

DENE THA' FIRST NATION ELECTION REGULATIONS 1993

DEFINITIONS

REGULATIONS - means this set of descriptions, rules and procedures duly enacted by the Dene Tha' First Nation to govern the conduct of the choosing of their democratically elected self-government representatives, commonly known as the "Band Council".

BAND - means the Dene Tha' First Nation.

CHIEF - means the political leader and chief executive officer of the Dene Tha' First Nation as chosen under the provisions of these regulations.

COUNCIL - means the governing body of the Dene Tha' First Nation as chosen under the provisions of these regulations and includes the Chief and the Councillors of the Dene Tha' First Nation.

COUNCILLOR - means a person holding a representative office on the Council of the Dene Tha' First Nation, other than the Chief, who has been elected under the provisions of these regulations.

ELECTORAL OFFICER - means the person who is the appointed representative of the Dene Tha' First Nation, who will perform the duties herein; such person being appointed by the Council within one (1) month after official passage of these regulations. Should an electoral officer resign, the Council shall within one (1) month after such resignation, appoint a new electoral officer, as described herein. In the event that the Council fails to appoint an electoral officer the currently engaged Solicitor of the Dene Tha' First Nation shall make such appointment. Any disputes in the status or tenure of the electoral officer shall also be decided by this Solicitor or a fifty-one (51%) percent majority of the eligible electorate by referendum.

DEPUTY - means a person or persons designated by the electoral officer to assist him/her in performing the duties herein, properly delegated.

ELECTOR - means a person who:

1. Has his/her name appearing on the Dene Tha' First Nation membership list for a period of not less than twelve (12) months immediately preceding the election, and
2. Is of the full age of eighteen (18) years on or before the nomination meeting, for purposes of nominations; and election day, for the purpose of voting, and
3. Is ordinarily resident on one of the Dene Tha' First Nation reserves, and further who's name is included, or is eligible to be included, in the eligible voters' list for the electoral district in which he/she resides, or
4. Is not otherwise disqualified or rendered ineligible to vote under these regulations.

RESERVE - means the Hay Lakes Reserve No. 209, Upper Hay River (Meander River) Reserve No. 212 or Bushe River Reserve No. 207. Other reserves of the Dene Tha' First Nation may be added if and when they acquire a significant number of inhabitants.

ELECTORAL DISTRICT - at present this term is synonymous with "Reserve"; however, further provision is intended that should any reserve population grow to warrant its future division into two or more defined electoral districts with separate polling facilities, such a change is within the authority of the consenting Council of that day and the electoral officer.

VOTER - means an elector as described herein, who presents himself/herself at the proper polling station for the purposes of casting his/her vote in the election.

VOTER'S LIST - means the list of eligible electors of the Dene Tha' First Nation as compiled by the electoral officer, broken down by electoral district of residence, as established pursuant to these regulations.

POLL CLERK - means a person appointed by the electoral officer to assist in the operation of the actual voting facilities.

POLLING STATION - means that building, hall, room or other designated space therein, which is set apart for the casting of ballots and regulating functions relevant to same as described in these regulations.

CANDIDATE - means a member of the Dene Tha' First Nation who is himself/herself eligible as an elector and who has:

1. Reached the full age of twenty - one (21) years, and
2. Is ordinarily resident and has resided on one of the Dene Tha' First Nation Reserves, within the electoral district, which he/she is seeking to represent, for a period of not less than twelve (12) months immediately preceding the nomination for the election, and
3. Who has been nominated by the electors within his/her electoral district of ordinary residence pursuant to these regulations, and
4. Who has had his/her nomination approved by the Senate of Elders, in the form prescribed..... within these regulations as interpreted by the electoral officer, and
5. Has posted the necessary bond as prescribed within these regulations.

ORDINARY RESIDENT - means the usual place of living of a person, elector or candidate, and shall be determined by the facts in each case, and without limiting the forgoing, factors to be considered include:

1. The place they normally sleep
2. The place they receive personal mail
3. The residence of the immediate family

ELECTED - means a candidate who is proclaimed by the electoral officer as having been successful in obtaining the representative office as Chief or Councillor.

ORGANIZATION MEETING -means the first meeting held after a general election by the newly elected chief and/or councillors as a Council of the Dene Tha' First Nation.

ELDER - means a person who is a member of the Dene Tha' First Nation who has reached the age of fifty-five (55) years and over.

SENATE OF ELDERS - means a representative group of elders from members over fifty five years old described herein, not to exceed eight individuals nor less than three. This group will meet to provide advisory consultations with Council on a continuing basis and will also act as a leadership review committee. Their function in this regard, will be to set standards and criteria of fair and equal application against which all the candidates nominated for leadership positions as Chief or Councillor, will be measured. Nominees approved by this group must furnish evidence of such approval in a form prescribed by the electoral officer in order to become an actual candidate who's name is included on the election ballot.

SECTION ONE NOMINATION PROCEDURE

1. The Electoral Officer shall be appointed not less than twenty-one (21) days before the date selected as that on which the nomination day will be held.
2. The Electoral Officer shall be appointed by a Band Council Resolution of the Dene Tha' First Nation Council which contain his/her full name, the date and the time of the nomination meeting and describe the type of election. i.e. general election or by-election, which will be conducted, as well as any special instructions or powers being bestowed.
3. **ELECTORS LIST** - The Electoral Officer shall prepare an Electors' List in alphabetical order of all eligible electors. This list will be broken down by electoral district. This list will then be presented to Chief and Council for approval and signature.
4. **ELECTION FILE** - The Electoral Officer shall establish an Election File and place on this file copies of all correspondence associated with the up-coming election. This file will remain open until such time as the appeal period of fourteen (14) days has expired and no appeals have been received, or in the advent that appeals have been received the file shall remain open until all appeals have been fully dealt with. The file, on completion, will be closed and become the property of the newly elected Council.
5. **POLL CLERKS & INTERPRETERS** - The Electoral Officer shall appoint poll clerks and interpreters as he/she deems necessary and shall document the details on the election file. (refer to section 4 sub-section 8 of these regulations in regards to interpreters)
6. **NOTICE OF NOMINATION** - The Electoral Officer shall at least ten (10) clear days before the date of the election set out by Band Council Resolution, draft and post a Notice of Nomination. He/she shall also post these regulations and the approved list of all electors of the Dene Tha' First Nation who are eligible to vote, indicating in which electoral district they are each eligible to cast their vote. Determination will be made by the Council as to the residence of the electors and the candidates prior to the election and the decision of the Council will be final. This determination will take the form of the Council's approval of the eligible electors list. A person may only be nominated as a candidate for a Councillor position to represent the electoral district in which he/she is an eligible elector (voter).
7. The notice of Nomination will contain and set out:
 - (A) A list of eligible electors for each particular electoral district as of the date of the election approval by the Chief and Council.
 - (B) Time, date and place for the nominations.
 - (C) The position or positions open for election.
 - (D) A copy of these regulations.

8. **NOMINATION APPEALS** - Anyone wishing to appeal the procedures affecting the outcome of the nomination process shall do so in writing to the electoral officer. Such an appeal will be considered if received immediately after the nomination meeting date and responded to prior to the ensuing scheduled election.
9. **POSTING OF NOTICE OF NOMINATION MEETING** - This Notice of Nomination as mentioned in Section 1 sub-section 7 above complete with list of eligible electors and a copy of these regulations will be posted in the Dene Tha' Office on each reserve and such other public places as deemed necessary under these regulations by the electoral officer.

SECTION TWO NOMINATION ELIGIBILITY

1. **PLACE OF NOMINATION** - Only electors living within a particular electoral district may nominate or second a nomination of a candidate for a Councillor seeking to represent the electors of that electoral district. Nominations for a candidate seeking the position of Chief of the Dene Tha' First Nation may be received from eligible electors attending duly constituted nomination meetings in electoral districts wherein they are listed on the list of eligible electors throughout all the electoral districts.
2. **ELECTORS ELIGIBILITY AS CANDIDATES** - Only electors who are:
 - (A) Of the full age of twenty-one (21) years, and
 - (B) Who have been ordinarily resident on one of the Dene Tha' Reserves for a period of not less than twelve (12) months immediately preceding the election may be nominated as a candidate. The elector nominating or seconding a nomination and the candidate must be ordinarily resident in the electoral district in which he/she is seeking election, with the exception of a nomination for the position as Chief, in which case, the candidate may live on any Dene Tha' Reserve.
3. **NOMINATOR/SECONDER LIMITATIONS** - No one person can nominate or second more nominations than the total number of positions open for election within that particular electoral district.
4. **NUMBER OF OFFICES SOUGHT** - A candidate may run for one position only, either Chief or Councillor in each election. This does not preclude a sitting member of Council from being a candidate for Chief, or vice versa, in a subsequent election.
5. **CANDIDATE ACCEPTANCE DECLINATION** - A candidate for Councillor to be nominated, must appear before the electoral officer or deputy, prior to the close of the nomination meeting to accept or decline his/her nomination.

A candidate for the position of Chief must appear before either the electoral officer or deputy in any of the nomination meetings wherein he/she has been nominated, regardless of the electoral district, to make this same declaration.

6. **PRESENCE OF CANDIDATE AT MEETING** - A candidate for a position as Councillor, to be nominated, must be present in person at the nomination meeting in his/her particular electoral district when the nominating and seconding is being carried out. Candidates for the position of Chief may attend the nomination meeting in any electoral district at which they are duly nominated and such nomination is duly seconded.
7. **BOND CHIEF CANDIDATES** - A bond of fifty dollars (\$50) must be posted at the time of nomination, or within 24 hours, by all candidates for the position of Chief.
8. **COUNCILLOR CANDIDATES** - A bond of twenty-five dollars (\$25) must be posted at the time of nomination, or within 24 hours by all candidates for a position as Councillor.
9. **FORM OF BOND** - This bond will be in the form of cash, money order, or certified cheque.
10. **SUSTAINING OF CANDIDATES BY ELDERS** - Once the nomination process is completed as described herein, the names of all those duly nominated, who are eligible, will be referred to the Elders' Leadership Committee of the Senate of Elders who must approve the nominee for all Chief and Councillor positions in order for them to be declared an official candidate whose name will be included on the election ballot in each appropriate electoral district.
11. **FORM OF BOND** - The bond will be made in favor of the Dene Tha' Tribal Administration.
12. **FORFEIT OF BOND** - The bond is forfeited in favor of the Dene Tha' Tribal Administration by all unsuccessful candidates. The forfeited funds will be used to defray the costs of elections.
13. **RETURN OF BOND** - Successful candidates will have their bonds returned without interest within seven (7) days of their officially assuming office.

Refer also to Section 3 sub-section 4 in regards to "Bonds".

SECTION THREE NOMINATION MEETING

1. The Electoral Officer or his/her duly appointed deputy shall attend the time and place set out in the Notice of Nomination in each electoral district and shall declare the meeting "open" for the purposes of receiving the nominations of candidates for the positions available.
2. **NOMINATION MEETING DURATION** - The Electoral Officer or his/her duly elected deputy, shall keep the meeting open for a minimum of two (2) hours or until such time as all nominations from electors then present have been received whichever occurs last, and thereafter the meeting may be closed by a duly seconded motion or at the discretion of the Electoral Officer or Deputy.
3. **MAINTAIN ORDER** - The Electoral Officer or his/her deputy shall maintain order at all times during the Nomination Meeting and may cause to be removed, any person who, in his/her opinion, is disrupting or otherwise interfering with the meeting.
4. **POSTING OF BOND** - The Electoral Officer, or his/her deputy, shall record the name of the candidate, the nominator, and the seconder, and confirm to the meeting that the proposed candidate is eligible to be elected pending only the outcome of the procedure outlined in Sections 2 sub-section 10 and Section 2 sub-section 6 and 7 and such other provisions that form an integral part of these regulations. The proper bond must be posted within 24 hours of the closure of the nomination meeting wherein the nomination occurred. Failure to meet this deadline will, without exception, result in deletion of the nominee's name from the list of proposed candidates eligible to stand for election. (see also Section 2 sub-section 10 - 12).
5. **PURPOSE OF MEETING** - A nomination meeting is for the express purpose of making and receiving of nominations. Complaining, campaigning, accusing, etc. are to be ruled " out of order ". Questions and answers to explain these regulations in regards to the nomination process are acceptable.

SECTION 4 ELECTION PROCEDURES

1. **ACCLAMATION** - The Electoral Officer shall, if the number of nominations does not exceed the number of positions open, at the end of the meeting, refer the names of all those eligible who were nominated to the Elders' Leadership Committee of the Senate of Elders. Those names approved by that committee shall be declared " elected " within seven (7) days by the Electoral Officer.
2. **DECLARATION ELECTION DATE OR OTHER NOMINATION MEETING** - If the number of candidates exceeds the number of positions open for election within that electoral district, the Electoral Officer or his/her duly appointed deputy, will announce/confirm the date of the election. If nominations are disallowed due to the

lack of the sustaining approval of the Senate of Elders, additional nomination meetings may be convened, governed by these regulations, by the Electoral Officer.

3. **POLLING NOTICE** - The Electoral Officer or his/her designate shall, without undue delay, post a notice of poll, setting out the time, place and date for voting in each appropriate electoral district. Such notice shall be posted in the Dene Tha' Band Offices and such other public places as deemed necessary by the Electoral Officer. Such notice will be posted not less than ten (10) days prior to the date scheduled for the poll.
4. **ESTABLISHMENT OF POLLING STATIONS** - There will be established, at least one (1) Polling Station at each reserve at the following location (s):
 - (A) The Dene Tha' First Nation's Offices, and/or
 - (B) At any other location as determined by the Electoral Officer prior to the date of the posted notice of poll.
5. **BALLOT PREPARATION & PHOTO** - The Electoral Officer or his/her designate shall have prepared ballot papers in the form prescribed and placing the full and complete names, listed in alphabetical order, of all candidates for Chief and for Councillor in each separate electoral district, as appropriate. Each candidate will be required to provide a clear photograph of himself/herself which is deemed suitable by the Electoral Officer within seventy-two (72) hours of their nomination being approved by the Senate of Elders. A photocopied copy of this photograph or one produced by some mechanical means will be included on the appropriate ballots next to that candidate's name and marking space.
6. **BALLOTS, BOXES & MATERIALS** - The Electoral Officer or his/her designate shall obtain such ballot boxes, procure a sufficient number of ballot papers for the purposes of the election, materials for marking, a sufficient number of "directions for voting" as may be required, and all other equipment as necessary to establish voting locations.
7. **POLLING BOOTH PRIVACY** - The Electoral Officer or his/her designate shall construct or erect polling booths such that the privacy of the voter is maintained.
8. **INTERPRETER** - The Electoral Officer or his/her designate shall where necessary and when requested, appoint an interpreter, who will be a member of the Dene Tha' First Nation, for any voter who is unable to read or is incapacitated by blindness or other physical cause, from voting in a manner prescribed by Section 5 sub-section 8. This interpreter shall assist such a voter in the presence of agents of the candidate in the polling place, if so requested by these agents, and of no other person, and place such ballot in the ballot box.
9. **WITHDRAW FROM RUNNING** - Any candidate who has been nominated may withdraw, at anytime, his/her nomination but such withdrawal cannot be less than forty-eight (48) hours before the opening of the polls, by filing with the Electoral Officer, a written withdrawal of his/her nomination, signed by himself/herself in the presence of the Electoral Officer, a Justice of the Peace, a Notary of the Public or

a Commissioner of Oaths. Any votes cast for any withdrawn candidate shall be null and void. The withdrawal is effective at the time the Electoral Officer or his/her designate is in receipt of the written withdrawal.

10. **BOND FORFEITED** - Any candidate who has withdrawn his/her nomination after having posted a bond, shall forfeit the bond in favor of the Dene Tha' Tribal Administration.

SECTION 5 ELECTION POLL

1. **POLLING CLERKS** - The Electoral Officer or his/her designate with such Polling Clerks as he deems necessary shall be in attendance at the polling stations in each electoral district at the time set out for the voting in Notice of Poll.
2. **SEALING OF BALLOT BOXES** - The Electoral Officer or his/her designate shall immediately before the commencement of the poll, open the ballot box(es) and call such persons as may be present to witness that it (they) is (are) empty. He/she shall then lock and properly seal the box(es) to prevent it (them) from being opened without breaking the seal and shall then place it (them) in full view for the reception of the ballots and the seal(s) shall not be broken nor the box(es) unlocked during the period appointed for taking the poll.
3. **POLLING TIME** - The Electoral Officer or his/her designate shall hold the Polling Booth(s) open from 9:00 a.m. to 6:00 p.m. at all locations.
4. **MAINTAIN ORDER** - The Electoral Officer or his/her designate shall maintain, at all times, order in the Polling Station and may cause to be removed any person who in any way interferes, disrupts or attempts to influence the orderly conduct or secrecy of the conduct of the poll.
5. **BALLOTS** - A person presenting themselves for the purpose of voting shall, upon being confirmed by the Electoral Officer or his/her designate, as an eligible elector, be given a ballot paper upon which to register his/her vote. Although it is not anticipated that an Election for Chief and Councillors take place simultaneously, this could occur if a special election for either is called prior to the end of terms or through resignations, deaths or disqualification's. In such a circumstance, a voter will be given two (2) ballots of different colors. One color of ballot for the election of Chief and another for the election of the Councillors for that particular electoral district.
6. **AGENTS** - All candidates shall be entitled to not more than two (2) agents in a polling place, at any one time, who shall be allowed to witness any assisted marking of ballots.
7. **INITIAL BALLOTS** - The Electoral Officer, or his/her designate, shall initial each ballot upon giving it to the elector.

8. **CASTING BALLOT** - Each elector receiving a ballot paper shall proceed directly to the place provided for the marking of ballots and shall mark his/her ballot(s) by placing a cross (X) or check mark (4) opposite the name of the candidate(s) for whom he/she desires to vote and shall immediately deposit the ballot in the ballot box supplied.
9. **VOTER LIST REMARKS** - The Electoral Officer or his/her designate shall note upon the voters' list any irregularity in connection with voting and shall specifically note any ballots marked by the Electoral Officer and his/her designate or interpreter at the request of the elector, but shall not note the candidate for whom the ballot was cast.
10. **SPOILT BALLOT** - Any voter who has inadvertently dealt with his/her ballot paper in such a manner that it cannot be conveniently used, shall upon returning it to the Electoral Officer or his/her designate, be issued another ballot. The returned ballot shall be marked "Cancelled" and preserved by the Electoral Officer or his/her designate.
11. **FORFEIT RIGHT TO VOTE** - Any person who has received a ballot paper and who leaves the polling place without delivering same to the Electoral Office or his/her designate, in the manner described herein, or after having received the ballot paper, refuses to vote, shall forfeit his/her right to vote at the election, and the Electoral Officer or his/her designate shall make an entry on the voters' list in the column for remarks opposite the name of such person to show that such person received a ballot paper(s) and declined to vote. In such instance the Electoral Officer or his/her designate shall mark upon the face of the ballot the word "DECLINED" and all ballot papers if taken from the polling station by the elector, shall have a notation made on the list of electors and that individual will not be allowed to cast that or any other ballot.
12. **RESIDENCE OF ELECTOR** - Any person who is a Dene Tha' Member, (registered on the membership list of the Dene Tha' First Nation) for a period of twelve (12) months or more and who has lived within the particular electoral district for that same period of time; i.e. the electoral district in which he/she is seeking to vote, but who's name does not appear upon the eligible electors' list for that electoral district, may present identification and residence information which if it can be verified to the satisfaction of the Electoral Officer or his/her designate, may allow the elector to file a **STATUTORY DECLARATION** and have his/her name added to the list of eligible voters and in turn cast a vote at that polling station.

SECTION 6 ELECTION TABULATION

1. Immediately following the close of the poll, the Electoral Officer or his/her designate in the presence of such witnesses as may be present, will open the ballot box(es) and:
 - (A) **COUNTING BALLOTS** - Examine the ballots and reject any that are not initialed by the Electoral Officer or his/her designate, or any other ballots that in his/her opinion, do not give clear indication of the voter's preference. If any part of the ballot has more votes indicated than there are vacancies for that position, that part of the ballot is "DISQUALIFIED". All "DISQUALIFIED" ballots are to be preserved.
 - (B) Reject any ballots upon which anything appears by which the voter may be identified.
 - (C) Subject to review on recount or on an election appeal, take note of any objection made by any candidate or his/her agent to any of the ballot papers found in the ballot box(es) and decide any questions arising out of these objections.
 - (D) Count the votes given for each candidate from the ballot papers not rejected and make a written statement of the number of votes given to each candidate and of the number of ballot papers rejected and not counted by him/her which statement will be signed by him/her and other persons authorized to be present as may desire to sign same.
 - (E) Number such objections and place corresponding numbers on the back of the ballot papers with the work "ALLOWED" or "DISALLOWED" as the case may be along with his/her initials.
2. **DECLARATION OF RESULTS** - After tabulation, the Electoral Officer shall announce the names of the candidates that were successful, receiving the highest number of votes in each electoral district, and he/she will publicly declare these candidates elected, subject to the appeal procedures of these regulations.
3. **POSTING RESULTS** - The Electoral Officer or his/her designate following the announcement shall post in a conspicuous place a statement signed by him/her to show the number of votes cast for each candidate.
4. **BREAKING A TIE** - In the event of a tie, candidates would be subject to a by-election and,
 - (A) For the position of Chief, any or all candidates that are in the winning position and are tied, will have the tie decided by a by-election held within 72 hours.
 - (B) For the position of Councillor, any candidates that are in the last position to be elected in his/her electoral district, and are tied, then these candidates are subject to a by-election within 72 hours.
5. **AFFECT OF BY-ELECTIONS ON APPEAL PERIOD** - The appeal period, as mentioned in Section 8, follows the final by-election, as mentioned in Section 6 sub-section 4.

SECTION 7 ELECTION REPORTING

1. **ACCUMULATION OF VOTING RESULTS** - After the counting of the ballots in the polling station in each electoral district, the Electoral Officer or his/her designate shall gather the results information by telephone, and will tabulate the final results of the count performed at all polls. Such telephone reports shall be made, whenever possible, by speaker phone and made in the presence of a minimum of two (2) witnesses, who are either registered members of the Dene Tha' First Nation and/or agents for and representing at least one of the candidates in the election. The polling station receiving the results will also use a speaker phone, whenever possible and shall receive such a call in the presence of a minimum of two (2) witnesses, who are registered members of the Dene Tha' First Nation and/or are agents for and representing one or more of the candidates in the election.
2. **POSTING NAMES OF SUCCESSFUL CANDIDATES** - After the counting of all ballots, the Electoral Officer shall announce and post the names of the successful candidates.
3. **ELECTORAL REPORT** - Following the "ELECTORAL ANNOUNCEMENT", the Electoral Officer shall complete and sign an ELECTION REPORT, in triplicate, which will contain:
 - (A) List of all candidates
 - (B) Number of ballots cast
 - (C) Number of votes for each candidate
 - (D) Number of spoiled ballots
4. **DISTRIBUTION OF REPORT** - The Electoral Officer shall forward:
 - (A) One copy to the Dene Tha' First Nation Administration Office,
Attention: Executive Director
 - (B) One copy to the Regional Office of Indian and Northern Affairs Canada
 - (C) The original of the Election Report will be retained on the Band Election file.

SECTION 8 ELECTION APPEALS

1. **APPEALS** - An appeal Board shall mean an election appeal Board, appointed by the Electoral Officer consisting of persons he/she deems to be as impartial as possible. One or more members will be members of the Elders Leadership Review Committee for the reserve(s) involved. There shall be one appeal board for appeals arising out of elections for Chief; otherwise, appeals arising out of elections for Councillors shall be dealt with within the particular electoral district affected.
2. **APPEAL BOARD** - Any appeal board so constituted shall supervise, administer and decide all election appeals, in strict accordance with these regulations.

3. **APPEAL RESULTS** - It shall be the duty of the Appeal Board to certify to the election of the Dene Tha' First Nation Council members after the general election or by-election in the event that a proper appeal as provided for in these regulations, was indeed filed.
4. **LENGTH OF APPEAL BOARD ASSIGNMENTS** - The members of an Appeal Board shall hold office until all appeals have been determined. No member of an Appeal Board can at the same time be a member of Band Council or a candidate for a Council office. An appeal board shall have not fewer than three members or more than five.

APPEAL PROCEDURE

5. **APPEAL ELIGIBILITY, CRITERIA & DEADLINES** - Any candidate at the election or any other elector who gave or tendered his/her vote at the election may, within fourteen (14) consecutive days of the poll, appeal the election if he/she has reasonable and probable grounds for believing that:
 - (A) An error or violation was made in the interpretation or application of these regulations that might have affected the outcome of the election.
 - (B) A candidate who ran in the election was ineligible to do so as per these regulations.
 - (C) There was a corrupt practice in connection with this election

NOTE: Infractions established in appeals which affect only the outcome in one electoral district will not bear upon the outcome in other electoral districts except in the case of overall results as tabulated for the position of Chief.

6. **NOTICE OF APPEAL \$50 BOND** - An appeal of a Dene Tha' First Nation Election may be launched in the following manner:
 - (A) Notice of Appeal in writing, duly verified by affidavit, forwarded by registered mail, outlining the precise grounds for the appeal, and demonstrating its direct affect on the outcome of the election, should be sent by registered mail to the Elector Officer, together with a bond, Money Order or Certified Cheque for the amount of Fifty Dollars (\$50) in favor of the Dene Tha' Tribal Administration. This notice of appeal must be received within fourteen (14) days of the election. If the appeal is upheld, the bond amount will be returned, if the appeal is denied, the appeal bond will be forfeited.
7. **OPTIONS OF APPEAL BOARD** - The Appeal Board shall:
 - (A) Deny the appeal on the grounds that evidence presented did not indicate an infraction of the regulations and so advise the complaint and the Council.

- (B) Uphold the appeal but allow the election to stand, as the infraction of the regulations did not significantly affect the results of the election.
- (C) Uphold the appeal and call a new election within twenty-one (21) days of the determination of the appeal for all or some of the positions which were contested, giving instruction such that the reason for the original appeal is corrected. There shall be NO NEW NOMINATIONS. The by-elections shall be held according to these regulations.
- (D) Cancel a by-election if there is less than three (3) months remaining in the current term.

8. **NOTIFICATION OF CANDIDATES OF APPEALS** - Where an appeal is received by the Appeal Board pursuant to sub-section one (1) of this section within fourteen (14) days, the Appeal Board shall forward a copy of such appeal together with supporting documents by registered mail to each candidate involved in the election for the relevant office in that electoral district.

SECTION 9 TERMINATION PROVISION

1. **PROVISIONS FOR RECALL** - A Chief or Councillor may be disqualified from holding office, if while in office:
 - (A) As a result of an appeal or other investigation, he/she is shown to be guilty of a corrupt election practice;
 - (B) He/she acts in a manner which is detrimental to the office of Chief or Councillor or which is detrimental to the Dene Tha' First Nation, where Council has established policies for the conduct of the Chief and Councillors.

2. **DEALING WITH VIOLATION** - If a violation of Section 9 Clause 1 occurs, a motion must be presented at a duly convened Council Meeting, calling for the termination of the person in violation. Thereafter, a First Nation Council Resolution outlining the infraction and calling for the disqualification, must be signed by a quorum of the Council. In any case the Chief or Councillor will be disqualified until after the next general election.

3. **CODES OF CONDUCT** - Other items establishing specific codes of conduct for elected representatives of the Dene Tha' First Nation may be established from time to time by the First Nation Council by official resolution or by-law.

SECTION 10 SPECIAL PROVISIONS

1. **ADVANCE POLLS** - An advanced poll may, when deemed necessary by the Electoral Officer and the First Nation Council, be ordered as part of the special instructions given when an election is called and shall be conducted as follows:
 - (A) An advance poll shall be held within five working days prior to the election day and shall follow all the procedures prescribed for the regular poll.
 - (B) All ballots shall be taken from the sealed box(es) and opened during the counting procedure undertaken for the regular election. This will require separate proper ballot boxes be used.
 - (C) The Advance Polls shall be open not less than two (2) hours and not more than three (3) hours.

GRAND COUNCIL

2. **GRAND COUNCIL/SENATE OF ELDERS RELATIONSHIP** - There shall be an automatic appointment of a Grand Council consisting of present Elders who have served as Chief and long-term (minimum of 12 years) elderly Councillors who have since retired notwithstanding any other part of these regulations:
 - (A) The Grand Council may serve similar duties as the Senate of Elders as described in Section 10 sub-section 5.
 - (B) Upon retirement of the life-time Chief, he shall be appointed to the Grand Council, and be addressed as the "Honorary Grand Chief" of the Dene Tha' First Nation.
 - (C) The Senate of Elder is actually a sub-committee of the Grand Council when both are constituted and functioning.

SENATE OF ELDERS

3. **REPRESENTATIVES SENATE OF ELDERS** - There shall be a Senate of Elders established consisting of not more than eight (8) elders nor less than three (3) who are registered members of the Dene Tha' First Nation. These elders may be appointed or selected by the communities. (Reserves) from/by the group of elders within each community. Insofar as possible, the representatives which are appointed to this body will be allocated amongst the communities as follows: 5 from Hay Lakes #209; 2 from Upper Hay River (Meander) #212 and 1 from Bushe River #207.
4. **APPOINTMENT TO SENATE OF ELDERS** - The "interim" Senate of Elders has been selected by the current First Nation Council, after considerable consultation. They shall hold office for at least six (6) months and not over one (1) year or until such time as the communities of elders elect from their own ranks, such a leadership or representative group. The Council may adopt suggestions put forward to constitute this group and to provide procedural guidelines for their functioning under the provisions of these regulations, as deemed necessary.

5. **FUNCTIONS - SENATE OF ELDERS** - The Senate of Elders may be used as advisors to the elected Chief and Council but it's primary purpose is and will be to review and provide input into all multi-year planning and establishment of by-laws that will be legislated by the Dene Tha' First Nation.

OATH OF OFFICE

6. **OATH OF OFFICE** - An oath of office will be taken by each newly elected Chief and Councillor.
7. An oath of office will be taken by each newly selected member of the Senate of Elders.
8. Normally all such oaths of office will be administered by the Honorary Grand Chief, however, in his absence it may be a delegated member of the Grand Council or the Senate of Elders, as appropriate.

NUMBER OF COUNCILLORS

9. **DISTRIBUTION OF FIRST NATION COUNCIL REPRESENTATIVE SEATS** - The number of Councillors to be elected for the Dene Tha' First Nation shall be eight (8), and the distribution of seats for each electoral district (reserve) shall be as follows:
- (A) Five (5) Councillors for Hay Lakes #209
 - (B) Two (2) Councillors for Upper Hay River (Meander River) #212
 - (C) One (1) Councillor for Bushe River # 207

This representation distribution formula will be maintained by dividing the nominating, voting, tabulating and appeal activities as per these regulations into separate electoral districts for each of the inhabited reserves.

TERM OF OFFICE

10. **NUMBER OF OFFICERS AND TERM** - Number on Council: There shall be elected for the Dene Tha' First Nation, One (1) Chief and Eight (8) Councillors for a term of Four (4) years.
11. **FREQUENCY OF ELECTIONS** - General elections will take place, at least, every Four (4) years thereafter but may be also called at any time by a majority vote of Council.
12. **BY-ELECTIONS** - If there is for any reason, a vacancy on Council and there is more than Three (3) months remaining in the term of office, then there may be a by-election held in the same manner as a general election for the vacant position(s).

STAGGERED TERMS CHIEF vs. COUNCILLORS

13. **STAGGERED TERMS** - The first general election under these regulations shall take place within twenty (20) days of the completion of the consultation process described on the covering memo at the time of distribution of these regulations, in their initial proposed form to all households on the Dene Tha' Reserves. This first general election will involve the Councillor positions only for each of all the electoral districts. On the day designated as Treaty Day 1993, estimated to be approximately six (6) months subsequent to the election for Councillors, an election for the Chief of the Dene Tha' First Nation will be initiated and conducted according to these regulations. This staggered pattern of electing a group of Councillors and a Chief approximately six months apart will be maintained as nearly as it is possible.

SECTION 11 CHANGES AND AMENDMENTS

1. **AMENDMENT PROCEDURE** - Any future changes and/or additions to these regulations would require those changes proposed to be mailed out to all households on the Dene Tha' Reserves thirty (30) days prior to their adoption. Any group of ten (10) eligible electors having what they consider a valid reason to challenge those changes must do so in writing by joint letter or petition to the Dene Tha' First Nation Council within the thirty (30) day period mentioned above. If such a proper challenge is received as described herein, a duly called meeting of the Dene Tha' First Nation electors will be held and a vote taken where a majority of the First Nation electors eligible to vote as described herein, must agree to uphold the challenge. If this measure of support is not thereby established the challenge will be deemed to have been "lost". If no challenge is upheld or in fact received, then the changes may be approved by the Chief and Council of the day by a First Nation Council Resolution.
2. **IMPROVEMENTS TO REGULATIONS** - The Chief and Council may approve by First Nation Council Resolution, Council administrative regulations, establishing the procedures, standards, forms and rules for the better administration of these regulations.