDC) Elections Code for Election of KDC Executive sets out the process by which the elections for the Executive of KDC are conducted. All registered KDC members who are at least eighteen (18) years of age on the date of the election are eligible to vote.

The Chairperson, the Vice-Chairperson of Research and Reconciliation and the Vice-Chairperson Representing Youth, together form the Executive of the Kaska Dena Council.

The Elections Code sets out the requirements for running for office, terms of office for elected officials, and the process for holding an election, including:

1. Electoral Officer
2. Calling the election
3. Creating and posting the voters list
4. Setting the timeline for nominations
5. Voting procedures including on-line voting
6. Creating and posting the notice of election
7. Rules and procedures for voting day
8. Counting of ballots
9. Responsibilities of Electoral Officer

2. Definitions

For the purpose of this Election Code:

Election Code	means the rules, provisions, regulation, and procedures as set out and prescribed in the code, including the appendixes, for the conduct of an election of the Kaska Dena Council Executive
Candidate	means a person who meets the criteria of a KDC Executive Officer as per Section 4.5 of the Kaska Dena Council Bylaws :
Code of Ethics	means guidelines, general rules of behaviour and standards established in accordance with Section 5.3.7 of this code, which govern the conduct of candidates running for office and their supporters relating to their participation in the electoral process.
Election	means a Kaska Dena Council general election held pursuant to the provisions of this code.
Election Code	means the rules, provisions, regulations, and procedures as set out and prescribed in this code for the conduct of an election of the Kaska Dena Council Executive.
Election Notice	means the timing for the Notice of Election as selected by the KDC Board of Directors according to Section 4 of this Election Code.

Elector	means an eligible voter who: <ul style="list-style-type: none"> • has attained the age of eighteen (18) years of age on or before the day on which the election is held. • is listed on the Kaska Dena Council membership list as compiled and maintained from time to time by Kaska Dena Council.
Electoral Officer	means the person appointed by a Kaska Dena Council Board of Director Resolution before each election, who will have the responsibility for conducting the pre-election, election and post-election procedures.
Member of Kaska Dena Council	means membership in the Society is restricted to individuals who: <ol style="list-style-type: none"> a) are of Kaska ancestry and prior to 1940 were ordinarily resident in or used and occupied the Kaska Dena ancestral territory in British Columbia. b) are the descendants of a person described in a); or are adopted as an Aboriginal child pursuant to an approved Kaska policy on adoption by a person described in a).
Polling Station	means a building, hall or room which is selected to be the site for voting to take place. Principal Location(s) determined by the Electoral Officer for posting nomination and election results.
KDC Voters List	means members of Kaska Dena Council who are on the KDC Membership List and who are eighteen (18) years of age on the date of the KDC Election shall be on the KDC Voters List.

3. KDC Executive Officers and Term of Office

3.1 Executive Officers of the Kaska Dena Council

There are three elected officers of the Kaska Dena Council:

- 1) KDC Chairperson
- 2) Vice-Chairperson of Research and Reconciliation
- 3) Vice-Chairperson Representing Youth
 - a) To be eligible to hold the office of Vice-Chairperson Representing Youth, the candidate must be between the age of 18 and 30 on the date of the election.

3.2 Length of Terms of Office of the KDC Executive Officers

The term of office of the KDC Executive shall be three (3) years.

- 1) The Executive Officers will retire from office at the annual General Assembly held at the end of, or immediately after the expiry of their three (3) year term, and successors will be elected at such meeting.

4. The Election

4.1 Notice of Election

Kaska Dena Council members must be notified of a KDC Election a minimum of sixty (60) days prior to the election date:

- on the KDC website;
- in the KDC Office and in Kaska Dena Band Offices in BC;
- by mail and/or email to all KDC members.

4.2 Notices of Election Must Include

- Date of the election.
- Notification that the call for nominations starts upon notice of election and closes thirty (30) days after.
- The location of voting stations in Lower Post, Fort Ware and Good Hope Lake including the site of the General Assembly, and times voting stations will be open.
- Methods and timing of on-line and telephone voting.

4.3 Eligible Voters

An eligible voter is a Kaska Dena Council member who is at least eighteen (18) years of age on election day and is on the KDC membership list thirty (30) days prior to the election date.

If you meet the criteria of KDC membership and you are not on the KDC membership list, then a membership form should be acquired from the KDC office and submitted to the KDC Membership Clerk a minimum of thirty (30) days prior to the election in order to vote.

4.4 Eligibility to Nominate

In order to be entitled to nominate a candidate at an election, an elector must, during the 30-day nomination period:

- be at least eighteen (18) years of age;
- be a Kaska Dena Council member.

4.5 Eligibility for Candidacy

4.5.1 In order to be eligible as a candidate in a KDC election, that person must meet the criteria in accordance with this code and the Kaska Dena Council Bylaws Section 5. Only electors who meet the requirements of a candidate as set out in this code and the KDC Bylaws as follows may be nominated as a candidate:

- a) be at least 18 years old for the Executive Position of KDC Chair or KDC Vice-Chair of Research and Reconciliation. Be between the ages of 18 and 30 for the Position of KDC-Vice-Chair of Youth;
- b) be a member of Kaska Dena Council;

- c) not be disqualified from being a director pursuant to Section 44(3) of the *Societies Act*;¹
 - d) not have been convicted of a crime by a court of competent jurisdiction in Canada with a significant component of moral reprehensibility or maliciousness, or which offence relates to reckless disregard for the life, safety or well-being of one or more persons, including murder, rape, theft, assault, terrorism, or criminal negligence, to the extent permitted by law.
- 4.5.2 A person may only be a candidate for one (1) of the Executive offices in any election (i.e., KDC Chair, KDC Vice-Chair Research and Reconciliation, KDC Vice-Chair of Youth).

5. The Election Process

5.1 Appointment of an Electoral Officer

- 5.1.1 The process for appointment of the Electoral Officer shall be determined by the KDC Board of Directors through a Board Resolution no less than seventy (70) days before the expiration of the KDC Executive term of office.
- 5.1.2 The Electoral Officer:
- a) is not a member of the Kaska Dena Nation;
 - b) has no vested interest in the outcome of the elections;
 - c) is at least twenty-one (21) years of age; and
 - d) has experience in the conduct of elections and has received appropriate training.
- 5.1.3 The Electoral Officer must sign an oath (see Appendix A) to uphold the office in accordance with this code and to ensure impartiality. This oath must be signed, witnessed, and received by the Kaska Dena Council within five (5) working days of being appointed by the Board of Directors. For added clarification, an Electoral Officer cannot be a candidate in the election nor nominate or second a candidate during the election process.
- 5.1.4 The Electoral Officer shall be responsible for regulations and processes regarding:
- a) the acquisition and use of ballot boxes for the election and their security;
 - b) the acquisition, use and location of voting booths to ensure a secret ballot and accessibility for eligible voters;
 - c) the materials to be provided for marking ballots and the instructions to be provided;
 - d) who may or who may not stay in voting stations before, during and after voting takes place;

¹ Section 44(3) of the *Societies Act* states that persons are ineligible for directorship of a society where such person is (a) found to be incapable of managing their own affairs, (b) is an undischarged bankrupt, or (c) an offence related to promotion, formation or management of a corporation or entity, or an offence involving fraud, unless certain conditions are met.

- e) when, how and the way ballots are collected, verified, and counted, processes and procedures to ensure that the secrecy of the vote is maintained;
- f) a means for a fair, efficient, and accurate count and if necessary, recount of ballots;
- g) process to ensure all valid ballots are counted;
- h) the role, responsibility and function of election clerks and election witnesses;
- i) arrange the counting of ballots so that those candidates and/or their agents who may wish to watch the count may do so;
- j) recording ballot results via telephone voting and on-line voting platform to enable a full count of physical ballots and on-line voting results.

5.2 Voters List

- 5.2.1 Every eligible voter is responsible:
 - a) for keeping the KDC Membership Clerk informed of their current address and for notifying the KDC Membership Clerk of any changes of address; and
 - b) for checking that their contact information shown on the voters list is correct and notifying the Electoral Officer of any correction to be made no less than thirty (30) days prior to the election date.
- 5.2.2 At least seventy (70) days before the day on which an election is to be held, the Electoral Officer shall obtain from the KDC Membership Clerk the names of all KDC members who will have attained the age of eighteen (18) on the date on which the election is to be held, the contact information and date of birth of each elector.
- 5.2.3 The contact address shall be used only for purposes of providing notices, or other documents to electors who are entitled to receive them under this code.
- 5.2.4 Except for these purposes, the contact address shall not be disclosed by the Electoral Officer without the consent of the elector.
- 5.2.5 At least sixty (60) days before the day on which an election is to be held the Electoral Officer shall put the voters list in alphabetical order.
- 5.2.6 The Electoral Officer shall post the voters list containing only the names of the electors in a public area at the KDC office, on the KDC website and the Band offices of Daylu Dena Council, Dease River First Nation and Kwadacha First Nation and no later than sixty (60) days prior to the date on which the election is to be held.
- 5.2.7 On request, the Electoral Officer or Deputy Electoral Officer shall confirm whether the name of a person is on the voters list.
- 5.2.8 The Electoral Officer shall revise the voters list upon presentation of documentary proof from the KDC membership Clerk which demonstrates that:
 - a) the name of an elector has been omitted from the list;
 - b) the name of an elector is incorrectly set out in the list; or
 - c) the name of a person not qualified to vote is included in the list.

- 5.2.9 A candidate for election as KDC Executive Officer may obtain from the Electoral Officer a list of the names and the addresses of electors who have consented in writing to have their addresses released to the candidates.

5.3 Nomination of Candidates

5.3.1 Nominations

- a) individuals seeking nomination must obtain a nomination package from the Electoral Officer, which includes instructions and criteria for nomination and submit their nomination request to the Electoral Officer within the first thirty (30) days following the announcement of the election.
- b) a KDC member must be eligible for the office for which they wish to be a candidate.
- c) nominations must be completed within the first thirty (30) days following announcement of the Election.
- d) a person nominated for more than one Executive office must declare which office he/she intends to seek (if any).

5.3.2 After Nomination Timeline Closes

- a) the Electoral Officer must send to each candidate a notice regarding the acceptance their nomination.
- b) once nominations date is closed, the Electoral Officer will declare who the candidates are and mailed and/or emailed to all members.

5.3.3 Questionable Candidates

- a) if the candidacy or nomination of a candidate is questioned, the Electoral Officer may investigate and decide about whether an individual is a valid candidate and whether the candidate and nomination comply with the KDC Bylaws and the KDC Elections Code.
- b) the Electoral Officer may notify the person concerned of the decision, giving written reasons.

5.3.4 Too Few Nominations

If no nominations are received for an Executive Officer position, or through disqualification, withdrawal, or other circumstance no candidates are nominated to fill vacancies required to be filled, the previous Executive Officer is declared by acclamation.

5.3.5 Election by Acclamation

If only one person accepts a nomination for any one of the Executive Officer positions, the Electoral Officer must declare that person elected as the Executive Officer.

5.3.6 Withdrawal of Candidate

A candidate who has sought a nomination and has been declared a candidate for an election may only withdraw as a candidate if:

- a) they send or give to the Electoral Officer a written notice of withdrawal; and
- b) the notice of withdrawal is received by the Electoral Officer no later than five (5) days prior to the closing date of nominations.

5.3.7 Code of Ethics

Candidates may campaign:

- a) according to the rules and regulations established in this code;
- b) without coercion or vote buying;
- c) respecting the rights and freedom of other parties to organize and campaign, and to reach out to voters with their messages;
- d) respecting the rights of voters to obtain information from a variety of sources or attend political rallies;
- e) ethically, focusing on political issues and candidate platforms, instead of engaging in libel or slander;
- f) non-violently, without intimidating opposing party candidates, opposition supporters or the media, and without the use of language inciting their own supporters to violence;
- g) respecting the electoral officials and not interfering with the performance of their duties; and
- h) accepting and complying with the official election results and the final decision of the Appeal Board.

5.4 Appointment of Deputy Electoral Officers

- a) the Electoral Officer shall appoint deputies as he/she deems necessary giving priority to community members, who will work under his/her direction.
- b) the Deputy Electoral Officers shall have such powers as described in this code as well as those powers of the Electoral Officer as are delegated to them by the Electoral Officer. The term of a Deputy Electoral Officer ends once the newly elected KDC Executive officers assume office and all post-election procedures are complete.
- c) a Deputy Electoral Officer shall not be a member of the Kaska Dena Nation or a candidate in the election.
- d) every Deputy Electoral Officer shall swear an oath of office to:
 - i. uphold and comply with this code;
 - ii. fulfill the due duties and responsibilities of their office under this code;
 - iii. carry out their duties faithfully, honestly, impartially and to the best of their abilities;
 - iv. keep confidential, both during and after their term of office, any matter or information which, under this code, community law or policy, is considered confidential; and
 - v. always act in the best interests of the community in carrying out their duties.

5.5 Pre-Election Process

5.5.1 Acclamation

Where the office of KDC Chair, KDC Vice-Chair of Research and Reconciliation and/or KDC Vice-Chair of Youth are filled by acclamation:

- a) the Electoral Officer shall post in at least one conspicuous place in the three (3) BC Kaska communities, and mail/email to every eligible voter who does not reside in the BC Kaska communities, a notice that sets out the names of the persons who have been acclaimed and states that an election will not be held for that position.

5.5.2 Ballots

The Electoral Officer shall prepare ballot papers setting out the names of the candidates nominated for election as KDC Chair, KDC Vice-Chair of Research and Reconciliation and Vice-Chair of Youth, in alphabetical order by surname. The ballot may, at the request of the candidate, include a commonly used nickname.

5.5.3 On-line Voting

The Electoral Officer shall ensure the PIN for each eligible voter and on-line voting procedures is emailed and/or mailed in advance of the election.

5.5.4 Phone Voting

The Electoral Officer shall ensure that the PIN and phone voting information and procedures is emailed and/or in advance of the election.

6. Election Day

6.1 Verification of the Ballots Box

The Electoral Officer or Deputy Electoral Officer shall, immediately before the commencement of the poll:

- a) open the ballot box and call such persons as may be present to witness that it is empty and complete a written statement to that effect, verified by a witness;
- b) lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal; and
- c) place the ballot box in public view for the reception of the ballots.

6.2 Secrecy and Security

- a) voting shall be by secret ballot.
- b) the Electoral Officer or Deputy Electoral Officer shall maintain order at all times in the polling station and may cause to be removed any person who in anyway interferes, disrupts or attempts to influence the orderly conduct of the poll.
- c) no person shall, on the day the election is held, on the premises of the polling station:

- i. distribute any election related printed materials except such materials as may be distributed by the Electoral Officer or Deputy Electoral Officer for the purpose of conducting the election;
- ii. attempt to interfere with or influence any elector in marking his/her ballot; or
- iii. attempt to obtain information as to how an elector is about to vote or has voted.

6.3 Voting Procedure

6.3.1 Voting on election day must be:

- a) by secret ballot in person in ballot box at the voting stations set out in Lower Post, Good Hope Lake and Fort Ware and at the site of the General Assembly if it is not being held in one of the three communities on election day;
- b) by on-line voting on election day in compliance as outlined in the on-line voting procedures;
- c) by phone-in voting on election day in compliance as outlined in the phone-in voting procedures.

6.3.2 An eligible voter may only vote once for one candidate for each of the positions of Chairperson of KDC, Vice-Chairperson of Research and Reconciliation, and Vice-Chairperson of Youth.

6.3.3 Each person, on arriving at the polling station, shall give his/her name to the Electoral Officer or Deputy Electoral Officer.

6.3.4 The Electoral Officer or Deputy Electoral Officer shall, if the name is set out in the voters list, place his/her initials on the ballot and provide them to the elector.

6.3.5 The Electoral Officer or Deputy Electoral Officer shall cause to be placed in the proper column of the voters list a mark opposite the name of every person receiving ballots.

6.3.6 The Electoral Officer or Deputy Electoral Officer shall, when requested to do so, explain the method of voting to the elector.

6.3.7 The Electoral Officer, when requested to do so, may appoint an interpreter.

6.3.8 After receiving the ballots, an elector shall:

- a) immediately proceed to the compartment provided for marking ballots;
- b) mark the ballots by placing an X or other mark that clearly indicates the elector's choice;
- c) fold the ballots in a manner that conceals the names of the candidates and any marks, but exposes the initials on the back; and
- d) deliver the ballots to the Electoral Officer or Deputy Electoral Officer.

6.3.9 On receipt of a completed ballot, the Electoral Officer or Deputy Electoral Officer shall, without unfolding the ballots, verify the initials placed on them by the Electoral Officer and deposit it in the ballot box in the presence of the elector and any other persons entitled to be present at the polling station.

6.3.10 While an elector is in the compartment for the purpose of marking his/her ballot paper, no other person shall be allowed in the same compartment or be in any position from which he/she can see the manner in which the elector marks his/her ballot paper.

6.4 Voting Irregularities

6.4.1 At the request of any elector who is unable to vote in the manner set out in this code, the Electoral Officer or Deputy Electoral Officer shall assist that elector by marking his/her ballot in the manner directed by the elector in the presence of another elector selected by the elector as a witness and place the ballot in the ballot box.

6.4.2 An elector who has inadvertently dealt with his/her ballot paper in such a manner that it cannot be conveniently used shall, on one occasion only, upon returning it to the Electoral Officer or Deputy Electoral Officer, be entitled to obtain another ballot paper.

6.4.3 Any person who has received ballots and who leaves the polling place without delivering the same to the Electoral Officer or a Deputy Electoral Officer in the manner provided, or after receiving the ballots, refuses to vote, shall forfeit his/her right to vote at the election. The Electoral Officer or Deputy Electoral Officer shall then make an entry in the voters list in the column for remarks opposite the name of such person to show that such person received the ballots and declined to vote. The Electoral Officer or Deputy Electoral Officer shall mark upon the face of the ballots the word "declined" and preserve these ballots.

6.5 Closing of the Polling Station

6.5.1 Every elector who is inside the polling station at the time fixed for closing the poll shall be entitled to vote before the poll is closed.

6.6 Counting the Ballots

6.6.1 The Electoral Officer or Deputy Electoral Officers shall supply the candidate and/or their agent who are present and who so request with a tally sheet to keep their own tally of the votes.

6.6.2 Immediately after the mail-in ballots have been deposited in the ballot box, the Electoral Officer or Deputy Electoral Officer shall, in the presence of any candidates or their agents who are present, open all ballot boxes and examine each ballot.

6.6.3 The Electoral Officer or Deputy Electoral Officer shall call out the names of the candidates for whom the votes were cast on all valid ballots.

6.6.4 A Deputy Electoral Officer shall mark a tally sheet in accordance with the names being called out of the candidates for the purpose of arriving at the total number of votes cast for each candidate.

6.7 Ballots Not Counted

- 6.7.1 In examining the ballots, the Electoral Officer or Deputy Electoral Officer must reject any ballots that:
- a) do not contain the initials of the Electoral Officer or Deputy Electoral Officer;
 - b) do not give a clear indication of the intention of the voter;
 - c) contain more votes than there are candidates to be elected; or
 - d) contain a mark by which the voter can be identified.
- 6.7.2 Subject to review on recount or on an election appeal, the Electoral Officer or Deputy Electoral Officer shall take a note of any objections made by any candidate or his/her agent to any of the ballots found in the ballot box and decide any questions arising out of the objection.
- 6.7.3 The Electoral Officer or Deputy Electoral Officer shall tally the number of objections to ballots raised and place a corresponding number on the back of the ballot paper with the word “allowed” or “disallowed” as the case may be, with his/her initials.

6.8 Other Polling Stations

- 6.8.1 Immediately upon completion of the counting of the ballots at a polling station other than that considered the principal polling station managed by the Electoral Officer, the Deputy Electoral shall transmit the results to the Electoral Officer.

6.9 Tie

- 6.9.1 If it is not possible to determine a successful candidate for a KDC Executive position due to an equal number of votes being cast (i.e., tie vote), the Electoral Officer shall establish a time for the conduct of a recount and publicly announce this time in the presence of all those present in the polling station.
- 6.9.2 A recount conducted must be conducted within twenty-four (24) hours of the announcement by the Electoral Officer, in the presence the candidates and their agents who wish to attend.
- 6.9.3 At the time established the Electoral Officer will conduct a recount of the valid ballots.
- 6.9.4 In the event of a tie, the Electoral Officer shall break the tie by placing the names of the candidates having the same number of votes on a paper and place each in a receptacle. Without looking, he/she shall draw as many papers as there are positions available. The candidate whose name appears on the pieces of paper the Electoral Officer has drawn from the receptacle shall constitute the candidates for whom the Electoral Officer shall cast a vote.

6.10 Post-Election Process

6.10.1 Announcement

After completing the counting of the votes and establishing the successful candidates, the Electoral Officer shall declare to be elected the candidates or candidates having the highest number of votes.

6.10.2 Following the declaration of elected candidates, the Electoral Officer shall complete and sign an election report which shall contain:

- a) names of all candidates;
- b) the number of ballots cast for each;
- c) the number of rejected ballots;
- d) the name of the candidates declared elected and the positions to which they were elected; and
- e) the date the election was held.

6.10.3 Immediately after the counting of the votes, the Electoral Officer shall:

- a) provide a copy of the election results/report to the Chair of the KDC General Assembly;
- b) ensure a copy of the election results/report is posted on the KDC website;
- c) mail or email a copy of the election report to every elector on the KDC voting list;
- d) post results at the KDC administration office, and the Band offices of Daylu Dena Council, Dease River First Nation and Kwadacha First Nation.

6.11 Retention of Ballots and Other Election Material

6.11.1 The Electoral Officer shall deposit all ballot papers in sealed envelopes, including those rejected, spoiled and unused, and shall retain, in a secured cabinet, these ballots and all materials in connection with the election.

6.11.2 All ballots and materials such as voters list, spoiled ballots, and tally sheets retained in accordance with this code shall be retained for forty-five (45) days from the date on which the election was held or until a decision on an appeal is rendered, whichever date is later, after which time the Electoral Officer may, unless otherwise directed by the Kaska Dena Council, destroy them in the presence of two witnesses who shall make a declaration that they witnessed the destruction of those papers.

7. Election Appeal Board

7.1 Composition

7.1.1 At least thirty (30) days before the date on which the election is to be held, the Kaska Dena Council Board of Directors shall:

- a) select five (5) members of the Appeal Board in accordance with this code;
- and

- b) prepare a list of seven (7) additional potential members who are familiar with the BC and federal election process and the process set out in the KDC Elections code and who possess an understanding of the legal process of elections.
- 7.1.2 The Appeal Board shall be composed of five (5) people:
 - a) two of whom will be Elders who are eligible to vote in the KDC election;
 - b) three individuals who are familiar with the BC and federal election process and the process set out in the KDC Elections Code, and who possess an understanding of the legal process of elections.
- 7.1.3 The term of office of the Appeal Board shall be from its appointment to sixty (60) days following the closing of the KDC Election.
- 7.1.4 Upon receipt of an election appeal, an Appeal Board member who is considered to be in a conflict of interest with any appellant or candidate, or who may be reasonably apprehended to have a bias or conflict in connection with the appeal, shall excuse themselves from the Board.
- 7.1.5 The remaining members of the Appeal Board will select additional members as required as per Section 7.1.2b to attain five (5) people from the list of potential members drawn by the Kaska Dena Council.
- 7.1.6 The members of the Appeal Board will swear an Oath of Office and accept their appointment by forwarding a letter of acceptance to the Kaska Dena Council within five working days of the appointment.
The Oath of Office shall be sworn before the Electoral Officer as follows:
 - a) to perform the duties of their office faithfully, impartially and to the best of their abilities;
 - b) to comply with the rules and procedures contained in this Code;
 - c) to avoid a conflict of interest, or the appearance of a conflict of interest; and
 - d) to act in the best interest of the Kaska Dena Council.

8. Appeal Mechanism

8.1 Timing

- 8.1.1 A candidate or an elector may, thirty (30) days prior to the KDC election or within 30 days after the date on which the election was held, submit an appeal to the Appeal Board.

8.2 Grounds for Appeals

- 8.2.1 The appeal must be submitted to the Appeal Board and sufficiently outline one or more of the following occurrences:
 - a) a candidate is not qualified to run;
 - b) the candidate elected was not qualified to be a candidate;

- c) there was a violation of this code in the conduct of the election that may have affected the result of the election; or
- d) there was corrupt or fraudulent practice in relation to the election.

8.3 Submission

8.3.1 An appeal submitted to the Appeal Board must:

- a) be in writing and set out in an affidavit sworn before a notary public or duly appointed commissioner for taking oaths the facts substantiating the grounds for the appeal accompanied by any supporting documentation; and
- b) be accompanied by a non-refundable deposit in the amount of \$100.00; however, the amount shall be refunded if the Appeal Committee finds for the appellant.

8.4 Procedure

8.4.1 Within fourteen (14) days of the receipt of the appeal documentation, the Appeal Board shall:

- a) in the case where the appeal is accepted, forward a copy of the appeal together with supporting documents by email to be followed by registered mail to the Electoral Officer and to each candidate at the election; or
- b) in the case where the appeal is not accepted, inform the appellant(s) in writing that the appeal will not receive further consideration.

8.5 Response to the Allegations

8.5.1 Any candidate or the Electoral Officer may, within fourteen (14) days of the receipt of an appeal, forward to the Appeal Board by registered mail a written response to the appeal allegations, together with any supporting documentation.

8.6 Investigation

8.6.1 The Appeal Board may, if the material that has been filed is not adequate for deciding the validity of the election complained of, conduct further investigation into the matter as deemed necessary.

8.7 Decision

8.7.1 After a review of all of the evidence that it has received, the Appeal Board shall rule:

- a) that the evidence presented was not sufficiently substantive to determine that:
 - i. a violation of this code has taken place that may have affected the result of the election;
 - ii. the person declared elected was not qualified to be a candidate; or
 - iii. there was a corrupt or fraudulent practice in relation to the election that may have affected its results,and dismiss the appeal; or

- b) that all evidence and information gathered allows for the reasonable conclusion that:
 - iv. a violation of this code has taken place that might have affected; the result of the election;
 - v. the person declared elected was not qualified to be a candidate; or
 - vi. there was a corrupt or fraudulent practice in relation to the election that might have affected its results,and uphold the appeal by setting aside the election of one or more Kaska Dena Council Executive Officers.

8.7.2 The decision of the Appeal Board shall be:

- a) sent to the appellant as well as the Electoral Officer;
- b) published in the KDC newsletter, on the KDC website, or in a separate written notice delivered or mailed/emailed to all Kaska Dena Council members; and
- c) posted at the KDC administration office and the Band Council office in Lower Post, Good Hope Lake and Fort Ware.

8.7.3 The decision of the Appeal Board is final and not subject to appeal.

8.7.4 As the result of an appeal, the next runner up will fill that seat. If as a result of the appeal the seat is vacant, the KDC Board of Directors will call an election for that Executive position.

9. Amendments

9.1 The process for development and passage of amendments to this code, which includes Appendices, may be initiated by:

- a) a petition presented to the KDC Board of Directors, signed by a simple majority (50% plus 1) of all eligible electors setting out the specific area in this code proposed for amendment; and
- b) a KDC Board of Directors Resolution.

9.2 Upon receipt of an amendment proposal the KDC Board of Directors shall prepare a notice that sets out:

- a) a summary of the proposed amendments to this code;
- b) a statement that the full copy of the proposed amendments can be obtained at the KDC Administration office; and
- c) a description of the amendment process.

9.3 The notice shall be:

- a) published in the Kaska Dena Council newsletter, posted on the KDC website, and delivered or mailed/emailed to KDC electors; and
- b) posted at the Kaska Dena Council administration office.

9.4 KDC electors may, within fourteen (14) days of publication of the notice, provide comments concerning the proposed amendments in writing to the KDC Board of Directors.

- 9.5 Following receipt of comments concerning the proposed amendments, the KDC Board of Directors shall review comments and make changes to the proposed amendments, as they deem necessary in order to arrive at a final amendment proposal.
- 9.6 The KDC Board of Directors shall post the final amendment proposal to the KDC website sixty (60) days prior to the KDC Annual General Assembly.
- 9.7 Should the majority of the votes cast at the KDC General Assembly be in favour of the proposed amendments being brought to the code, the KDC Board of Directors shall amend the code accordingly.
- 9.8 The Election Code shall not be amended during an Election Year for the KDC Executive.



Appendix A

Electoral Officer Oath of Office

Kaska Dena Council

I, _____ hereby accept the office of the Electoral Officer of Kaska Dena Council. I do solemnly swear (or affirm) that I will carry out my responsibilities as Electoral Officer in accordance with the Kaska Dena Council Election Code, impartially, conscientiously, with confidentiality, and to the best of my abilities.

SWORN BEFORE ME at _____

British Columbia, on the _____ (day)

of _____ (month), 20_____

Witness

(Signature of Electoral Officer)

(Printed Name of Electoral Officer)



Appendix B

Election Appeal Board Oath of Office

Kaska Dena Council

We, the newly appointed members of the KDC Election Appeal Board do hereby swear to:

- ❖ perform the duties of the Board, faithfully, impartially and to the best of our abilities.
- ❖ to comply with the rules and procedures contained in the Kaska Dena Council Election Code.
- ❖ to avoid a conflict of interest, or the appearance of a conflict of interest; and
- ❖ to act in the best interest of the Kaska Dena Council.

(Signature)

(Date)



Appendix C

Candidate Declaration Form

Kaska Dena Council

I _____ Accept/Decline (circle one) the nomination for the KDC Executive Position of _____ in the upcoming KDC Election.

I declare that I am eligible to be a candidate as set out in Section 4.5 of the KDC Election Code.

If I am elected, I declare that I will:

1. Provide a criminal record check dated not more than three (3) months before Election Day.
2. Provide my driver's abstract.

I make this solemn declaration conscientiously and believing it to be true

Signature of Nominee

Date

Signature of Electoral Officer

Date