

# LUTSEL K'E DENE FIRST NATION



## CONSTITUTION & BYLAWS

(Feb 15, 2013)

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## **0.0 INTRODUCTION**

This document is the Constitution & Bylaws for the Lutsel K'e Dene First Nation.

The *Lutsel K'e Dene First Nation Policy Manual* provides details regarding the daily operations and administrative procedures and is available upon request.

The information in these two documents is based on the beliefs, principles, traditions and practices of the Lutsel K'e Dene First Nation. This information represents the results of work done to date by the Lutsel K'e Dene First Nation membership at its Special Assemblies and the efforts of the Lutsel K'e Dene First Nation Council and staff to develop appropriate policies and practices to manage the business and day-to-day operations of the Lutsel K'e Dene First Nation. Both documents are works in progress and useful, relevant feedback is welcome.

The constitution and bylaws apply to all members and personnel within the Lutsel K'e Dene First Nation and may be changed by Special Resolution approved by Lutsel K'e Dene First Nation members.

This document is made up of four sections:

**Section 1: Constitution**

**Section 2: Bylaws: Organizational**

**Section 3: Bylaws: Governance**

**Section 4: Bylaws: Election Code**

## **1.0 CONSTITUTION**

**A constitution is a set of fundamental principles or rules that describe the purpose, authority and limitations of a political organization or entity. These rules define what the organization is and how it is governed.**

**The Lutsel K'e Dene First Nation is the primary and legitimate government within the traditional homeland of the Lutsel K'e Dene people (refer to Appendix A for map of traditional homeland with boundaries). The authority of the Lutsel K'e Dene First Nation is derived from the inherent right of First Nation people to self-government. This inherent right has been further entrenched through Treaty 8, signed by the elders in 1900, and Section (1) of the Canadian Constitution Act, 1982.**

**As a First Nation government within its traditional homeland, the Lutsel K'e Dene First Nation will:**

- 1.1 Protect and implement the Treaty and First Nation rights of its members, based on inherent right and the traditions and knowledge of the elders.**
- 1.2 Govern and manage the affairs and resources of the Lutsel K'e Dene First Nation.**
- 1.3 Provide programs and services to meet the needs of its members.**
- 1.4 Strive to ensure the safety and well-being of all residents within the Lutsel K'e Dene homeland.**
- 1.5 Manage renewable and non-renewable resources within the Lutsel K'e Dene homeland.**
- 1.6 Enact laws, bylaws, regulations, and policies that serve to fulfill its inherent obligations. These laws, bylaws, regulations, and policies will be subject to the general laws of application within Canada as they apply to First Nation peoples and Treaty rights.**

## **2.0 BYLAWS: ORGANIZATIONAL**

Organizational bylaws define how an organization is run. Bylaws describe how the members of the organization are determined, what officers (or leaders) the organization will have, how elections are run, what duties the officers have, and how the organization conducts its business. Creation of, or revision to, organizational bylaws is normally achieved only through majority vote of the membership.

- 2.1 The legal name of this organization is the Lutsel K'e Dene First Nation and is also known as the Lutsel K'e Dene Band.
- 2.2 The traditional homeland of the Lutsel K'e Dene First Nation consists of the land identified on the map attached in Appendix A.
- 2.3 The Lutsel K'e Dene First Nation is based in Lutsel K'e, Northwest Territories.
- 2.4 All registered Status Indians on the Lutsel K'e Dene First Nation list that is maintained by Aboriginal Affairs and Northern Development Canada are legal members of this organization.
- 2.5 All band members eighteen (18) years of age and over are eligible to vote and run for the office of chief or councillor, but elections will only be held in Lutsel K'e, Northwest Territories. Eligible Band members may vote by official proxy.
- 2.6 The Lutsel K'e Dene First Nation Council is the governing authority of the Lutsel K'e Dene First Nation.
- 2.7 The Council of the Lutsel K'e Dene First Nation consists of one chief and six councillors elected by secret ballot every two (2) years. Separate but concurrent elections are held for chief and councillor positions. The chief is a member of the Council and also acts as the official spokesperson for the First Nation.
- 2.8 Once elected, and unless otherwise removed from office per Section 2.9, the chief and councillors remain in office until their terms are over.
- 2.9 The chief and individual councillors cease to hold their positions if they:
  - resign;
  - are convicted of an indictable offence while in office;
  - are removed from office through a vote of non-confidence by Council members due to serious violations of the councillors' Code of Conduct; or,
  - are removed by a vote of non-confidence by Band members at a legally constituted Special or Annual Assembly, as per bylaws 2.17 and 2.18.

- 2.10 If the Chief or a Councillor leaves office for any reason before his/her term is up, a by-election will be held to fill the vacancy, with exceptions noted in Bylaws 2.11 and 2.12.
- 2.11 If a Councillor leaves office and there is less than three months to the end of the Council's legal term of office, a replacement councillor may be appointed by Council based on previous election results (i.e. candidate with the most votes).
- 2.12 If the Chief leaves office and there is less than three months to the end of the Chief's legal term of office, the Sub-Chief will assume the Chief's duties and a replacement Councillor may be appointed as per bylaw 2.11.
- 2.13 The Council must hold an Annual General Assembly of the general membership within six months of fiscal year-end to review and approve the annual financial statements, report on the activities of the First Nation and address the concerns and issues of the membership.
- 2.14 The date and agenda of the Annual General Assembly and any proposed changes to the constitution and bylaws of the organization must be advertised 30 days prior to the Assembly.
- 2.15 Ten percent (10%) of the voting members who reside in the community of Lutsel K'e constitute a quorum at the Annual General Assembly.
- 2.16 All decisions require majority support (50% +1) of voting members in attendance at a legally constituted Annual General Assembly.
- 2.17 Band members can call a Special Assembly of the organization at any time by tabling a petition to Council that requests a Special Assembly and contains the signatures of ten percent (10%) of the voting members residing in Lutsel K'e .
- 2.18 The date and agenda of a Special Assembly must be advertised five (5) days prior to the Assembly.
- 2.19 Ten percent (10%) of the voting members who reside in the community of Lutsel K'e constitute a quorum at a Special Assembly.
- 2.20 All decisions require the majority support (50% + 1) of voting members in attendance at a legally constituted Special Assembly.
- 2.21 The fiscal year of the Lutsel K'e Dene First Nation ends March 31 of each year.

- 2.22 All of the financial accounts of the Lutsel K'e Dene First Nation will be held at the Lutsel K'e Dene First Nation Band office in Lutsel K'e, Northwest Territories.
- 2.23 All Band members, with reasonable notice, may review current financial records, council minutes, and reports of the Lutsel K'e Dene First Nation at the Lutsel K'e Dene First Nation Band office.
- 2.24 Changes to these Constitution and Bylaws require the majority support (50% + 1) of voting members in attendance at a legally constituted General or Special Assembly.
- 2.25 The Constitution and Bylaws of the Lutsel K'e Dene First Nation may be amended or replaced by Treaty Implementation or Self-Government agreements signed with the Government of Canada, or by Acts associated with these agreements.
- 2.26 All Treaty Entitlement, Land and Resource, and Self-Government agreements negotiated by the Lutsel K'e Dene First Nation must be ratified by plebiscite by a minimum of sixty percent (60%) of the voting membership residing in Lutsel K'e.

### **3.0 BYLAWS: GOVERNANCE**

This section deals with the roles, responsibilities and authorities of the Lutsel K'e Dene First Nation Council and how it makes decisions.

#### **3.1 Mission**

3.1.1 The mission of the Lutsel K'e Dene First Nation Council is:

*Sustainable development supporting healthy families, based on Denesoline beliefs and traditions.*

3.1.2 In order to achieve this mission, the Lutsel K'e Dene First Nation Council will strive to achieve the following main goals:

- *Effective Dene governance, based on inherent right and Treaty 8 entitlement*
- *Preservation of the traditional homeland, culture and language*
- *Individual, family and community healing*
- *Well educated and trained First Nation members*
- *Sustainable economic development*

3.1.3 While working to fulfill its mission, the Lutsel K'e Dene First Nation Council will:

- *Uphold all the bylaws and policies of the Lutsel K'e Dene First Nation*
- *Demonstrate a commitment to the mission and goals of the organization*
- *Demonstrate respect for members, councillors, individuals and agencies that deal with the Lutsel K'e Dene First Nation, and the land, water and traditions of the Lutsel K'e Dene*
- *Be honest, fair and reliable in all Council dealings*
- *Maintain a positive and cooperative attitude*

3.1.4 All departments and committees of the Lutsel K'e Dene First Nation will prepare and submit an annual set of the program objectives to the council for approval during the first three months of the fiscal year. These objectives will be related to the mission and

goals of the organization. Evaluation of the success of the organization will be based on achieving these objectives.

3.1.5 The Lutsel K'e Dene First Nation Council will provide reports on its activities, and the activities of all the Lutsel K'e Dene First Nation departments and committees, at an Annual General Assembly to be held in the fall of each year.

## **3.2 Roles and Responsibilities**

### **3.2.1 Members**

3.2.1.1 The members of the Lutsel K'e Dene First Nation collectively own the organization. They have primary authority over the organization. However, they exercise this authority by selecting a Chief and Councillors to govern the organization on their behalf, according to the Constitution and Bylaws of the organization.

3.2.1.2 The members exercise their authority through the Council; they do not supervise or have any formal link with management or staff in the organization.

3.2.1.3 The members reserve the right to:

- *Choose the Chief and Councillors through properly constituted elections*
- *Amend the constitution and bylaws according to procedures defined in the bylaws*
- *Approve the annual financial statements through a general band resolution passed at a properly constituted Special Assembly*
- *Call Special Assemblies to deal with issues affecting the organization, according to procedures established in the bylaws*
- *Attend all Council meetings as observers*
- *Review the financial statements and Council minutes*
- *Approve treaty implementation, land and resource, and self-government agreements*
- *Approve impact and benefit agreements and IBA budgets*
- *Approve extraordinary expenditures*

### 3.2.2 Council

3.2.2.1 The Lutsel K'e Dene First Nation Council consists of a Chief and up to six (6) elected Councillors.

3.2.2.2 The Council is the primary governing body of the organization. It has the authority to make or delegate decisions of the Lutsel K'e Dene First Nation that are not assigned to Band Members through the Constitution and Bylaws or staff as defined in the *Lutsel K'e Dene First Nation Policy Manual*.

3.2.2.3 The Council's authority is as a single body – individual Councillors do not have authority outside of Council except for authority that has been delegated by Council through policy or formal motions and resolutions.

3.2.2.4 The Council maintains primary authority over the following types of decisions and activities:

- *Decisions relating to the issuing of land and water permits for resource development activities*
- *All decisions that are of an obvious political nature or that involve interpretations of existing laws and regulations*
- *Negotiation of treaty implementation, land and resource, impact/benefit, and governance agreements*
- *Hiring and evaluating the Senior Administrative Officer*
- *Approval of all core, program and project budgets other than IBA budgets*
- *Development and approval of all Council and administration policies and policy amendments*
- *Approval of annual program and capital plans*
- *Approval of job program regulations and terms of reference for committees*
- *Development and approval of municipal bylaws and licenses*
- *Appointment of a Sub-Chief*

- *Selection of delegates to represent Council on out-of-town meetings*
- *Any other decisions relating to the effective governance of the Lutsel K'e Dene First Nation and Council*

3.2.2.5 The Council may delegate specific decisions and responsibilities to other personnel within the organization as defined in the *Lutsel K'e Dene First Nation Policy Manual*

### 3.2.3 Chief

3.2.3.1 The Chief is a member of the Lutsel K'e Dene First Nation Council.

3.2.3.2 The Chief is the official leader and spokesperson of the Lutsel K'e Dene First Nation Council and represents Council on the Akaitcho Territory Government.

3.2.3.3 The Chief also acts as the *Executive Officer* of the Lutsel K'e Dene First Nation Council. In this capacity, the Chief works closely with the senior administrative officer as defined in the *Lutsel K'e Dene First Nation Policy Manual* to ensure that the decisions of the Council are carried out and that the Lutsel K'e Dene First Nation operates effectively to meet the needs of its members.

3.2.3.4 The Chief has the authority to make decisions on behalf of the Council in situations where time is of the essence or when specific decision-making authority has been delegated by Council, but all decisions must be brought back to Council for review.

3.2.3.4.1 Prior to making decisions under these circumstances, the Chief will make a serious effort to consult with available Councillors and other appropriate personnel within the organization.

3.2.3.5 The Chief may delegate specific decisions and responsibilities to a Sub-Chief on a temporary basis when he/she leaves the community or is otherwise unavailable to perform the duties of Chief. The Council and Senior Administrative Officer shall be verbally notified when this delegation of authority occurs.

### 3.2.4 Committees

3.2.4.1 The Lutsel K'e Dene First Nation Council may establish temporary and permanent committees to carry out work on its behalf. Committees may be appointed or elected, but remain under the authority of the Lutsel K'e Dene First Nation Council.

3.2.4.2 Committees must be established through a Band Council Resolution. Permanent committees must have written terms of reference that outline their authority, general mandate, structure, reporting relationship and any other conditions that Council sees fit to establish.

3.2.4.2.1 Council reserves the right to appoint one Councillor as a liaison person to each committee.

3.2.4.2.2. The Chief is an ex-officio member of all committees.

3.2.4.3 All committees will operate in compliance with bylaws of the Lutsel K'e Dene First Nation and the *Lutsel K'e Dene First Nation Policy Manual*.

### 3.2.5 Senior Administrative Officer (SAO)

3.2.5.1 The Senior Administrative Officer, also referred to as Band Manager, is responsible for the management of programs and services of the Lutsel K'e Dene First Nation, in accordance with the *Lutsel K'e Dene First Nation Policy Manual*.

3.2.5.2 The Senior Administrative Officer takes direction from the Council as a whole, or from the Chief in his/her capacity as Executive Officer of the Council, but not from individual Councillors.

3.2.5.3 The Senior Administrative Officer will keep Council informed about all program and service activities and decisions.

3.2.5.4 The Senior Administrative Officer has authority over the management and operational decisions and activities of the organization that have not been maintained by membership or by Council or have not been delegated to committees of the Council.

3.2.5.5 Specific decisions and responsibilities of the Senior Administrative Officer may be delegated to other employees within the organization through job descriptions, administrative policies or office memos.

### 3.2.6 Other Administrative Positions

3.2.6.1 All term and permanent positions within the organization will have a formal job description that will include:

- *The title of the position*
- *Immediate reporting relationships and areas of authority*

- *A summary of general responsibilities relating to the mission and goals of the organization*
- *A categorized list of duties*
- *The required qualifications for the position*
- *The pay range for the position*

3.2.6.2 All staff are responsible and accountable for carrying out the duties and responsibilities of their position, as well as upholding the mission, principles and policies of the Lutsel K'e Dene First Nation.

### **3.3 Conducting Council Business**

#### **3.3.1 Council Code of Conduct**

3.3.1.1 The Chief and Councillors of the Lutsel K'e Dene First Nation Council will:

- *Work cooperatively to serve the membership of the organization to the best of their ability.*
- *Carry out the best interests of the organization and the community without favouring themselves or any one individual, families or group and without abusing their authority.*
- *Act as a role model within the community and with other agencies by maintaining sobriety and avoiding behaviours that undermine the integrity or credibility of the Lutsel K'e Dene First Nation.*
- *Adhere to these bylaws and the Lutsel K'e Dene First Nation Policy Manual.*
- *Exercise special care while dealing with the financial affairs of the organization to ensure that money is spent wisely.*
- *Demonstrate respect for all members of the organization, the community and other agencies.*
- *Accept and support the legal decisions of the Council.*

- *Maintain confidentiality regarding personal or private Council business.*
- *Make every effort to attend and participate fully in all Council meetings.*

3.3.1.2 The Chief and Council shall adhere to the Council Code of Conduct (per bylaw 3.3.1). Serious violations of the Code of Conduct will result in the following disciplinary action:

- *First Occurrence: Verbal reprimand by Council at an in-camera meeting.*
- *Second Occurrence: A motion of reprimand by Council, with discussion of the motion taking place in an in-camera meeting.*
- *Third Occurrence: A vote of non-confidence resulting in dismissal from Council, with discussion taking place in an in-camera meeting.*

3.3.1.3 A record of reprimands will be documented by the Senior Administrative Officer and maintained by the Human Resources Department in confidential personnel files of each Council member.

3.3.1.4 During the disciplinary process, Council will ensure that the Council member is aware of the support service available in the community to address personal problems and issues.

### 3.3.2 Conflict of Interest

3.3.2.1 No member of the Lutsel K'e Dene First Nation Council will participate in any decision-making process where there is the possibility that the Council member or his/her immediate family will benefit financially from the decision.

3.3.2.2 If any member of Council is aware of a potential personal conflict of interest with respect to any Council business, the Council member must state his/her interest and withdraw from the room when the decision is being discussed or made.

3.3.2.3 If any member of Council is aware of a potential conflict of interest on the part of another member of Council, he/she should voice his/her concern so that the issue can be dealt with before any decision is discussed or made.

3.3.2.4 Violating this conflict of interest policy is grounds for disciplinary action by Council as per bylaw 3.3.1.2.

### **3.4 Council Meetings and Decisions**

3.4.1 The LKDFN Council will hold regular council meetings at least once a month.

3.4.2 The Chief or three (3) Councillors may call special council meetings with twenty-four (24) hour verbal notice.

3.4.3 All regular and special meetings of the LKDFN Council are public meetings, except when an in-camera session is formally called.

- *Council may hold in-camera sessions to address sensitive or confidential issues such as personal issues, serious disciplinary cases, and proprietary business information. No resolutions can be passed while in-camera, other than to come out of camera.*

3.4.4 A quorum for all regular and special council meetings is four (4) Council members.

- *If a quorum is not reached within thirty (30) minutes of the scheduled start time for the meeting, the meeting is cancelled.*
- *If a meeting is cancelled due to a lack of quorum, no honoraria will be paid for that meeting.*

3.4.5 Minutes will be taken at all formally constituted Council meetings. These minutes will include a summary of the discussion along with the record of all discussions. Council meeting minutes are available to members upon request.

3.4.6 The Chief is normally the chairperson of all Council meetings, but he/she may delegate this task to other Council members.

- *The chairperson will only vote in cases of a tie, except when a vote of non-confidence is taking place, in which case the chairperson may vote.*

3.4.7 Council members are expected to attend meetings regularly and participate fully in discussions.

- *A Council member who misses three (3) consecutive meetings without a valid excuse is considered to have resigned from Council and is no longer a member.*

3.4.8 Formal decisions of the Council will be made through Motions or Band Council Resolutions.

- *Motions and Band Council Resolutions can only be made at legally constituted Council meetings and, except for the vote of non-confidence and policy decisions, are passed by a majority vote of the Council members present.*
- *Motions carry less legal authority than Band Council Resolutions and are used for routine decision-making.*
- *Band Council Resolutions carry greater legal authority than Motions and are used for extraordinary decisions.*
- *Unless a Council member specifically states that he/she is putting forward a Band Council Resolution at the time the resolution is put forward, all decisions of Council will be identified in the minutes as Motions.*
- *Band Council Resolutions must be signed by four (4) Council members to be official.*
- *The Lutsel K'e Dene First Nation Council will strive to reach a consensus on all Motions and Band Council Resolutions, but even when consensus has been reached, a vote will be taken for the record.*
- *All Motions and Band Council Resolutions will be numbered by year and in the order of their passing.*
- *A vote of non-confidence must be done through a Band Council Resolution and requires the approval of five (5) Council members in order to be official.*
- *An amendment or addition to the Lutsel K'e Dene First Nation Policy Manual must be done through a Band Council Resolution and requires the approval of five (5) Council members.*

#### **4.0 BYLAWS: ELECTION CODE**

##### **4.1 Election Policies**

- 4.1.1 This Customary Election Code is based on traditional practices, unwritten policies and procedures, passed on orally, that have been developed, adapted and used by the Lutsel K'e Dene First Nation over a number of previous Council elections and therefore represents the current election practices of the Lutsel K'e Dene First Nation.
- 4.1.2 The Council of the Lutsel K'e Dene First Nation consists of one chief and six councillors elected by secret ballot every two (2) years during the month of February. Separate and concurrent elections are held for Chief and Councillor positions.
- 4.1.3 In the event that one (1) candidate for Chief has been nominated at the closing of the nominations and meets the eligibility to hold office criteria, the candidate shall be appointed Chief by Acclamation.
- 4.1.4 In the event that six (6) candidates for Councillor have been nominated at the closing of the nominations and meets the eligibility to hold office criteria, the six (6) candidates shall be appointed by Acclamation.
- 4.1.5 In order to be nominated for and hold office, candidates for Chief and Councillor positions:
- *Must be a legally registered Lutsel K'e Dene First Nation member.*
  - *Must be 18 years of age or older.*
  - *Cannot be employed by the Lutsel K'e Dene First Nation while in office. Employees wishing to run for Chief or one of the Councillor positions must take a leave of absence to run. If elected, that person must either take an unpaid leave of absence or resign their position.*
  - *Must not be in debt to the Lutsel K'e Dene First Nation for an amount of \$500.00 or more on which the person has not made either substantial payment or a binding repayment schedule.*
  - *Must not be convicted of an indictable offense and be willing to complete a criminal record check.*
  - *All candidates for Council must practice a healthy lifestyle. Once elected all Councillors shall maintain sobriety throughout their term of office and abide by the Code of Conduct and Oath of Office.*

- *A Chief or Councillor who has not practiced sobriety prior to being elected must agree to attend a treatment program of 30 days or less.*

4.1.6 All legally registered Lutsel K'e Dene First Nation members who are eighteen (18) years of age or older are eligible to nominate and vote for candidates for Chief and Councillor positions:

- *Nominations for both positions of Chief and Council shall be open for 14 days prior to Elections. Nominations are open from 9:00 a.m. on the first day and close at 6:00 p.m. on the 14<sup>th</sup> day.*
- *Elector Declaration Form and Nomination Form for both Chief and Councillor must be filled out and submitted to the Electoral Officer for each candidate.*
- *All nomination forms received after the closing date and time shall not be valid.*
- *All completed nominations forms shall be submitted to the Electoral Officer and the Electoral Officer shall notarize the date and time each form received.*

## **4.2 Standard Election Procedures**

4.2.1 The Lutsel K'e Dene First Nation Council will hold an election in March in its second year of office.

4.2.2 At the time Council declares an election date, Council will appoint an Electoral Officer 28 days before the election to oversee and administer the election process.

4.2.3 At this time Council will also appoint an Election Committee made up of three (3) members to make decisions regarding appeals and address other election issues at the request of the Electoral Officer.

4.2.4 The appointed Electoral Officer and the members of the Election Committee will be non-band members thus impartial and ineligible to vote, nominate or run in the election.

4.2.5 Nominations will be open for fourteen (14) days (two weeks) prior to the week of the election.

4.2.6 Nomination forms will be available at the Lutsel K'e Dene First Nation Band office and must be submitted to the Electoral Officer before the nomination deadline.

- 4.2.7 A nomination for Chief must be signed by the candidate and two (2) eligible Lutsel K'e Dene First Nation voters, excluding immediate family members to the person that is being nominated.
- 4.2.8 Nomination forms will include a declaration that the candidate meets the eligibility requirements (per bylaw 4.1.6) to hold office and a recent photograph.
- 4.2.9 When required, nomination forms will include a statement that interpretation services were provided.
- 4.2.10 Nomination forms will be accepted by fax before the nomination deadline provided all required documentation is received.
- 4.2.11 The Electoral Officer will post the names and photographs of eligible candidates on the day following the closing of nominations and will prepare the ballots, which will include candidate names and photographs. Eligible candidates and relevant voting information (date and location of when and where to vote) shall be advertised in the Yellowknife newspaper and forwarded to First Nation Band offices in Yellowknife, Fort Smith, and Fort Resolution.
- 4.2.12 Candidates may withdraw from the election but must state their intentions in writing one (1) week prior to the Election to the Electoral Officer.
- 4.2.13 An All-Candidate Forum will be held in Lutsel K'e the day prior to the election.
- 4.2.14 On Election Day, the main polling station will be at the Lutsel K'e Dene First Nation Office. Polling stations will also be set up in Yellowknife and Fort Smith. Votes may be accepted by fax from other locations, with the verification of Treaty Status Card, Birth Certificate or Drivers License identification by the RCMP.
- 4.2.15 The polling stations will be open during the period 9:00 a.m. to 6:00 p.m. Two (2) polling clerks (one of whom will be an interpreter), appointed by the Electoral Officer, will assist voters and provide interpretation services.
- 4.2.16 The candidates or their representatives must not be in the polling area, except to cast their own ballots.
- 4.2.17 Immediately following the closing of the polls, the ballots will be counted by the Electoral Officer and a member of the RCMP as well as the two polling clerks.

- 4.2.18 Immediately following the closing of the polls in Yellowknife and Fort Smith, the polling clerks will count the ballots in the presence of an RCMP officer and communicate the results by phone to the Electoral Officer in Lutsel K'e. The polling clerks will then seal the ballots in an envelope initialed by both clerks and witnessed by an RCMP officer. The sealed envelope of ballots will be sent on the next available flight to Lutsel K'e.
- 4.2.19 All candidates and their representatives may observe the counting of the ballots procedure but must not interfere or attempt to bias the results in any way.
- 4.2.20 Once the ballots have been counted and the results determined, all of the ballots will be sealed in a ballot box and held at the RCMP office for thirty (30) days pending any written appeals. If no appeals are made within thirty (30) days, by direction of Council the RCMP and two witnesses (the Senior Administrative Officer and the Electoral Officer) will destroy the ballots.
- 4.2.21 Any appeals must be specific to an election offence and must be made in writing to the Electoral Officer within five (5) of the Election.

The Election Committee will investigate any appeals filed and make a decision within ten (10) days of the Election whether the appeal is a) based on fact, and b) sufficiently serious to disqualify or nullify any part of or the entire election.

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

### **4.3 By-Elections**

- 4.3.1 By-elections will be held when a Chief and/or Councillor should cease to hold office during their term of office.

### **4.4 Amendments to the Election Code**

- 4.4.1 If changing circumstances require this Election Code to be amended, the existing Council may direct that draft amendments be prepared, published and communicated to LKDFN members. Council will also ensure the following process is followed:

- 4.4.1.1 Invite members to provide written or oral input into the proposed changes;

- 4.4.1.2 Provide written copies of proposed amendments;
- 4.4.1.3 Incorporate changes suggested by electors as deemed advisable;
- 4.4.1.4 Post and send out final versions of the amendments;
- 4.4.1.5 Provide a final copy of the amendments to anyone requesting it; and,
- 4.4.1.6 Conduct a Special Assembly or Annual General Meeting on the final version of the Election Code. If the majority of electors voting in the Special Assembly or Annual General Meeting agree with the final version of the Election Code, Council shall declare the Election Code adopted.

**APPENDIX A: MAP OF TRADITIONAL HOMELAND**

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