

Liidlii Kue First Nation 2014 Election Code

Preamble

The 2014 Election Code sets out the procedures that will be followed to ensure a clear, fair, and consistent process for electing the Chief and Councillors of the Liidlii Kue First Nation.

The 2014 Election Code updates and replaces the 2003 Election Code Guidelines. The 2014 Election Code is closely tied to the Liidlii Kue First Nation Governance Policies and Procedures. Governance Policies and Procedures are an important reference for any members wishing to run for a position on Council.

The Liidlii Kue First Nation Council has three main roles:

1. serve and be accountable to registered members,
2. be stewards of the Liidlii Kue First Nation traditional territory, and
3. lead an effective First Nation government.

The Chief and Councillors will fulfill these roles within the context of Dene laws, values, and principles and federal and territorial laws.

The following 29 sections set out the procedures that form the 2014 Election Code.

1) Definitions

- a) “Appeals Committee” means the impartial committee appointed by the existing Council to decide on election appeals.
- b) “Candidate” means a person seeking election as a Council member.
- c) “Council” means Liidlii Kue First Nation Council comprised of a Chief and eight (8) Councillors.
- d) “Council Member” means Chief or Councillor.
- e) “Election Code” means the election procedures described in this policy document which have been approved by the Liidlii Kue First Nation Council and membership.
- f) “Election day” means the day set aside for the election of the Liidlii Kue First Nation Council elections.
- g) “Elector” (also known as voter) means a person qualified to vote in the Liidlii Kue First Nation Council elections.
- h) “Electoral staff” means the Electoral Officer and other appointed electoral staff.
- i) “Employee” means a person working for and paid by the Liidlii Kue First Nation Council.
- j) “Indictable Offence” means a criminal offence that is considered by the courts to be of a very serious nature.
- k) “Polling Station” is a place set aside in the community for electors to vote in advance polls and on election day.
- l) “Polling Booth” is a place set aside in the polling station where an elector may mark his/her ballot without being seen by others.
- m) “Proxy ballot” means a second ballot given to a proxy elector who has written authorization (a completed proxy form) to vote on behalf of another elector.

- n) “Registered member” means a person whose name appears on the Indian Register and on the Liidlii Kue First Nation membership list as a member of the Liidlii Kue First Nation.
- o) “Resident voting members” are those members normally living within the Liidlii Kue First Nation’s traditional territory/land use area.

2) Application

- a) Once approved at a legal special or general membership meeting, the 2014 Election Code will apply to elections and by-elections for the positions of Chief and Councillor for the Liidlii Kue First Nation.

3) Composition of Council

- a) The Council of the Liidlii Kue First Nation will consist of one (1) Chief and eight (8) Councillors.
- b) Once elected, the Councillor who received the highest number of votes will be appointed as Sub-Chief.
- c) In the case where two or more Councillors received the highest votes, names of the these Councillors will be placed in a container, and without looking, and witnessed by all members of the Liidlii Kue First Nation Council, one name will be selected and that individual will be the Sub-Chief.
- d) Unless otherwise stated, a quorum for decision-making will be five (5) Councillors and the Chief or if delegated, the Sub-Chief.

4) Term of Office

The term of office for the Chief and Councillors of the Liidlii Kue First Nation Council will not exceed three (3) years without an election.

5) Eligibility of Electors (Voters)

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

- i. eighteen (18) years of age or older on election day; and
- ii. a registered member of the Liidlii Kue First Nation.

6) Eligibility of Candidates for the Position of Chief or Councillor

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

- i. be eighteen (18) years of age or older on election day;
- ii. be a registered member of the Liidlii Kue First Nation;
- iii. be normally resident in the Liidlii Kue First Nation traditional territory/ land use area;
- iv. not have any outstanding debts with the Liidlii Kue First Nation or its subsidiaries;
- v. not be a member of the Appeals Committee or a member of the Electoral staff;
- vi. not be serving a sentence for an indictable offence;
- vii. be willing to produce a criminal records check;
- viii. not have been removed from elected office with the Liidlii Kue First Nation during the last term of the Council;
- ix. be willing to sign and adhere to the Liidlii Kue First Nation Code of Conduct; and

- x. be willing to participate in an all candidates' forum prior to the election, should one be held.

7) Eligibility of Liidlii Kue First Nation Council Employees

- a) Candidates for Chief and Councillor who are employed by the Liidlii Kue First Nation must take unpaid leave from work during the period between the closing of nominations and election day.
- b) A Liidlii Kue First Nation employee in a management position must either resign that position upon being elected as a Councillor or take unpaid leave for the duration of his/her term of office.
- c) Any Liidlii Kue First Nation employee who is elected Chief must immediately resign his/her current position or take leave from that position during his/her term of office.

8) Establishing and Election Date and Budget

- a) The election for Chief and Council will be held on or about Treaty Day in the community of Fort Simpson.
- b) The election for Chief and all Councillors will be held on the same day.
- c) The actual date of the election must be set and posted through a Band Council Resolution at least forty-five (45) days prior to the election.
- d) At the same time that the election date is set, the Council will establish a working budget for the election through a Band Council Resolution. This budget will be administered by the Liidlii Kue First Nation Council's Executive Director.
- e) Amendments to the election budget must be approved by Council.

9) Appointment of an Electoral Officer

- a) Once an election date has been set, the Liidlii Kue First Nation Council will issue a call for proposals for Electoral Officer services and will subsequently and in due haste, appoint an independent Electoral Officer through a Band Council Resolution.
- b) In accordance with relevant federal and territorial laws, the Electoral Officer will carry out all tasks necessary to ensure a fair election process and address all elections issues as they arise. Generally, the Electoral Officer will:
 - i. Appoint and supervise a deputy electoral officer, polling clerk, Dene language interpreters, and other electoral assistants, as required and within budgetary limitations;
 - ii. Advertise the election date, polling hours, and polling station(s);
 - iii. Establish and advertise the opening and closing of nominations; the date, place, and hours of advance polling; and any other important election information;
 - iv. Prepare, post, revise, and finalize an updated Voter's List based on current Liidlii Kue First Nation membership information; and
 - v. Supervise the nomination, balloting, and appeal processes, according to the terms of this Election Code and other federal and/or territorial election practices.

10) Appointment of an Appeals Committee

- a) The current Liidlii Kue First Nation Council will appoint an Appeals Committee at least thirty (30) days before the election is held.
- b) The Appeals Committee will consist of five (5) people and may include individuals who are not registered members of the Liidlii Kue First Nation.
- c) The Appeals Committee will review and make decisions regarding all appeals initiated under the terms of this Election Code.

11) Procedures for Nominations

- a) The Electoral Officer will prepare and post an updated Voters' List in a reasonable number of public places in Fort Simpson at least thirty (30) days prior to election day.
- b) The Voters' List will be provided to any Liidlii Kue First Nation registered member upon request.
- c) The Electoral Officer will set and publish dates and times for the opening and closing of nominations.
- d) Nominations must remain open for at least fourteen (14) days, beginning with the posting of the Voters' List and ending at least ten (10) days before election day.
- e) Nominations must be in writing on a nomination form issued by the Electoral Officer and signed by two nominators who are eligible electors and by the person being nominated.
- f) Signed nomination forms must be submitted directly to the Electoral Officer or designated electoral staff.
- g) Qualified candidates may be nominated to run for either Chief or Councillor but may not run for both positions in the same election.

12) Publication of the List of Candidates

- a) Upon the closing of nominations, the Electoral Officer will verify the validity of all nominations in accordance with this Election Code.
- b) The Electoral Officer will post a copy of the Candidates' List next to each posted Voters' List along with the date of the election, hours of voting, and location of the polling station(s).
- c) Where the eligibility of a candidate is uncertain, the Electoral Officer may consult with the Appeals Committee to resolve the matter.

13) Withdrawal of Candidates

- a) Candidates wishing to withdraw from the election must submit a written statement to that effect to the Electoral Officer no later than three (3) working days after the close of nominations

14) Candidates Declared Elected by Acclamation

- a) In the event that only one (1) qualified candidate is nominated for the position of Liidlii Kue First Nation Chief by the close of nominations, no election for the Chief will be held and the Electoral Officer will declare the candidate acclaimed.
- b) In the event that no more than eight (8) qualified candidates are nominated for Liidlii Kue First Nation Councillor positions by the close of nominations, no election for Councillors will be held and the Electoral Officer will declare the candidates acclaimed.

15) Methods of Voting

- a) Electors may vote once for the Liidlii Kue First Nation Chief and up to eight (8) Liidlii Kue First Nation Councillors.
- b) Electors will vote in person, by secret ballot, during the hours and at the place designated by the Electoral Officer.
- c) One (1) advance poll will be held prior to election day, and the ballots from this poll will remain sealed at a secure site until the closing of regular election day polling.
- d) Voting hours will normally be from 10:00 a.m. to 5:00 p.m. for the advance poll and from 10:00 a.m. to 7:00 p.m. on election day.
- e) Where a person's name does not appear on the Voters' List, the person may register as an elector at the voting station by showing a valid Treaty Card identifying the person as a member of the Liidlii Kue First Nation, along with a second piece of identification confirming the person's age eligibility.
- f) Where an elector is elderly, disabled, hospitalized, or otherwise infirmed and is unable to come to the voting station and has notified the Electoral Officer in advance, Electoral staff may make provisions for a mobile poll, whereby infirmed electors can vote at their place of residence on polling day.
- g) No proxy voting will be permitted.

16) Ballots for Chief and Council

- a) The Electoral Officer will prepare separate ballots for the positions of Liidlii Kue First Nation Chief and Councillor, listing names in alphabetical order on a sheet of paper.
- b) The Electoral Officer will arrange for a photo of each candidate to appear beside his/her name.
- c) The Electoral Officer will prepare twenty percent (20%) more ballots for the positions of Chief and Council than the total amount of resident voters; count the number of ballots prepared; and store the ballots in a safe place.

17) Balloting Procedures

- a) On the day before advance polling and election day the Electoral Officer will :
 - i) Appoint or swear in any persons necessary to provide assistance during the hours of voting including a deputy electoral officer, polling clerk, and/or Dene language interpreters.
 - ii) Prepare the final Voters' List.
 - iii) Ensure the facilities, supplies, and equipment for voting are in place.
- b) Before opening the voting station(s) the Electoral Officer will empty, close, and seal all required ballot boxes.
- c) During polling hours, designated electoral staff will:
 - i) Explain the voting procedures.
 - ii) Provide each voter with an initialled ballot.
 - iii) Mark the ballot as returned on the Voters' List and indicate if any special help was required.
- d) Dene language interpreters appointed by the Electoral Officer will be available at the polling station to assist with instructions. Only interpreters appointed by the Electoral Officer will be utilized.
- e) Each voter will:
 - i) Mark and fold his/her ballot in a private voting booth.
 - ii) Return the folded ballot for verification to the electoral staff.

- iii) Deposit the folded ballot in the ballot box.
- f) If an elector damages a ballot by mistake the Electoral Officer will:
 - i) Mark the ballot as cancelled.
 - ii) Indicate the cancelled ballot on the Voters' List.
 - iii) Provide the elector with another ballot.
- g) During polling hours, no candidates or supporters will carry out any campaigning or any other activities in the polling station that may interfere with or influence voters, but candidate representatives approved in advance by the Electoral Officer may observe the voting process.
- h) After the polls have closed and all the electors have left the polling station, the Electoral Officer will:
 - i. Invite candidates' representatives to witness the ballot count.
 - ii. Open the ballot boxes, including advance poll ballot boxes.
 - iii. Supervise the counting and tallying of the ballots.
 - iv. Announce the preliminary results, with the vote count for each candidate.

18) Breaking a Tie Vote

- a) Should one or more candidates for the position of Councillor receive the same number of ballots as the candidate with the 8th lowest number of ballots, the Electoral Officer will:
 - i) Place the tie ballots in a container.
 - ii) Without looking, and in front of witnesses, select one ballot.
 - iii) Record and announce the tie-breaking vote.
- b) If there is a tie between the two top candidates for Chief, the Electoral Officer will within one month, arrange a run-off election between the two candidates, following election procedures described in this Election Code.

19) Recount Provisions

- a) Any candidate whose margin of loss is less than three percent (3%) of the total number of votes cast is entitled to an administrative recount which will be conducted, upon request, by the Electoral Officer immediately following the recording of votes.

20) Posting Election Results

- a) After any changes resulting from recounts have been made, the Electoral Officer will immediately announce and post the results at the polling station. The following day, the Electoral Officer will publicly post the election results.

21) Posting Election Results

- a) At any time after the initial posting of the Voters' List and prior to the election, a person may request in writing, to have his/her name added to the List or may appeal in writing, the eligibility of a name currently on the List. These matters will be directed to and addressed by the Electoral Officer, who may call upon assistance of the Appeals Committee as needed.
- b) Within forty-eight (48) hours of the posting of the Candidates' List, an eligible elector may appeal the eligibility of a candidate in writing to the Electoral Officer. The Electoral Officer must consult with the Appeals Committee and reply within forty-eight hours of the appeal. The Appeals Committee's decision is final.

- c) Within seven (7) days of the close of the election, any elector or candidate may appeal the election results in writing to the Electoral Officer if they believe a violation of the Liidlii Kue First Nation 2014 Election Code has occurred. The Electoral Officer must consult with Appeals Committee and reply to the appeal in writing, within seven (7) days of the appeal.
- d) If the Appeals Committee determines that the Liidlii Kue First Nation Election Code was violated and that this may have affected the outcome of the election, the Committee can declare the Chief and/or Councillor election results null and void and order a new election within sixty (60) days. Any decision of the Appeals Committee is final.
- e) Where a new election is ordered, the current Liidlii Kue First Nation Chief and/or Councillors remain in office until the new election is completed.

22) Assuming Office

- a) Within fourteen (14) days following an election, the newly elected Chief and Councillors will agree to and sign the Liidlii Kue First Nation Council Code of Conduct and will formally assume office.
- b) Where an appeal is being heard, the Liidlii Kue First Nation Chief and Council will assume office once granted approval by the Appeals Committee.
- e) Once in office, the newly elected Liidlii Kue First Nation Council will ratify the results of the election through a Band Council Resolution and forward copies of this resolution to the federal government, banks and other financial institutions, and other appropriate agencies.

23) Destruction of Ballots

- a) Eight (8) weeks following the conclusion of the election, the Electoral Officer will destroy all the ballots in front of at least two witnesses appointed by the Appeals Committee.

24) Vacancies on Council

- a) The Liidlii Kue First Nation Council may declare a vacancy on Council when a Council member:
 - i) Resigns his/her office;
 - ii) Is unable to continue his/her duties due to illness, disability, or death;
 - iii) Misses three consecutive meetings without advance notification or just or sufficient justification;
 - iv) Moves away from the Liidlii Kue First Nation traditional territory/land use area for a period of more than three months;
 - v) Is convicted of an indictable offence while in office;
 - vi) Fails to uphold traditional, moral, or legal powers of a Liidlii Kue First Nation leader; and/or
 - vii) Is removed by the Liidlii Kue First Nation Council or the membership through a vote of non-confidence (see Section 25).
- b) If the Chief steps down or is removed from office and there is more than twelve (12) months until the next regular election, a by-election will be held.
- c) If the Chief steps down or is removed from office and there is twelve (12) months or less until the next regular election, the Sub-Chief will be appointed interim Chief and

the Councillor with the second highest votes in the previous election will be appointed Sub-Chief.

- d) If a Councillor steps down or is otherwise removed from office, the Councillor with the highest number of votes from the previous election will be appointed.
- e) If no councillor is available to be appointed according to Section 24(d), and there is more than twelve (12) months left on the term, a by-election will be held.
- f) If no Councillor is available to be appointed according to Section 24 (d), and there is less than twelve (12) months left on the term, Council may appoint a new Councillor.

25) Removal

- a) The Liidlii Kue First Nation Chief or any Councillor may be removed from office by a vote of non-confidence at a legal Council meeting with the Chief and all Councillors present or by a vote of non-confidence at a legally constituted special or general membership meeting.
- b) The Liidlii Kue First Nation Chief or any Councillor may be removed from office for the following reasons:
 - i) He/she seriously violated the Liidlii Kue First Nation Council Code of Conduct (see Section 28), or
 - ii) He/she has violated the Liidlii Kue First Nation Code of Conduct on repeated occasions.
- c) Any violation of the Liidlii Kue First Nation Code of Conduct will be brought forward by Council members and will be addressed and documented through a motion of reprimand that may include removal.

26) Provisions for Annual General and Special Membership Meetings

- a) The Liidlii Kue First Nation Council will hold an Annual General Membership Assembly within one-hundred and twenty days (120) of the end of the Liidlii Kue First Nation's fiscal year to:
 - i) Approve the annual audit;
 - ii) Review Liidlii Kue First Nation accomplishments and program/services activities and impacts;
 - iii) Review and respond to membership issues and concerns;
 - iv) Amend the Liidlii Kue First Nation Election Code as required and according to procedure.
- b) The Annual General Membership Assembly will be publicly advertised at least thirty (30) days in advance of the Assembly.
- c) Council may call for other Special Membership Meetings as required to:
 - i) Provide information to members;
 - ii) Solicit membership input on key issues affecting the Liidlii Kue First Nation; and/or
 - iii) Seek approval for governance, resource, and other significant agreements.
- d) Special Membership Meetings will be advertised at least seven (7) days in advance.
- e) Members may petition to hold a Special Membership Meeting but the signatures of twenty percent (20%) of resident voting members are required before the Council is obliged to hold a Special Membership Meeting.

27) Quorum for General and Special Membership Meetings

- a) Unless otherwise stated, the Liidlii Kue First Nation Council quorum at all meetings is the Chief or if designated the Sub-Chief, and five Councillors.
- b) At the Annual General Membership Assembly and Special Membership Meetings, a quorum of ten percent (10%) of resident voting members, with sixty percent (60%) of these in favour, is required to approve the annual audit and seek approval for governance, resource, and other agreements.
- c) Where Council cannot achieve a quorum at the Annual General Membership Assembly or Special Membership Meetings after two attempts, Council may decide the issue at hand through a Band Council Resolution at a legal-convened Council meeting with the Chief and all Councillors present.
- d) A quorum of twenty-five (25%) of resident voting members, with sixty-percent (60%) of these in favour, is required at the Annual General Membership Assembly and at Special Membership Meetings to remove a Chief and/or Councillor(s) from office.

28) Liidlii Kue First Nation Council Code of Conduct

- a) Once elected, Chief and Council must agree to, sign, and adhere to the following Code of Conduct.

“As a member of the Liidlii Kue First Nation Council, I hereby swear to:

- i. Uphold, respect, and model Dene laws, values, and principles and ensure that they are carried on to future generations.*
- ii. Work to protect the land from which the people come from.*
- iii. Work cooperatively with others to serve all members of the Liidlii Kue First Nation to the best of my ability.*
- iv. Work for the collective rather than the individual interests of members.*
- v. Not use my position on Council for personal advantage or to favour family or friends.*
- vi. Declare a conflict of interest where I or my immediate family might benefit financially or personally from Council decisions.*
- vii. Know and follow all Liidlii Kue First Nation Council policies and procedures.*
- viii. Maintain confidentiality and exercise special care when dealing with the financial and personnel affairs of the Liidlii Kue First Nation Council.*
- ix. Demonstrate respect for all Liidlii Kue First Nation members and staff.*
- x. Make every effort to attend and participate fully in all Liidlii Kue First Nation meetings.*
- xi. Consult regularly with Elders, youth, and other Liidlii Kue First Nation members to ensure that our government’s decisions represent the best interests of all members and the land.*
- xii. Act as a role model by practicing a healthy lifestyle and avoiding behaviours that undermine the integrity or credibility of the Liidlii Kue First Nation and its members.”*

29) Changes to the Election Procedures

- a) Changes to the Liidlii Kue First Nation 2014 Election Code can be made through a General Membership Resolution.
- b) Once adopted, the Liidlii Kue First Nation 2014 Election Code can only be changed by Resolution at a legally-constituted General Membership Meeting in a non-election year. Proposed changes must be posted at least fourteen (14) days in advance of the meeting.