



CHAMPAGNE AND AISHIHIK FIRST NATIONS

Shadhäla yè Äshèyi kwädän

Election Rules and Regulations

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Dän wátthe öla K'úkhjá
Chief Barb Joe

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ELECTION RULES AND REGULATIONS

Definitions

1. In this regulation,

"by-election" means an election other than a general election;

"candidate" means a person who files nomination forms, and whose nomination forms have been accepted by the Chief Returning Officer in accordance with section 14;

"candidate's representative" means a person the candidate has appointed in writing to act on his/her behalf at a polling station;

"Chief Returning Officer" means a person who is appointed by the Election Board to run an election pursuant to these regulations;

"Election Board" means the board of persons appointed by the First Nations Council pursuant to subsection 19 (1) of the Constitution;

"election officer" means the Chief Returning Officer, a polling supervisor, a poll clerk or an interpreter;

"election year" means the calendar year in which a general election is to be held;

"Election Arbitrator" means an independent arbitrator appointed pursuant to section 19 (2) of the Constitution;

"elector" means a person who is a citizen of Champagne Aishihik First Nations and is 16 years of age or older on the date of election;

"general election" means the election of a Chief and Councillors held on the third Thursday of October, every four years;

"interpreter" is a person who translates or assists filling out ballots for an election;

"immediate family member" means father and mother (biological or step), legal guardian, spouse, common-law partner, grandmother and grandfather, brothers and sisters (biological or step), children (biological, adopted or step), and grandchildren (biological);

"nomination day" means the deadline for filing completed nomination forms with the Chief Returning Officer; for general elections, the first Thursday of September of an election year;



"notice of election" means the public information announced by the Election Board that begins the election, as set out in section 9;

"poll book" means the book in which the name, address and birth date if two electors have the same name and address, of every person who receives ballot is entered;

"poll clerk" is a person who assists a polling supervisor at a polling station;

"polling" means the voting at the election;

"polling day" means the day on which the voting takes place;

"polling place" means the location where voting takes place at one or more polling stations;

"polling station" means the polling supervisor, the poll clerk, and a ballot box and includes an advance traveling poll;

"polling supervisor" means the person who is appointed to supervise a polling station;

"second nomination day" means a day seven days following nomination day, if there were insufficient nominations received for any position by nomination day;

"traveling advance poll" means an advance poll that is held in one or more polling places as designated by the Election Board for the purpose of allowing electors to vote who cannot attend a polling place on polling day; and

"voter's list" means the list of electors.

ADMINISTRATION

Election Board

2. (1) An Election Board shall be appointed by the First Nations Council no later than the third Friday of June of an election year, to oversee the administration of an election held under these regulations and shall be responsible for:

- (a) maintaining the integrity of First Nations elections;
- (b) implementing any policies or practices to facilitate the conduct of First Nations elections;
- (c) maintaining election records;
- (d) undertaking the administration of the election in accordance with an approved budget;



- (e) the appointment of the Chief Returning Officer; and
- (f) the appointment of the Election Arbitrator.

(2) The Election Board shall be composed of three persons including one member who is appointed to the position of Chair by the First Nations Council.

(3) Two alternate members of the Election Board shall also be appointed by the First Nations Council. The alternate members will occupy a position on the Election Board in the event of a vacancy or disqualification.

(4) A member of the Election Board shall not be:

- (a) a member of the First Nations Council;
- (b) a candidate for election;
- (c) an employee of the Champagne and Aishihik First Nations; or
- (d) an immediate family member of a candidate.

(5) The Election Board shall be appointed for such a term as may be determined by First Nations Council, but the term of appointment shall extend at a minimum to 30 days after the polling day.

(6) The First Nations Council shall appoint one person within CAFN Government to be the point of contact for all election matters. This person will be responsible to work with the Election Board to carry out the administrative side of the election, such as contracts and finance management, and respond to various inquiries as they arise.

Election Arbitrator

3. (1) An Election Arbitrator shall be appointed by the Election Board on or before the first Thursday of August in an election year, and will be seized of all protests or disputes that arise in association with the responsibilities of the Election Board.

(2) The Election Arbitrator shall be independent and shall not be:

- (a) a member of the First Nations Council;
- (b) a candidate for election;
- (c) an employee of the Champagne and Aishihik First Nations; or
- (d) an immediate family member of a candidate.



(3) Should the appointed Election Arbitrator become disqualified from holding the position, the Election Board shall appoint a new Election Arbitrator as soon as reasonably possible after notice of the disqualification is received.

Chief Returning Officer

4. (1) The Chief Returning Officer shall be appointed by the Election Board no later than the last Thursday of July of an election year, and will be responsible for:

- (a) recruiting and appointing polling supervisors, poll clerks, and interpreters;
- (b) determining polling places and the number of polling stations, including the advance traveling poll;
- (c) day-to-day administration of the election;
- (d) arranging for and distributing ballots, forms, and other supplies;
- (e) ensuring that the polling day results are reported and announced; and
- (f) conducting a count and any required recount of the ballots cast.

(2) The Chief Returning Officer may not be an elector.

(3) The Chief Returning Officer shall be present at one of the polling places during the voting and the counting of the ballots.

Other Election Officers

5. A polling supervisor shall be appointed by the Chief Returning Officer for each polling station and shall be responsible for the supervising and running of that polling station.

6. Poll clerks and interpreters may be appointed by the Chief Returning Officer for each polling station.

7. Polling supervisors, poll clerks and interpreters may be electors.

8. No election officer shall be an immediate family member of any candidate.

CALLING AN ELECTION

Notice of Election



9. (1) The Election Board shall provide public notice of a general election no later than the first Thursday of August of an election year, and such notices shall include:

- (a) the date, place and time for the nomination of candidates;
- (b) the number of positions to be elected;
- (c) the date of the election and the hours during which voting will take place;
- (d) the name of the Chief Returning Officer; and
- (e) the date of the notice of election.

(2) Notices of election shall be posted by the Chief Returning Officer in public places in all communities and government buildings of Champagne and Aishihik First Nations.

Voter's List

10. (1) The Central Registrar and Enrollment Clerk for Champagne and Aishihik First Nations shall provide the Chief Returning Officer with the voter's list no later than the first Friday of August of an election year, which shall include the names of all electors.

(2) The voter's list shall be prepared in alphabetical order, surname first, and shall include each elector's date of birth and most recent address.

(3) The Chief Returning Officer shall post, or have posted, a legible copy of the voter's list, excluding the date of birth of electors, in the administration buildings of Champagne and Aishihik First Nations and such other places as the Chief Returning Officer deems to be appropriate.

(4) A person may request to have their name added to the voter's list or their address corrected upon written request to the Chief Returning Officer.

(5) Upon receipt of a written request by a person to be added to the voter's list, the Chief Returning Officer will seek confirmation from the Central Registrar and Enrollment Clerk that the person is eligible as an elector.

(6) The voter's list may only be used for election purposes which include campaigning and raising money for campaigning.

Eligible Candidates

11. (1) To be eligible for nomination as a candidate for election, a citizen:

- (a) must be of the age required for that position as of the date of election;



(b) cannot have been convicted of a *Criminal Code* offence related to fraud or breach of public trust; and

(c) must have not been removed from the First Nations Council in the past ten (10) years preceding the date of election.

(2) The age requirements for positions on the First Nations Council are:

(a) for the position of Chief, candidates must be thirty (30) years of age or older on polling day;

(b) for the position of Councillor, candidates must be twenty-four (24) years of age or older on polling day;

(c) for the position of Elder Councillor, candidates must be sixty (60) years of age or older on polling day; and

(d) for the position of Youth Councillor, candidates must have reached sixteen (16) years of age and have not passed twenty-five (25) years of age before the polling day.

Eligibility of CAFN Employees for Election

12. (1) A citizen who is an employee of the First Nations Government may put their name forward for election.

(2) Upon the acceptance of their nomination forms, an employee of the First Nations Government must immediately take a leave of absence as an employee until the completion of the election.

(3) An employee who is elected as a member of the First Nations Council shall resign their position as an employee or take a leave of absence without pay from the date of election for one term of office. The Human Resources Manual policy will apply.

Eligibility of Elected and Senior Officials of other Governments

13. (1) A citizen who is an elected official or senior official of another government may put their name forward for election.

(2) Upon the acceptance of their nomination forms, an elected official or senior official of another government must immediately take a leave of absence from their position.

(3) An elected official of another government who is declared elected shall resign their position as an elected official of another government prior to taking office.

Nomination of Candidates



14. (1) A citizen who is eligible for nomination as a candidate, may put their name forward for election by completing and submitting a nomination form, in a format approved by the Chief Returning Officer, to the Chief Returning Officer.

(2) A nomination form must contain:

(a) signatures of twenty (20) or more electors; and

(b) the consent of the candidate either by way of signature on the nomination form, or by way of letter from the candidate accepting the nomination.

(3) Completed nomination forms must be filed with the Chief Returning Officer any time after the notice of election and before 4:30 p.m. on nomination day.

15. The Chief Returning Officer shall supply each candidate with one voter's list, excluding the date of birth of electors, and a list of the locations of the polling places.

Order of Names on Ballots

16. At 4:30 p.m. on nomination day, the Chief Returning Officer shall determine the order of names on the ballots by placing the names of the candidates for each position in random order. The random order may be achieved by way of a public draw of names.

Death of a Candidate

17. (1) The Chief Returning Officer shall, in the event of the death of a candidate after nomination day, provide notice to the electors as the Chief Returning Officer sees fit.

(2) If the ballots have been printed, the Chief Returning Officer shall draw, or have drawn, a line through the name of the deceased candidate on each ballot.

Withdrawal of a Candidate

18. (1) A candidate or a nominee can withdraw a nomination at any time prior to polling day by advising the Chief Returning Officer in writing.

(2) The Chief Returning Officer shall, in the event of a withdrawal after nomination day, advise all election officers of the withdrawal of a candidate, and shall provide notice to the electors as the Chief Returning Officer sees fit.

(3) If the ballots have been printed, the Chief Returning Officer shall draw, or have drawn, a line across the name of the withdrawn candidate on each ballot.

Acclamation



19. (1) At the close of nominations, if there is only one candidate for the position of Chief, the Chief Returning Officer shall immediately inform the Election Board which shall declare that candidate elected as Chief, and the Chief Returning Officer shall post a notice in a public place and at the administration buildings of Champagne and Aishihik First Nations.

(2) At the close of nominations, if there are only four candidates for the positions of Councillors, the Chief Returning Officer shall immediately inform the Election Board which shall declare those candidates elected as Councillors, and the Chief Returning Officer shall post a notice in a public place and at the administration buildings of Champagne and Aishihik First Nations.

(3) At the close of nominations, if there is only one candidate for the position of Elder Councillor, the Chief Returning Officer shall immediately inform the Election Board which shall declare that candidate elected as the Elder Councillor, and the Chief Returning Officer shall post a notice in a public place and at the administration buildings of Champagne and Aishihik First Nations.

(4) At the close of nominations, if there is only one candidate for the position of Youth Councillor, the Chief Returning Officer shall immediately inform the Election Board which shall declare that candidate elected as Youth Councillor, and the Chief Returning Officer shall post a notice in a public place and at the administration buildings of Champagne and Aishihik First Nations.

Insufficient Number of Nominations

20. (1) At the close of nominations, if for any of the positions on the First Nations Council there are less than the necessary number of nominations for that position, the Chief Returning Officer shall, immediately following the close of nominations, inform the Election Board.

(2) The Election Board:

(a) may declare the nominated candidate(s) elected; or

(b) extend the time for nominations by seven days; and

(c) post a revised notice of election for nominations for the position(s) for which there were fewer nominations than the number required for acclamation.

(3) The revised notice of election shall include the date of the second nomination day and new polling day, and indicate the position(s) for which there were insufficient nominations.

(4) At the close of nominations at the second nomination day, if there are insufficient nominations to fill the positions of Councillor, Elder Councillor, or Youth Councillor, the members of the First Nations Council elected by acclamation shall appoint a person or persons, who would be qualified to be candidates, to fill any vacancy in an acting capacity for a period up to one year.



(5) The First Nations Council shall call a by-election within one year to elect candidates to those positions filled under Section 20(4).

Notice of Grant of Poll

21. The Chief Returning Officer shall post a notice of grant of poll in a public place and at the government buildings of Champagne and Aishihik First Nations immediately following the close of nominations, if an election is required. The notice shall contain the names of all candidates for each position or the names of those acclaimed to a position and the dates, times and locations for voting.

POLLING

Polling Day

22. Election polls will be open at 11:00 a.m. and close at 8:00 p.m. on polling day.

Polling Places

23. (1) There shall be polling places in each of the following communities:

- (a) Haines Junction;
- (b) Takhini River Subdivision; and
- (c) Whitehorse.

(2) The Chief Returning Officer shall determine the location of the polling places in each community and the number of polling stations at each polling place.

(3) The polling places shall be located in places which provide accessible and convenient access for electors.

(4) The polling places shall remain open until every count in every station is complete and has reported their results. The information being shared in the polling stations be contained until all the results are in and official results announced.

Traveling Advanced Poll

24. (1) The Election Board, upon recommendations from the Chief Returning Officer, will determine the need for a traveling advance poll.

(2) A traveling advance poll may include the following polling places:

- (a) Canyon Creek;
- (b) Champagne; and



(c) Whitehorse, including electors residing at Copper Ridge Place, Macaulay Lodge, Whitehorse Correctional Center, Whitehorse General Hospital, Young Offenders Facility and any other institution(s) that the Chief Returning Officer deems appropriate.

(3) The Chief Returning Officer shall determine the dates and times for the traveling advance poll.

(4) At the conclusion of the traveling advance poll, the Chief Returning Officer shall, in front of the polling supervisor, the poll clerk, the interpreter, and any candidates' representatives seal the ballot box, have the seal signed by witnesses, and move the ballot box to secure storage until polling day.

Ballot Boxes and Ballots

25. (1) Each ballot box shall be of durable material and have a narrow opening through which a ballot can be put into the box, but cannot be removed.

(2) The Chief Returning Officer shall ensure that boxes are secure and tamper proof.

26. There shall be a ballot form for each First Nations position that contains the following information:

(a) the position name and date of the election;

(b) the name of each candidate for that position;

(c) the name of the Chief Returning Officer;

(d) space for the initials of the polling supervisor; and

(e) a different number from any other ballot on the stub and the counterfoil.

27. There shall be a mail-in ballot form for each First Nations position that contains the following information:

(a) the position name and date of the election;

(b) the name of each candidate for that position; and

(b) space for the initials of the polling supervisor;

and may contain the following information:

(c) the name of the Chief Returning Officer;

(d) a different number from any other ballot on the stub and the counterfoil.



Polling Materials

28. (1) Prior to polling day, the Chief Returning Officer shall supply to every polling supervisor:

- (a) a sufficient number of ballot papers for each position;
- (b) the necessary materials for electors to mark their ballots;
- (c) one or more polling booths;
- (d) printed directions to electors;
- (e) the voter's list;
- (f) a ballot box containing the traveling advance poll ballot papers in a sealed envelope, if any;
- (g) a blank poll book;
- (h) oath of eligibility forms; and
- (i) other materials, including envelopes as required.

(2) Upon receiving the ballots from the Chief Returning Officer, the polling supervisor shall count the ballots and send a receipt for them to the Chief Returning Officer in the envelope provided.

(3) The polling supervisor may pre-fold the ballots but shall not remove them from the book.

Proceedings on Polling Day

29. (1) Before the polls open on polling day, the polling supervisor shall:

- (a) post one set of directions for the electors in each polling booth and at the polling station; and
- (b) initial all the ballots in ink.

(2) At 11:00 a.m. the polling supervisor shall:

- (a) open the ballot box and show that it is empty to those present;
- (b) seal the ballot box and place it on a table in full view where it shall remain in a sealed condition for the duration of the polling period; and
- (c) let the voting commence.



(3) the traveling advance poll ballots, if any, shall remain in the polling place ballot box for the duration of the polling.

Persons Present During Polling

30. (1) Only the following persons can be present in a polling place:

- (a) the polling supervisor;
- (b) the poll clerk(s);
- (c) the interpreter(s);
- (d) the candidate(s), while voting; and
- (e) the electors, while voting.

Candidates' Representatives

31. (1) Each candidate may have one person at a time to represent the candidate at a polling station.

(2) Each candidate's representative shall give the polling supervisor a letter of permission from the candidate in order to act on their behalf.

(3) A candidate's representative may look at the poll book only during the hours of polling.

(4) A candidate's representative may witness the counting of ballots after the close of the poll.

Voting

32. (1) Every person whose name is on the voter's list is entitled to cast one ballot for each position being contested.

(2) No elector shall cast more than one ballot for each position being contested.

(3) A poll book shall be kept which will record the following information:

- (a) the number of each elector in order of voting;
- (b) the number of each elector on the voter's list;
- (c) the name and address of the elector; and
- (d) the number of the polling station.



(4) Electors shall state their names, addresses and/or dates of birth to the polling supervisor and the poll clerk, after crossing off each elector's name and address on the list, shall write each elector's name, address and date of birth, if two electors have the same name and address, in the poll book.

(5) If an elector's name does not appear on the list, the elector may take the oath of eligibility, in a form approved the by the Chief Returning Officer, and the poll clerk shall enter in the poll book the fact that the oath was taken.

(6) If an elector refuses to take the oath of eligibility, the elector shall not receive a ballot and the poll clerk shall enter into the poll book across from the elector's name, "refused oath".

(7) The polling supervisor shall:

(a) remove a folded ballot with the counterfoil attached from the book for each position for which the elector is entitled to vote;

(b) inform the elector of how many candidates that the elector could vote for;

(c) instruct the elector that after voting, to refold the ballots and return the ballots to the polling supervisor;

(d) confirm the initials on each ballot;

(e) remove the counterfoils; and

(f) place the ballots in the ballot box.

(8) The poll clerk shall enter "voted" in the poll book across from the elector's name when the ballots are placed in the ballot box.

(9) The interpreter, polling supervisor, or poll clerk, when requested, shall assist an elector who is unable to read or write or unable to mark a ballot paper, by marking each ballot as directed by the elector or by allowing a friend or relative to go to the polling booth with the elector and mark the ballots as directed by the elector.

Spoiled Ballots

33. (1) An elector who has accidentally spoiled a ballot by tearing it or marking it for the wrong candidate can return it to the polling supervisor who shall, without unfolding the ballot:

(a) write the word "void" across it and place it in an envelope marked "Spoiled"; and

(b) issue another ballot to the elector.



(2) The poll clerk shall write in the poll book across from the elector's name that a second ballot paper was issued to the elector.

Voting by Mail-in Ballot

34. (1) All electors with an address not near a polling station will be mailed a mail-in-ballot package. Any elector who does live near a polling station, but cannot cast their ballot in person may apply to the Chief Returning Officer for a mail-in ballot at any time after the notice of election is released. The application shall be in a format approved by the Chief Returning Officer and an elector may return a completed application to the Chief Returning Officer by mail, delivery or electronic transmission.

(2) After being satisfied that the applicant for a mail-in ballot is an elector, the Chief Returning Officer shall send a mail-in ballot package to the elector at the address provided in the mail-in ballot application.

(3) A mail-in ballot package shall contain:

(a) a mail-in ballot or ballots, with the name of each candidate for that position, initialed by the Chief Returning Officer and with any counterfoils removed;

(b) a ballot envelope;

(c) a statutory declaration of the voter in a format approved by the Chief Returning Officer certifying the elector's identity, that the elector is, to the best of their knowledge eligible to vote, and that the elector will only cast one vote;

(d) instructions for voting by mail-in ballot; and

(e) a postage paid return envelope.

(4) The Chief Returning Officer may send a notice of grant of poll to electors who received mail-in ballots after nomination day, or second nomination day if required.

(5) If an elector loses their mail-in ballot, they may request a replacement ballot no later than ten (10) days before polling day.

Receipt of Mail-in Ballots

35. (1) Mail-in ballots must be received at the mailing address or addresses specified by the Chief Returning Officer by 4:00 p.m. on polling day.

(2) Only election officers may handle mail-in ballots once they are received.



(2) Mail-in ballots received after the deadline will be left un-opened and will not be counted.

(3) Upon receipt of a ballot on or before the deadline, an election officer will place the un-opened envelope into a sealed box.

Secrecy

36. (1) Every election officer, candidate and candidate's representative, or any other person at a polling station, shall not reveal how any elector has voted, and shall not interfere with an elector who is marking a ballot or attempt to discover for whom an elector is marking a ballot.

(2) No elector shall declare for whom the elector is voting or show a marked ballot in a polling place.

CLOSE OF POLLS

Close of Polls

37. At the close of the poll on polling day, the polling supervisor shall permit those electors who are in the polling place to vote.

Mail-in Ballots

38. (1) After 4:00 p.m. on polling day, all mail-in ballots received by the deadline shall be opened by a polling supervisor who will reject any ballot where:

(a) the statutory declaration has not been fully completed, signed and witnessed; or

(b) the elector has voted in person at any poll.

(2) All ballots not rejected in accordance with this section shall be placed in a ballot box.

Counting

39. (1) For each polling station, the only persons permitted to be present in the room during the counting of ballots are the polling supervisor, election board members, the polling clerk(s), and each candidate's representative, each of whom will be provided with a tally sheet. In the event that there are not at least two candidate representatives, the polling supervisor may select at least two electors as witnesses. In the event that two electors are not present, it is also recommended that the Chief Returning Officer has the discretion to decide if others are allowed to be present.

(2) The polling supervisor shall:



- (a) count the number of electors who have voted and immediately below the name of the last elector who has voted, write, "The number of people who voted at this poll is" and sign it;
- (b) count the number of spoiled ballots and write the number on the designated envelope containing spoiled ballots (write "nil" if no ballots were spoiled) and seal it;
- (c) count the unused ballots, place them with the stubs of the used ballots in an envelope, write the number on the envelope, and seal it;
- (d) Unseal the ballot box and empty the contents, including the advance traveling poll ballots, onto a table;
- (e) separate the ballots according to each position if required;
- (f) unfold and call out for which candidate(s) the ballot is marked for each position;
- (g) reject any ballot that:
 - (i) has not been supplied by the polling supervisor;
 - (ii) has not been marked for any candidate;
 - (iii) has been marked for more than the required number of candidate(s);
 - (iv) identifies the voter; or
 - (v) for mail-in ballots, is illegible, does not identify a particular candidate where there are two or more candidates with similar names, or names someone who is not a candidate;
- (h) not reject any ballot that:
 - (i) is marked with anything other than a pencil or pen;
 - (ii) is marked with anything other than a cross or a check as long as it does not identify the voter;
 - (iii) has a counterfoil still attached, in which case the polling supervisor shall conceal the number and remove and destroy the counterfoil;
 - (iv) has not been initialed by polling supervisor as long as it can be determined that the ballot was supplied by that election officer; or
 - (v) for mail-in ballots, spells the name of a candidate incorrectly or incompletely as long as a single candidate can be identified;
- (i) all not rejected ballots shall be placed in sealed envelopes and labeled as one of the following:
 - (i) Chief;
 - (ii) Councillors;
 - (iii) Elder Councillor;
 - (iv) Youth Councillor;
- (j) count the number of rejected ballots and write the number on the designated envelope containing rejected ballots (write "nil" if no ballots were rejected) and seal it;



- (k) make two copies of the statement of the poll as follows:
 - (i) one copy which shall be kept by the polling supervisor; and
 - (ii) one copy for the Chief Returning Officer, which shall be placed in an envelope, sealed and put in the ballot box;
- (l) place the poll book, the envelopes containing spoiled, unused, counted and rejected ballots, letters of permission for the candidates' representatives, the list of electors, the appointments of election officers and the oaths of electors in the large document envelope and seal it;
- (m) place any other election materials in the ballot box and close and seal the ballot box;
- (n) complete the expense claims and place in an envelope for mailing to the Chief Returning Officer;
- (o) report the number of votes for each candidate to the Chief Returning Officer; and
- (p) deliver, or have delivered, the sealed ballot box to the Chief Returning Officer.

(3) For the purposes of this section a polling station shall be deemed to include a mail-in ballot poll and mail-in ballots may be counted by any polling supervisor.

Recount

40. (1) If less than three (3) votes separate the candidate with the most votes from the candidate(s) with fewer votes, as soon as all the ballot boxes have been received, the Election Board will recount the ballots.

(2) If less than ten (10) votes separate a candidate from the number required to achieve office, the candidate may request in writing a recount of the ballots within three (3) calendar days of polling day.

(3) A recount shall follow the counting procedure set out in section 39.

Tie Vote

41. (1) A tie vote occurs if, after all the ballots have been counted and recounted:

(a) the greater number of votes cast for the position of Chief is equal for two (2) or more candidates;

(b) there are an equal number of votes for the fourth position for Councillor;

(c) the greater number of votes cast for the position of Elder Councillor is equal for two (2) or more candidates; or



(d) the greater number of votes cast for the position of Youth Councillor is equal for two (2) or more candidates.

(2) After announcing the results, the Chief Returning Officer shall call a meeting of the candidates who have tied to determine a process for breaking the tie. The result of the tie break process shall be final and there shall be no appeal of the result.

(3) The tie break process will either be a “drawing of straws” or a “flipping of a coin”. The Chief Returning Officer shall make any final determination on the tie break process.

Notice of Return After an Election

42. The Chief Returning Officer shall post, or have posted, in a public place and at the administration buildings of Champagne and Aishihik First Nations a notice of return after an election immediately following the announcement of the election results and determination of tie votes which shall:

- (a) name the candidate who received the largest number of votes for the position of Chief;
- (b) name the four (4) candidates who received the largest number of votes for the position of Councillor;
- (c) name the candidate who received the largest number of votes for the position of Elder Councillor; and
- (d) name the candidate who received the largest number of votes for the position of Youth Councillor.

GENERAL

Election Records

43. The Chief Returning Officer shall provide archival election records to the Central Registrar and Enrollment Clerk which shall include:

- (a) the statements of the poll;
- (b) the nomination papers;
- (c) letters appointing candidates' representatives;
- (d) completed mail-in ballot declarations;
- (e) appointments of polling supervisors and polling clerks;



- (f) a copy of the notice of election;
- (g) a copy of the notice of grant of poll; and
- (h) a copy of the notice of return after the election.

Fees

44. (1) The Chief Returning Officer shall establish the schedule of payment and reimbursement of expenses for all election officers in accordance with Champagne and Aishihik First Nations policy.

(2) Candidates shall be responsible for paying their own campaign expenses.

Death of a Citizen

45. In the event of a death of a citizen immediately prior to the date of election:

(a) the Chief Returning Officer may delay polling for not more than ten (10) days from the date of potlatch or funeral;

(b) the Chief Returning Officer shall provide notice to the electors of the delay, as soon as possible in the media of choice, and post a notice in a public place and at administration buildings of Champagne and Aishihik First Nations; and

(c) the Chief Returning Officer shall post a notice of the new polling day in a public place and at the government buildings of Champagne and Aishihik First Nations.

By-elections

46. By-elections shall be organized and run in the same manner as general elections and any reference to general elections in these regulations apply to by-elections, with the necessary changes.

Appeals and Review

47. (1) A candidate or elector may request a review of any action or decision under these regulations that are not otherwise deemed final by these regulations.

(2) A request for review must be in writing and provided to the Election Arbitrator within three (3) days of the action or decision.

(3) The request must clearly set out the issue, why and how, in their opinion the regulations were not followed and the impact resulting from the action or decision.



(4) The Election Arbitrator may choose not to accept the request for review if in the Election Arbitrator's opinion the potential infraction was not or would not be material to the outcome of the election.

(5) The Election Arbitrator may accept the request for review if in the opinion of the Election Arbitrator, not accepting the request would undermine the integrity of the election process.

(6) The decision of the Election Arbitrator to reject a request for review shall be provided to the candidate or elector in writing and a copy shall be provided to the Election Board.

(7) Upon accepting a request for review, the Election Arbitrator shall notify the Election Board and the Chief Returning Officer and provide a copy of the request.

(8) The Chief Returning Officer shall ensure that all candidates are provided with a copy of the request.

(9) Upon accepting a request the arbitrator shall provide a written decision to the candidate or elector, the Election Board and the Chief Returning Officer of the decision within three (3) days of acceptance of the request.

(10) The Election Arbitrator may extend the date of response upon notification of the Election Board and Chief Returning Officer by not more than three (3) additional days.

(11) The Election Arbitrator may investigate, request further information, and interview any person they believe will assist in seeking clarification of the matter under review.

(12) Upon completion of the review, the Election Arbitrator may do any of the following:

- (a) declare that a candidate is qualified to hold office;
- (b) declare that a candidate is not qualified to hold office and that their nomination is void;
- (b) declare that an elected candidate is not qualified to hold office and that the office is vacant;
- (c) declare that an election is confirmed as valid;
- (d) declare that an election is invalid and that the office is vacant; and
- (e) provide recommendations to the Election Board for improving the elections processes.

(13) The Election Arbitrator must not declare an election invalid only because the election was not conducted in accordance with these regulations if the Election Arbitrator is satisfied that:

- (a) the election was conducted in good faith; and



(b) the non-compliance with these regulations did not materially affect the result of the election.

(14) Immediately upon making a decision under this section, the Election Arbitrator shall deliver a written copy of the decision to the Chief Returning Officer and the Election Board.

(15) Upon receipt of a declaration under subsection (12) (b), the Chief Returning Officer shall declare the candidate's nomination withdrawn and proceed in accordance with section 18.

(16) Upon receipt of a declaration under subsection (12) (c), the Chief Returning Officer shall declare the candidate with the next greatest number of votes elected to that position.

(17) In the event that an election is deemed invalid, the Election Board shall, within five (5) days of the decision to invalidate the election, set a date for a new vote that is not more than fourteen (14) days from the date of the decision.

(18) The decisions of the Election Arbitrator shall be final and not reviewable.

Transitional Measures

48. (1) For by-elections, the Election Board has the authority to approve the use of electronic voting (e-voting) in place of mail-in ballots.

(2) The Elections Board, in consultation with the Chief Returning Officer, will use the following process to carry out the electronic voting:

(a) The Chief Returning Officer will indicate the electronic method(s) of voting that may be used;

(b) the Chief Returning Officer will indicate to each elector the manner in which selections are to be indicated in his/her electronic vote;

(c) electronic voting must occur within the set voting time-frame determined by the Elections Board;

(d) the voting time-frame may be extended by the Chief Returning Officer due to technical or other difficulties if necessary to ensure that the voting is conducted in a fair manner;

(e) an elector may only vote once in a by-election and must not use more than one electronic medium to vote if voting by electronic means;

(f) votes cast by an elector who has voted more than once will not be counted;



(g) the Chief Returning Officer may cancel the vote and call for a re-vote if an equipment malfunction has significantly interfered with the voting process;

(h) the by-election results will be counted by the Chief Returning Officer and confirmed by the Elections Board;

(i) the Chief Returning Officer must ensure that all votes remain confidential; and

(j) in the case of electronic methods of voting that record votes, the votes will not be deleted or erased and will be kept confidential in the Elections Board records for a period of 60 days, after which they will be deleted or erased.

(3) This provision will remain in effect for two (2) years from the date approved by the First Nations Council.

(4) For greater certainty, these Transitional Measures are paramount over other provisions of this Act for the term of such Transitional Measures.

