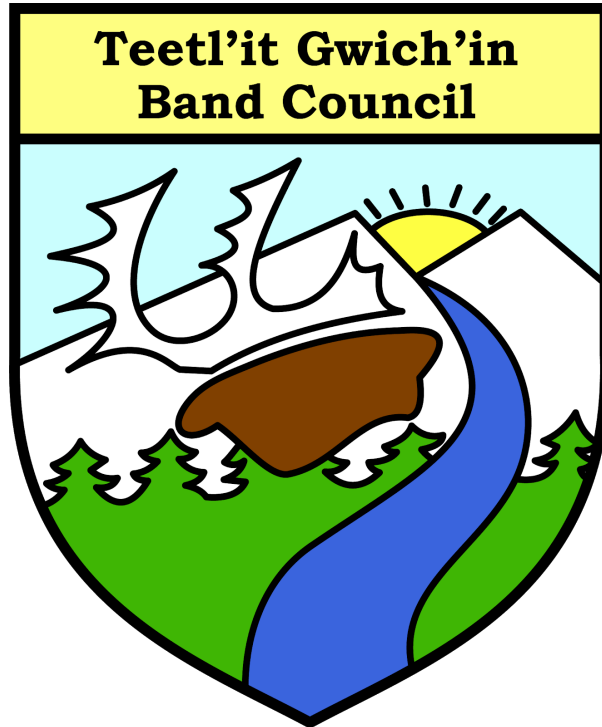


# **TEETL'IT GWICH'IN BAND COUNCIL**



## **ELECTION CODE**

Revised September, 2018

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## GENERAL

### 1) Title

This Document shall be known as the Teetl'it Gwich'in Election Code.

### 2) Definitions

- "ASSEMBLY" means the Tetlit Gwich'in Assembly, Annual, or Special Gatherings of all Teetlit Gwich'in electors.
- "BAND MEMBER" is a person whose name is registered in the membership list of the Teetl'it Gwich'in Band or whose name is eligible to be registered.
- "CANDIDATE" is a person seeking election as a Council Member
- "CODE" is the Tetlit Gwich'in Election Code.
- "COUNCIL" is the Tetlit Gwich'in Band Council comprised of a Chief and seven (7) Councilors (*Section 3.*)
- "COUNCIL MEMBER" is the Chief or a Councilor
- "ELECTION COMMITTEE" is a three (3) person impartial committee that are appointed by the existing Council under Section 7 to select the returning staff (*Sections 7 – 12*) and decide on election appeals (*Sections 61 – 64*).
- "ELECTION DAY" is a day set aside for the election of the Tetlit Gwich'in Band Council. It's the first Monday in June; it's before the term of the previous Council comes to an end OR if an entire Council resigns or is removed from office pursuant to *Sections 65 – 71*. Takes place at a time which is determined by many of the residents of the Tetlit Gwich'in electors at an Assembly.
- "ELECTOR" (also known as voter) is a person qualified to vote in the Tetlit Gwich'in Band Council elections.
- "RETURNING ASSISTANT" is a person appointed to assist in the election (*Section 36a.*)
- "RETURNING STAFF" is the Returning Officer and Deputy Returning Officer (*Sections 11 and 12.*)
- "EMPLOYEE" is a full-time salaried person working for the Tetlit Gwich'in Band Council.
- "EXISTING COUNCIL" is the Tetlit Gwich'in Band Council that are in office prior to the election.
- "NON-RESIDENT ELECTOR" is an elector who resides outside Tetlit Zheh and whose address is known to the Tetlit Gwich'in Band Council.
- "POLLING STATION" is a place set aside in the community for electors to vote at the Advance Poll or on Election Day (*Sections 37 – 39 and Sections 31 – 34.*)
- "QUORUM" is a portion of Council Members attending a meeting which can legally conduct business (usually 50% + 1 of ALL Council Members.)

## 2) Definitions

- “RESIDENT” is a person who ordinarily and continuously resides and has a postal and residential address in Tetlit Zheh for a period of 12 months or longer.
- “VOTING COMPARTMENT/VOTING BOOTH” is a place set aside in the polling station where an elector may mark his/her ballot without being seen by others.

## **COMPOSITION of COUNCIL**

### 3) Composition of Council

The Tetlit Gwich'in Band Council shall consist of one (1) Chief, five (5) elected Councilors, one (1) Councilor selected from Elders (at large), and one (1) Councilor selected from the youth of Tetlit Zheh. Once Council is elected, one (1) Councilor shall be chosen by majority vote of the Council as Sub-Chief.

### 4) Term of Office

The term of office for all positions in the Tetlit Gwich'in Band Council, in its first election after ramification of this code as per *Section 82*, shall end on June 30 in the year closest to a three (3) year term. The terms of all Councils elected subsequently, pursuant to Section 5, shall be three (3) years.

## **ELECTION DATES**

### 5) Date of Elections

The date for the first election of all positions on the Tetlit Gwich'in Band Council, following ratification of this Code as per *Section 82*, shall be determined by majority vote of the Special Assembly convened for ratifying this Code (*Sections 79 – 81.*) The date for all subsequent elections of the Tetlit Gwich'in Band Council shall be the first Monday in June, before the end term of the previous Council.

## **ELIGIBILITY OF ELECTORS**

### 6) Elector Eligibility

To be eligible as an elector, a person must be:

- a) a registered band member of the Tetlit Gwich'in Band Council,
- b) 18 years of age, or over, on Election Day.

## **ELECTION COMMITTEE**

### 7) Appointment of Election Committee

No later than 45 days before Election Day, the existing Council shall appoint an impartial three (3) member Election Committee, whose members shall be ineligible to be nominated for positions on the Tetlit Gwich'in Council.

#### 8) Qualifications of Returning Staff Candidates

To be eligible to serve as Returning Officer and Deputy Returning Officer, they need to be fully knowledgeable in all aspects of this Code and must be at least 18 years of age and shall not, during the period of their appointment, be:

- employees of the Tetlit Gwich'in Band Council, except as Returning Officer and Deputy Returning Officer,
- eligible to be nominated for the positions of Chief or Councilor, OR
- be eligible to vote in the election for which they are appointed.

#### 9) Duties of the Election Committee

The duties of the Election Committee are to:

- select a candidate who meets the qualifications outlined in *Section 8* for each of the positions of the Returning Officer and Deputy Returning Officer (Returning staff), AND
- act as an appeal board pursuant to *Sections 61 - 64* to consider and decide upon all questions arising from the election, in conformity with this Code.

#### 10) Appointment of Returning Officer and Deputy Returning Officer

No later than 60 days before Election Day, the existing Council shall:

- appoint the persons selected by the Election Committee as Returning Officer and Deputy Returning Officer,
- direct the Chief to sign the Oath/Affirmation of the Returning staff as specified in the Schedule, AND
- pass a motion to approve a budget for all anticipated expenses related to the election, as prepared by the Returning Officer.

#### 11) Duties of Returning Officer

The Returning Officer shall have the authority and the responsibility to carry out all the duties specified for his/her position in the Code.

#### 12) Duties of Deputy Returning Officer

The Deputy Returning Officer shall:

- have the authority and responsibility to carry out all the duties specified for the Returning Officer's position in this Code which are delegated to him/her by the Returning Officer, AND
- assume all the Returning Officer's duties in the event of the latter's resignation or inability to act.

## **ELECTION INFORMATION**

### 13) Preparing and Posting Election Notice

No later than 45 days before Election Day, the Returning Officer shall:

- a) prepare copies of an Election Notice as specified in the Schedule stating:
  - the date of the election (*Section 5*),
  - the date of the Advance Poll (*Section 32*),
  - the hours of voting (*Section 37*),
  - the location(s) of the polling station(s) (*Section 34*),
  - the availability and method of requesting a mobile poll for those who require it (*Section 35*),
  - eligibility criteria for electors and nominators (*Sections 6 and 17*) and for those nominated for the positions of Chief and Councilor (*Section 20*),
  - the procedure for nominating candidates (*Section 19*),
  - the date and time of the close of nominations (*Section 21*),
  - a statement that Nomination Forms, as specified in the Schedule, can be obtained from the Returning Officer.
  
- b) post the Election Notice on the internet, in the Tetlit Gwich'in Band Council's office, and other prominent places in the community.

### 14) Posting Election Results

- Preliminary election results for Chief's position and Councilors positions shall be posted in the Tetlit Gwich'in Band Council's Office and other prominent places in the community (*Section 53*.)
- Official election results for Chief's positions and Councilors' positions shall be posted on the internet, in the Tetlit Gwich'in Band Council's office, and other prominent places in the community (*Section 54*.)

No later than 45 days before Election Day, the Returning Officer shall:

- compile and post a List of Electors as specified in the schedule comprised of all eligible resident and non-resident Tetlit Gwich'in Band Council electors and instructions on how a person may request change to it (*Section 15*), AND
- provide the Election Notice to all non-resident electors for whom TGC has an address.

### 15) Changes to List of Electors

Any person may apply to the Returning Officer to request for changes to the List of Electors up to 5 PM on the day before Election Day. If the person is not satisfied with the decision of the



Returning Office, he/she may appeal that decision to the Election Committee, whose decision shall be final.

## **ELIGIBILITY OF CANDIDATES**

### 16) Eligibility of Candidates for Chief or Councilor

To be eligible as a candidate for the position of Chief or Councilor, a person must be:

- a) a Band Member of the Tetlit Gwich'in Band Council.
- b) 18 years of age, or over, on Election Day.
- c) a resident of the Tetlit Zheh for a minimum of 12 months.
- d) willing to provide proof of residency.
- e) willing to provide a current criminal records check (with no convictions for three years or longer).
- f) willing to campaign without the financial help of the Tetlit Gwich'in Band Council.

To be eligible as a candidate for the position of the Chief or Councilor, a person must **NOT** be:

- g) employed by the Tetlit Gwich'in Band Council.
- h) a member of the appointed existing Election Committee under *Section 7*, nor a person serving as Returning Officer or Deputy Returning Officer under *Section 10*.
- i) be currently convicted of/serving a sentence for any criminal offense as of the close of nominations.
- j) have any criminal convictions in the past seven (3) years.
- k) voted ineligible to run by Council under *Section 66* after being removed from office under *Section 67* of this Code.
- l) adjudged bankrupt or in debt to the Tetlit Gwich'in Band Council, financially or otherwise, for an amount equivalent to five hundred dollars (\$500) or more that he/she has not repaid in full before the close of nominations (*Section 21*.)

## **NOMINATIONS OF CANDIDATES**

### 17) Eligibility to Nominate Candidates

Only electors as defined in *Section 6* are eligible to nominate and second the nomination of candidates for the positions of Chief and Councilor.

### 18) Limit on Nominations

Each elector may nominate only one candidate for the position of Chief and up to six (6) candidates for the position of Councilor.

#### 19) Procedure for Nominations

- Electors may nominate candidates at any time following the posting of the List of Electors (*Section 14*) until the close of nominations (*Section 21.*)
- Nominations must be in writing on a Nomination Form as specified in the Schedule, obtainable from the Returning Officer.

#### 20) Criminal records Check (CRC) Compliance

A Criminal Records Check (CRC) is defined as a **record** of a person's **criminal** history. CRC compliance shall be verified by the Electoral Officer who shall accept CRC's from all city, Municipal and RCMP Police Agencies. The Electoral Officer shall review all CRCs to determine eligibility of anyone applying to be a candidate for Chief or Councilor of the Teet'it Gwich'in Band Council.

A candidate shall not be eligible if there is a record of any criminal conviction or police record including but not limited to the following:

- I. Child pornography offenses
- II. Any offenses of a sexual nature
- III. Any offenses involving a minor
- IV. Any offenses involving theft or fraud
- V. Offenses involving violations of the Election Code
- VI. Any offenses involving trafficking of illegal drugs or controlled substances
- VII. Any criminal conviction in the last 3 years;
- VIII. Any indictable offense that is punishable by more than 5 years in prison; and or
- IX. Notwithstanding this list the Teet'it Gwich'in Band Council can designate any criminal offense as a relevant offense.

The Electoral Officer will not disclose the contents of any CRC unless the person that is subject to the CRC has provided written permission.

#### 21) Nomination of Candidates for Chief or Councilor

Qualified candidates may be nominated for the position of Chief or Councilor.

#### 22) Close of Nominations

To be considered valid, all Nomination Forms must be received by the Returning Officer by 5 PM no later than 30 days before Election Day. This is the close of nominations.

#### 23) Withdrawal of Candidates

Candidates wishing to withdraw from the election must submit a written statement to that effect, to the Returning Officer no later than three (3) working days after the close of nominations. If they do not withdraw in this manner, their names will be included on the election ballot (*Sections 26 and 27.*)

#### 24) Publication of List of Candidates

No later than 21 days before Election Day, the Returning Officer shall:

- a) verify the validity of all existing nominations in accordance with this Code,
- b) post a copy of the List of Qualified Candidates as specified in the Schedule next to each posted Election Notice and List of Electors in the community as per *Sections 13 and 14*, and
- c) provide List of Qualified Candidates to each non-resident elector by e-mail or by mail, by including the List with the ballot.

#### 25) Candidates Declared Elected by Acclamation

In the event that only one (1) qualified candidate is nominated for the position of Chief and/or no more than five (5) qualified candidates are nominated for the elected Councilor positions by the close of nominations, no election will be held for that/those position(s) and the Returning Officer shall declare that/those candidate(s) ELECTED BY ACCLAMATION on the appropriate form(s) as specified in the Schedule.

### **CANDIDATE CAMPAIGNS**

#### 26) Campaigning by Candidates

Candidates may campaign openly in the community and to non-resident electors up to the day before Election Day but may not campaign at the polling station (*Section 34*) either on the day of the Advance Poll (*Section 32*) or on Election Day (*Section 5*.)

### **PREPARATION of BALLOTS**

#### 27) Ballots for Chief

No later than 21 days before Election Day, the Returning Officer shall prepare ballots for the position of Chief, in such numbers as provided for in *Section 29*, listing the last names of candidates in alphabetical order, each followed by his/her first name(s), on a sheet of paper of a specific color, may include a photo that needs to be provided by the candidate, entitled Official Ballot for Position of Chief as specified in the Schedule.

#### 28) Ballots for Councilors

No later than 21 days before Election Day, the Returning Officer shall prepare ballots for the Councilor position, in such numbers as provided for in *Section 29*, listing the last names of candidates in alphabetical order, each followed by his/her first name(s), on a sheet of paper of a different color, may include a photo that needs to be provided by the candidate, entitled Official Ballot for five (5) Councilor Positions as specified in the Schedule.

#### 29) Additional Identifying Data

If two (2) or more candidates share the same name, the Returning Officer may add such additional information to the ballot as he/she deems necessary to distinguish between them.

### 30) Number of Ballots to be Prepared

The Returning Officer shall,

- a) prepare ten percent (10%) more ballots for the positions of Chief and Councilors than the number of eligible residential and non-residential electors on the List of Electors (*Section 14*),
- b) count all the ballots so prepared, AND
- c) store them in a safe place prior to use.

## **VOTING METHODS**

### 31) Methods of Voting

An elector may vote only once for the position of Chief and only once for the positions of Councilor on one of the following occasions:

- in person on Election Day at the polling station,
- in person on the day of the Advance Poll at the polling station, OR
- in person on the day of the Advance Poll in his/her residence at the mobile polling station (*Section 36*.)

## **ADVANCE POLLS**

### 32) Preparation of Voters' Register

- No later than ten (10) days before Election Day, the Returning Officer shall prepare a Voters' Register as specified in the Schedule.
- Should any changes occur in the List of Electors pursuant to *Section 15*, the Returning Officer shall make identical changes to the Voters' Register.

### 33) Date and Hours of Advance Poll

Seven (7) days before Election Day an Advance Poll shall be held at the Polling Station from 9 AM to 7 PM for those electors who are unable or do not wish to vote on Election Day.

The Returning Officer will designate a specific time during the Advance Poll when the Mobile Polling station will be taken to the homes of voters who are unable to leave their residence.

### 34) Procedures for an Advance Poll

The procedures for conducting the Advance Poll shall be the same as for the poll on Election Day.

The ballot box used at the Advance Poll shall remain sealed and stored in a safe place until Election Day.

### 35) Provision of a Polling Station

The existing Council shall provide a place in the community for voting at the Advance Poll and on Election Day (“Polling Station”) that has:

- a) easy access for all resident electors, including those who are handicapped,
- b) access for Returning staff and assistants to washrooms.

## **ELECTION DAY PREPARATIONS**

### 36) Returning Officer Duties – Mobile Poll

On Advance Polling Day, the Returning Officer and the Deputy Returning Officer shall take the Mobile Poll to the,

- a) homes of resident electors on the Voters’ Register who have declared themselves unable to vote at the voting station and have requested a mobile poll to allow them to vote at home, noting location on the Voters’ Register after they have inserted ballots in the ballot box.

### 37) Returning Officer Duties – One Day Prior (Polling Station)

On the day before Election Day, the Returning Officer shall:

- a) appoint and swear in, using the Oath/Affirmation for Returning Assistants as specified in the Schedule, any person deemed to be necessary to provide assistance to electors during the hours of voting, including but not limited to polling clerks, interpreters, and drivers (returning assistants),
- b) revise, if necessary, the Voters’ Register, incorporating all approved changes,
- c) ensure that the following physical facilities, supplies, and equipment for voting are available in the polling station (if needed):
  - 1) tables and chairs for all polling clerks,
  - 2) chairs for assistants and candidate’s representatives,
  - 3) ballots,
  - 4) sealed ballot box containing the Advance Poll ballots and the mobile poll ballots,
  - 5) a ballot box for each clerk,
  - 6) a copy of the Voters’ Register for each polling clerk, together with rulers and pencils,
  - 7) tallying sheets,
  - 8) a sign, prominently displayed, listing the Returning Officers as specified in the Schedule,
  - 9) a Record of Votes Form for the position of Chief and one for the Councilor positions, as specified in the Schedule,
  - 10) voting compartments, with instructions posted for voting, and
  - 11) pencils to mark ballots.

## **POLLING STATIONS**

### 38) Election Day Voting Hours

The hours of voting at the polling station on Election Day shall be from 9 AM to 7 PM.

### 39) Procedures Prior to Opening

On Election Day, prior to the opening of the polling station, the Returning Officer shall:

- a) sign the Oath/Affirmation and the bottom of the Candidates' Representatives Appointment Form(s) as specified in the Schedule for those Candidates' Representatives who are present,
- b) ensure that any campaign material from any candidate is removed from the voting station,
- c) break the seal on the ballot box containing the Advance Poll ballots and the Mobile Poll ballots,
- d) open all ballot boxes to show to those who are present that the number of each type of ballot (Chief's and Councilors') contained in them is not greater than the number of electors whose names are crossed off the Voters' Register as having voted at the Advance and Mobile Polls, and
- e) close and seal all ballot boxes.

### 40) Opening Polling Station

At the published opening time, the Returning Officer shall open the door of the Polling Station to allow voting to begin.

## **BALLOTS**

### 41) Procedure for Obtaining a Ballot

As each elector reaches a polling clerk's table, the polling clerk shall:

- a) verify that his/her name is on the Voters' Register,
- b) cross off the elector's name on the Voters' Register as having received a Chief and Councilors' ballot,
- c) fold the ballots so that the candidates' names are on the inside,
- d) initial each ballot on the outside and hand it to the elector,
- e) provide the elector with an interpreter if necessary, and
- f) direct the elector to a voting compartment.

### 42) Procedure for Marking a Ballot

Upon reaching the voting compartment, the elector shall:

- a) place a mark (✓ or ×) in the box opposite the candidate (for Chief) and candidates (for Councillor) of his/her choice, which does not identify him/ her as the voter,
- b) fold the ballots in the same way they were received, and
- c) return them folded to the polling clerk from whom they were received.

### 43) Procedure for Returning a Ballot

Upon receiving the folded ballots, the polling clerk shall:

- a) verify his/her initials on the outside of the ballot,

- b) mark the ballot as returned in the Voters' Register, and
- c) insert the folded ballot in the ballot box in the presence of the elector or watch as the elector inserts the ballot in the ballot box.

#### 44) Elector Unable to Mark Ballot

At the request of any voter who is unable to vote in the manner set out in *Section 41*, the Returning Officer or Deputy Returning Officer shall assist that voter by marking his/her ballot in the manner directed by the voter in the presence of another elector selected by the voter as a witness, place the ballot in the ballot box and note that fact in the Voters' Register.

#### 45) Elector Marks Ballot by Mistake

If an elector marks a ballot by mistake, he/she may return the ballot to the polling clerk who shall:

- a) mark the ballot as "CANCELLED" and place it in a separate envelope,
- b) indicate the receipt and cancellation of the ballot on the Voters' Register, and
- c) provide the elector with a second ballot.

### **CLOSING OF POLLING STATIONS**

#### 46) Closing the Polling Station

At the published closing time, the Returning Officer shall:

- a) close the door of the polling station, and
- b) allow only those electors to vote who are already inside the polling station.

#### 47) Procedure Following Closing

After all remaining electors have voted and left the polling station, the Returning Officer shall:

- a) invite any candidate's representative sworn/affirmed under *Subsection 38a* or any candidate who is present to witness the ballot count,
- b) verify that the seals on the ballot boxes are intact,
- c) direct that the seals be broken and the ballot boxes opened,
- d) supervise the counting and tallying of each ballot for the position of Chief, and
- e) supervise the counting and tallying of each ballot for Councilor positions.

### **RECORDING OF BALLOTS**

#### 48) Examination and Recording of Ballots for Chief

As each ballot for Chief and Councilors' is opened, the polling clerk shall ensure that all those witnessing the counting of the ballots can clearly see how it is marked and,

- a) record the vote on the tallying sheet beside each candidate's name,
- b) place each valid ballot in a separate pile for each candidate, and
- c) if a ballot is rejected, place it in a separate pile for "REJECTED" Chief's ballots.

49) Breaking a Tie Vote for Chief

Should the highest number of ballots cast for two (2) or more candidates for Chief be equal, the Returning Office shall:

- a) personally, mark one (1) ballot for each of the tied candidates,
- b) place the ballots so marked into a container,
- c) direct the Deputy Returning Officer to draw one ballot from the container without looking at it,
- d) add that ballot to the ballots cast for the candidate whose name the ballot indicates, record the tie-breaking ballot in the Voters' Register, and
- e) mark all the other ballots cast for the losing candidate as "CANCELLED."

50) Breaking a Tie Vote for Councilor

Should one (1) or more candidates for the position of Councilor receive the same number of ballots as the candidate with the fifth (5<sup>th</sup>) highest number of ballots, the Returning Officer shall:

- a) personally, mark one ballot for each of the candidates tied for 5<sup>th</sup> position,
- b) place the ballots so marked into a container,
- c) direct the Deputy Returning Officer to draw one ballot from the container without looking at it,
- d) add that ballot to the ballots cast for the candidate whose name the ballot indicates, record the tie-breaking ballot in the Voters' Register, and
- e) mark all the other ballots cast for the losing candidate as "CANCELLED."

51) Record of Votes for Chief and Councilors

After all the ballots for the Chief and Councilors' positions have been counted, the Returning Officer shall:

- a) direct that the votes be recorded in the Preliminary Election Results for the Chief's Position as specified in the Schedule, and
- b) direct that the votes be recorded in the Preliminary Election Results for Councilor positions as specified in the Schedule.

**RECOUNTS**

52) Entitlement to Administrative Recount

Any candidate whose margin of loss is one (1) vote or one percent (1%) of the total number of votes cast (whichever is greater) shall be entitled to an administrative recount which shall, if requested by the candidate or his/her representative, be carried out by the Returning Officer immediately after the recording of the votes.

53) Entitlement to Election Committee Recount



If a candidate is not satisfied with the results of the administrative recount as provided for in *Section 51*, he/she is entitled to a recount no later than one (1) day after Election Day by the Election Committee, whose decision shall be final.

## **POST ELECTION PROCEDURES**

### 54) Publication of Preliminary Election Results

When the changes from any recounts as provided for in *Sections 51 and 52* have been incorporated into the ballot counts, the Returning Officer shall publish, in the manner stated in *Section 13*, the Preliminary Election Results for Chief's Position and Preliminary Election Results for Councilor Positions.

### 55) Publication of Official Election Results

The Returning Officer shall publish the official results of the election in the manner indicated in *Section 13*, only after all appeals have been dealt with, and with any amendments resulting from any appeals and with the word "Preliminary" replaced with the word "Official."

### 56) Notification of Authorities

Upon publication of the official results, the existing Council shall notify the appropriate Federal, Territorial, and Gwich'in authorities accordingly and indicate the date when the new Council is to take office.

### 57) Destruction of Ballots and Election Materials

The Returning Officer shall seal all ballots and all other documents pertaining to the election for a period of four (4) weeks after Election Day, at which time the new Council shall order them destroyed in the presence of two (2) witnesses.

## **NEW COUNCIL**

### 58) Assumption of Office

The newly elected Chief and Council shall assume office on the first Monday following the publication of the official election results.

### 59) Oath of Office

On the day that the new Council takes office, each newly elected, re-elected, or acclaimed Council Member shall be required to take an Oath of Office before an appropriate authority as required by the custom of the Tetlit Gwich'in Band Council.

### 60) Authority of Council

A Council duly elected under the provisions of this Code which has assumed office as stated in *Section 58* shall be deemed to be the lawful body representing the members of the Tetlit Gwich'in Band Council with all the powers and authority pertaining thereto.

## **ELECTION APPEALS**

### **61) Election Appeals**

Any elector or candidate may appeal the results of one (1) or more of the elections held on Election Day if he/she believes that a Returning Officer, as specified in the Schedule, has been committed.

### **62) Procedure Regarding Election Appeals**

The appellant must present the appeal in writing stating the circumstances and specifying the Returning officer(s) which he/she believes have been committed to the Election Committee within five (5) days after Election Day.

### **63) Consideration of Appeal by Election Committee**

The Election Committee shall investigate the circumstances of the appellant's allegation and decide within ten (10) days after Election Day:

- a) whether the allegation is based in fact, and
- b) if so, whether it is sufficiently serious to nullify any part of or the entire election against which the offence(s) were committed.

### **64) New Election**

If the Election Committee decides that the offence(s) committed are sufficiently serious, it may order the result of the election against which the offence(s) was/were committed be declared null and void and that a new election be held in its place, in accordance with the provisions of this Code.

## **REMOVALS FROM OFFICE**

### **65) Ineligibility of Elected Council Members**

An elected member of the Tetlit Gwich'in Band Council shall become ineligible to hold office if he/she:

- a) accepts a position as an employee of the Tetlit Gwich'in Band Council,
- b) is convicted of a criminal offence while in office,
- c) misses three (3) or more consecutive regular Council meetings without the approval of the Council, or
- d) ceases to be a resident of Tetlit Zheh for a term of six (6) months or more.

### **66) Suspension or Removal of an Elected Member**

In accordance with *Subsection 5.11* of the Tetlit Gwich'in Band Council Bylaw, an elected member of the Tetlit Gwich'in Band Council whose conduct is detrimental to the interests, reputation, or objects of the Council may be suspended or removed from his/her position by a majority vote of Council without the member in question being present. Notice in

writing, stating the grounds for the suspension or removal, shall be provided to the member seven (7) days prior to coming into effect.

67) Right of Appeal

Any member who has received such a notice may appeal in writing to the Assembly and request a hearing. The decision of the Assembly shall be final.

68) Resignation of Elected Council Member

Any member who tenders his/her resignation before the end of his/her term of office must provide the resignation in writing to the Council. This notice must be received at least seven (7) days before the termination date. Council may choose to hold a By-Election or assign a qualified person to hold the position until the next official election date.

69) Declaration of Vacancy

If an elected member of the Tetlit Gwich'in Band Council becomes ineligible to hold office, Council shall declare a vacancy for his/her position and fill that vacancy in accordance with *Sections 72 and 73*.

70) Filling of Vacancy

If the Assembly confirms the removal or resignation of a member under *Sections 66 and 67*, Council shall fill the vacancy in accordance with *Sections 72 and 73*.

71) Eligibility of Removed Members for Office

Council shall, by majority vote without the member(s) in question present, decide if the individual(s) removed from office under *Sections 65 and 66* is/are eligible to be nominated for the position(s) declared vacant.

**COUNCIL VACANCIES**

72) Vacancies

A vacancy on Council shall be declared when a Council Member:

- a) resigns his/her office,
- b) dies,
- c) becomes ineligible to hold office under *Section 64*,
- d) is removed from office under *Sections 65 and 66*, or
- e) ceases to be a resident of Tetlit Zheh for a term of six (6) months or more.

73) Councilor Vacancy

Vacancies for the position of Councilor shall be filled by appointment of a person qualified to be a Councilor under *Section 16* by majority vote of the existing Council, until an election can be held.

#### 74) Chief Vacancy

A vacancy for the position of Chief shall be filled by a person qualified to be a Chief under *Section 16* either appointed/elected by Special Assembly called for that purpose by the existing Council.

### **BY-ELECTIONS**

#### 75) Procedures and Qualifications

The procedures for holding By-Elections and the qualifications for those participating shall be the same as those for elections provided for in this Code.

#### 76) Dates of By-Elections

- a) If an entire Council resigns, or is removed from office pursuant to *Sections 65 and 66*, the election shall be held on a date determined by majority vote at an Annual or Special Tetlit Gwich'in Assembly. The election date shall be no later than 45 days after the Assembly, allowing for the By-Election to follow the procedures set out in this Code.
- b) If an entire Council resigns or is removed from office, the impartial three (3) person Election Committee must be appointed during a Special Assembly, with the By-Election to follow the procedures set out in this Code.
- c) If a Councilor/Chief resigns or is removed from office or can no longer continue in his/her position, Council may appoint an eligible person to fill the available position until the next regular election or hold a By-Election as set out in this Code.

### **PROCEDURES FOR RATIFYING, ADOPTING, AND AMENDING THIS CODE**

#### 77) Procedures for Amending this Code

If changing circumstances require that this Code be amended, the existing Council shall:

- a) consult with community regarding proposed changes,
- b) provide a copy of the draft amendments to any resident or non-resident elector who requests it,
- c) incorporate the changes in the amendments suggested by the electors as it deems advisable,
- d) approve amendments, with revised document to include date of amendments,
- e) provide a copy of the final version of the revised Election Code to any resident or non-resident elector who requests it.

#### 78) Procedures for Ratifying this Code

The existing Council shall:

- a) consult with community regarding proposed changes,
- b) provide a copy of the Election Code to any resident or non-resident elector who requests it,
- c) incorporate the changes in the Election Code suggested by the electors as it deems advisable,

- d) approve the Election Code, with footnote that indicates date of acceptance,
- e) provide a copy of the final version of the Election Code to any resident or non-resident elector who requests it.

**79) Adopting this Code**

- a) Upon ratification as per *Section 77*, the latest version of this Code (excluding the election documents in the Schedule) shall apply to all subsequent elections and By-Elections for the positions of Chief and Councilor in the Tetlit Gwich'in Band Council until amended as per *Section 76*.
- b) The form of election documents in the Schedule shall be determined and shall come into force by simple majority vote of the existing Tetlit Gwich'in Band Council and shall apply to all subsequent elections until changed in the same manner.

**SUPREMACY OF CONSTITUTION**

**80) Provisions of Code and Election Documents**

All provisions of this Code and the accompanying Schedule of election documents shall be subject to the provisions of the Tetlit Gwich'in Band Council's current By-Law.

**81) Provisions of Constitution to Prevail**

For greater certainty, in cases of variance between Tetlit Gwich'in Band Council's current By-Law as approved and accompanying Schedule of election documents, the wording and provisions of the By-Law shall prevail.