

Naa Sháade Háni áwé kaa káa wudsgeedí - the Election of a leader

Recognizing that the Teslin Tlingit have inherent rights including without limitation harvesting rights, aboriginal title and the inherent right to self-government which are recognized and affirmed by section 35 of the Constitution Act 1982 (Canada) and which have not been extinguished.

Recognizing that the Teslin Tlingit Council has the exclusive authority under section 13.1 of their Self-Government Agreement to enact laws in relation to the administration of Teslin Tlingit Council affairs and operation and internal management of the Teslin Tlingit Council; the management and administration of rights or benefits which are realized pursuant to the Final Agreement by persons enrolled under the Final Agreement, and which are to be controlled by the Teslin Tlingit Council and matters ancillary to the foregoing.

Recognizing that the Election for the Naa Sháade Háni and Deputy Naa Sháade Háni is to be conducted in a fair, transparent, accountable, and impartial manner.

Recognizing that on August 8, 2019, the General Council confirmed that the offices of the Naa Sháade Háni and Deputy Naa Sháade Háni would be elected in accordance with a Teslin Tlingit statute enacted under the *Administration and Interpretation Act*, 1998; and

Recognizing that the purpose of this enactment will be to provide for the conduct of the Election of the Naa Sháade Háni and Deputy Naa Sháade Háni.

The General Council enacts as follows:

Assent Given July 12, 2020

PART ONE

Short Title

1. This Act may be cited as *Naa Sháade Háni áwé kaa káa wudsgeedí - the Election of a leader*.

Definitions

2. In this Act,

“Acclamation” means a Candidate who the Chief Electoral Officer declares elected under section 39;

“Address of Record” means the mailing address of an Elector housed by the Registrar of Citizenship;

“Advance Vote” means a vote held 14 and 7 days before the Regular Voting Date;

“Appeal” means the process where an Elector has issued an Appeal to the Electoral Adjudicator on grounds listed under section 162(2);

“Automatic Recount” is the recounting of votes under Part 14;

“Ballot” means a paper issued to an Elector for the purpose to cast a vote for a Candidate;

“By-Election” means the calling of an Election to fill a vacancy for either the office of the Naa Sháade Háni or Deputy Naa Sháade Háni under section 8;

“Candidate” means a Person who satisfies the qualifications under section 33;

“Candidate’s Representative” means a Person appointed to act on behalf of a Candidate at a Voting Location;

“Chief Electoral Officer” means the Person appointed by the Executive Council under section 10;

“Citizen” has the same meaning as defined by the Constitution;

“Citizenship List” means the list of Persons confirmed as Citizens of Teslin Tlingit Council.

“Clans” means the grouping of people who have Tlingit ancestry who have traditionally resided in the Teslin region and who are recognized under section 5.5 of the Constitution.

“Constitution” means the Constitution of the Teslin Tlingit Council as amended from time to time;

“Deputy Returning Officer” means the Person appointed by the Chief Electoral Officer to assist in the administration and management of the Election process;

“Election” means a Regular Election or By-Election for the position of the Naa Sháade Háni or the Deputy Naa Sháade Háni;

“Election Officials” include the Chief Electoral Officer, Deputy Returning Officers, Poll Clerks, and the Electoral Adjudicator;

“Election Period” means the period from the date the Writ of Election is issued to the date the official Election results are published;

“Election Report” means the report prepared by the Chief Electoral Officer under section 172;

“Elector” means a Person who is eligible to vote under section 27;

“Electoral Adjudicator” means the Person appointed by the Executive Council and authorized to conduct Judicial Recounts or hear Appeals;

“Executive Council” means the governing body established under section 10.3 of the Constitution;

“Incumbent” means the Person currently holding office as the Naa Sháade Háni or the Deputy Naa Sháade Háni;

“Interpreter” means a Person designated to provide Tlingit language interpretation support services at the Voting Locations;

“Judicial Recount” means the process where the Electoral Adjudicator conducts a recount of the Ballots under Part 16;

“Mail-In Vote” means a Ballot cast by an Elector under sections 67-74;

“Mail-In Voting Package” means the materials provided to an Elector in accordance with section 68;

“Nomination” means the seeking of election and satisfying the requirements as prescribed under section 33;

“Notice” means public Notice of a Regular Election or By-Election;

“Oath” includes a solemn affirmation or a statutory declaration;

“Official Electors List” means the list of Electors eligible to vote in a Teslin Tlingit Election;

“Official Electors Poll Book” means the book where the taking of votes is recorded;

“Person” means a natural Person;

“Poll Clerk” means a Person who assists the Deputy Returning Officer at the Voting Locations;

“Proxy” means the method in which a Person may cast their vote in accordance with sections 84 to 85;

“Publicly Post” means a posting that appears in all of the following locations:

- (a) Teslin Tlingit Council administration building;
- (b) in a newspaper and radio stations having circulation in the Yukon;
- (c) on the Teslin Tlingit website and social media sites; and
- (d) at any other location as determined by the Chief Electoral Officer;

“Registrar of Citizenship” means the Person, appointed by the Executive Council in accordance with the Teslin Tlingit Council Citizenship Code, responsible for assisting the Chief Electoral Officer under sections 28 and 175;

“Regular Election” means an Election under section 4;

“Regular Vote” means when an Elector can cast their vote in Person at a Voting Location on the Regular Voting Date;

“Regular Voting Date” means the last day an Elector can cast their vote during an Election Period;

“Special Vote” means a voting option available to Electors in accordance with sections 75 to 80;

“Special Ballot Voting Package” means the materials listed in section 77 and provided to an Elector upon an application under section 75;

“Traditional Territory” means the geographic area within the Yukon identified as the Traditional Territory of the Teslin Tlingit Council on the map referred to in section 2.9.1.1 of the final agreement;

“Voting Location” means the location where voting takes place and will include locations in both Teslin and Whitehorse for both the Advance Vote and Regular Voting Date; and

“Writ” means the order for an Election issued by the Speaker in accordance with section 5.

Application

3. (1) This Act applies to the Election of the Naa Sháade Háni and the Deputy Naa Sháade Háni to serve on the Executive Council in accordance with sections 11.2 and 13 of the Constitution for a single term from 2020 to 2024.

(2) If there is a conflict between this Act and any other Teslin Tlingit statute, this Act will prevail unless the Teslin Tlingit statute contains an express provision that it that all or part of it applies notwithstanding.

(3) If there is a conflict between this Act and the Constitution, the Constitution will prevail.

PART TWO – ISSUE OF WRIT

Timing of Election

4. A Regular Election will be held in the same year that the Clans select their members to serve on General Council in accordance with section 9.1 of the Constitution.

Writ of Election

5. (1) Every Regular Election shall begin by a Writ of Election issued by the Speaker in the form of a General Council resolution.

(2) The Writ of Election will be issued 45 days before the Regular Voting Date.

(3) The Writ of Election will identify the date:
 - (a) of the Advance Votes;
 - (b) of the Regular Vote; and
 - (c) for the close of Nominations.

Notice of issue of Writ

6. The Executive Council will Publicly Post the Writ of Election.

Extension of time

7. The Chief Electoral Officer, after consulting with the Executive Council, may extend or postpone the time for the vote if the Chief Electoral Officer is satisfied that a substantial number of Electors will be unable to reach a Voting Location within the time provided due to:
 - (a) extreme weather conditions; or
 - (b) a tragic community event that has occurred.

By-Election

8. (1) The Executive Council will call a By-Election, in the form of an Executive Council resolution, within 45 days from the date the office of either the Naa Sháade Háni or the Deputy Naa Sháade Háni, as applicable, becomes vacant.

(2) A By-Election will be called and administered in the same manner as a Regular Election.

Vacancies

9. (1) If the office of the Naa Sháade Háni becomes vacant within eight months before the date of a Regular Election, the Deputy Naa Sháade Háni will take up the powers and responsibilities of the Naa Sháade Háni until a Regular Election is called.

(2) If the office of the Deputy Naa Sháade Háni becomes vacant within eight months before the date of a Regular Election, that office will remain vacant until a Regular Election is called.

(3) If the offices of both the Naa Sháade Háni and the Deputy Naa Sháade Háni become vacant within eight months before the date of a Regular Election, the Executive Council will delegate a member of the Executive Council to assume and exercise the powers and responsibilities of the office of the Naa Sháade Háni until a Regular Election is called.

(4) The office of the Deputy Naa Sháade Háni will remain vacant for the purposes of subsection (3) until a Regular Election is called.

PART THREE – ELECTION OFFICIALS

Appointment of Chief Electoral Officer

10. (1) Subject to subsection (2) the Executive Council will appoint the Speaker of the General Council as the Chief Electoral Officer 60 days before the Regular Voting Date.

(2) If the Speaker is seeking Nominations for candidacy in the Election the Executive Council will appoint another Person as the Chief Electoral Officer 60 days before the Regular Voting Date.

Chief Electoral Officer eligibility

11. A Chief Electoral Officer must:

- (a) be at least 19 years of age;
- (b) understand and have experience with Election procedures;
- (c) not be a member of the General Council or Executive Council;
- (d) not be an employee of the Teslin Tlingit Council;
- (e) not support or criticize an Elector, Candidate or campaign, actively or publicly; and
- (f) not be seeking Nominations for candidacy in the Election.

Declaration of a Chief Electoral Officer

12. When appointed the Chief Electoral Officer will swear or affirm an oath prescribed in Schedule “A”.

Service during good behavior

13. The Chief Electoral Officer will hold office during good behavior for a period commencing from the date of appointment and concluding at the time of filing their Election Report to the Executive Council and General Council.

Duties and responsibilities of Chief Electoral Officer

14. (1) The Chief Electoral Officer is responsible for the general direction, overall supervision, and conduct of an Election.

(2) The Chief Electoral Officer is responsible for:

- (a) filing a budget with the Executive Council, including projected costs to administer an Election;
- (b) developing the prescribed forms and Schedules for Executive Council’s approval;
- (c) appointing and training the Deputy Returning Officers and Poll Clerks;

- (d) developing, distributing, and publishing the Official Electors List;
- (e) calling and accepting Nominations;
- (f) preparing, posting, and announcing the Notice of Election;
- (g) coordinating and organizing meetings between the Candidates and Elders Council;
- (h) procuring the necessary materials, including Ballots and Ballot packages;
- (i) secure Voting Locations;
- (j) preparing and overseeing the Mail-In Vote, the Special Vote, the Advance Vote, the Proxy vote and the Regular Vote;
- (k) all matters during the time of the voting;
- (l) closing the vote and receiving the sealed Ballot boxes;
- (m) supervising the count of the vote; and
- (n) posting the results.

(3) The Chief Electoral Officer may delegate any of their duties to the Deputy Returning Officers to oversee the conduct of the vote.

Maintaining the integrity of the process

15. The Chief Electoral Officer may modify any procedure to execute their duties if it is deemed necessary to ensure the secrecy of the Ballot or the integrity of the voting process.

Resources for the Election process

16. The Executive Council will provide financial resources to enable the Election Officials to fulfill their duties under this Act.

Appointment of Deputy Returning Officers

17. At least 21 days prior to the Regular Voting Date, the Chief Electoral Officer will appoint Deputy Returning Officers in sufficient numbers to conduct the Election.

Deputy Returning Officer eligibility

18. A Deputy Returning Officer must:
- (a) be at least 19 years old;
 - (b) be familiar with the Act and voting procedures;
 - (c) not be a member of the General Council or Executive Council at any point during the Election Period;
 - (d) not be an employee of the Teslin Tlingit Council;
 - (e) not be a Candidate in the Election; and
 - (f) not support or criticize an Elector, Candidate or campaign, actively or publicly.

Declaration of Deputy Returning Officer

19. When appointed, the Deputy Returning Officer will swear or affirm an oath as prescribed in Schedule “B”.

Responsibilities and duties of the Deputy Returning Officer

20. The Deputy Returning Officer will:
- (a) perform all duties assigned and delegated by the Chief Electoral Officer;
 - (b) act as a witness to the conduct of the vote;

- (c) observe the activities at the Voting Location where they are assigned;
- (d) assume other duties as required by the Chief Electoral Officer; and
- (e) report to the Chief Electoral Officer any violations under this Act.

Poll Clerk eligibility

21. A Poll Clerk must:
- (a) be at least 19 years of age;
 - (b) be familiar with the Act and understand voting procedures;
 - (c) not be a member of the General Council or Executive Council at any point during the Election Period;
 - (d) not be a Candidate in the Election; and
 - (e) not support or criticize an Elector, Candidate or campaign, actively or publicly.

Declaration of the Poll Clerk

22. When appointed, a Poll Clerk will swear or affirm an oath as prescribed in Schedule “C”.

Responsibilities of the Poll Clerk

23. A Poll Clerk will:
- (a) perform all duties assigned and delegated by the Chief Electoral Officer;
 - (b) act as a witness to the conduct of the vote;
 - (c) observe activities at the Voting Location and the counting of Ballots;
 - (d) assume other duties as required by the Chief Electoral Officer; and
 - (e) report to the Chief Electoral Officer any violations under this Act.

Appointment of Interpreters

24. (1) The Chief Electoral Officer may appoint Interpreters to assist Electors and Election Officials at the Voting Locations.
- (2) An Interpreter must:
- (a) be at least 19 years of age;
 - (b) not be a member of General Council or Executive Council;
 - (c) not be an employee of the Teslin Tlingit Council;
 - (d) not be a Candidate in the Election;
 - (e) must refrain from any supporting or criticizing any Elector, Candidate or their campaign, actively or publicly;
 - (f) be fluent in Tlingit; and
 - (g) be able to read and Write English.

Declaration of the Tlingit Interpreter

25. When appointed an Interpreter will swear or affirm an oath as prescribed by Schedule “D”.

Indemnification of Election Officials

26. At all times the Teslin Tlingit Council will indemnify and save harmless the Election Officials during good behavior from any liability whatsoever and howsoever incurred in performing their duties under this Act.

PART FOUR – ELECTOR’S RIGHTS AND OFFICIAL ELECTORS LIST

Eligibility to vote

27. A Person is eligible to vote at an Election if they are at least 19 years of age and are:
- (a) registered as a Citizen on the Citizenship List; or
 - (b) enrolled as a beneficiary under the final agreement and not registered as a citizen with any other First Nation.

Compilation of the Official Electors List

28. (1) The Registrar of Citizenship will assist the Chief Electoral Officer to compile the names of Persons eligible to vote and confirm the Official Electors List.
- (2) The Official Electors List will set out, in alphabetical order, the name of each Person eligible to vote under section 27.
- (3) An Elector is responsible for confirming that their name is on the Official Electors List.
- (4) An Elector can confirm their name on the Official Electors List by contacting the Chief Electoral Officer.

Posting of the preliminary Electors list

29. The Chief Electoral Officer will Publicly Post the preliminary Electors list on the same date that the Speaker issues the Writ of Election or the Executive Council calls for a By-Election.

Posting of secondary Electors list

30. The Chief Electoral Officer will Publicly Post the secondary Electors list 30 days before the Regular Voting Date.

Posting of Official Electors List

31. The Chief Electoral Officer will Publicly Post the Official Electors List 7 days before the Regular Voting Date.

Revisions to the Official Electors List

32. (1) At any time, including on the Regular Voting Date, the Registrar of Citizenship can direct the Chief Electoral Officer, by way of a prescribed form, to amend the Official Electors List where the Registrar of Citizenship demonstrates that a:
- (a) name has been omitted from the list;
 - (b) name is incorrectly set out on the list; or
 - (c) a Person listed is not an eligible Elector.
- (2) The Chief Electoral Officer will amend the Official Electors List upon receipt of the prescribed form as outlined in subsection (1).

PART FIVE – NOMINATION OF CANDIDATES

Eligibility for candidacy

33. A Person is eligible to be a Candidate for the office of the Naa Sháade Háni or the Deputy Naa Sháade Háni if they:
- (a) are at least 19 years of age;
 - (b) qualify as an Elector under section 27;
 - (c) have knowledge of the Teslin Tlingit heritage, language and culture or are committed to learning the Teslin Tlingit heritage, language, and culture;
 - (d) have obtained Nomination signatures from at least 50 Electors on a prescribed Nomination form, of which five of signatures are the Clan leaders or appointed Clan spokespersons;
 - (e) do not have an active legal claim against Teslin Tlingit Council or its corporations;
 - (f) has not been convicted of an indictable offense under the Criminal Code of Canada within five years from the closing date for nominations;
 - (g) agrees to reside in the traditional territory of the Teslin Tlingit within the Yukon, if elected; and
 - (h) completed in full, signed, and filed their Nomination form by the close of Nominations with the Chief Electoral Officer in accordance with section 37.

Teslin Tlingit Council employee seeking office

34. (1) A Teslin Tlingit Council employee who wishes to run as a Candidate in an Election or a By-Election will take a leave of absence from their employment on the day the Chief Electoral Officer confirms their Nomination.
- (2) For a period beginning with the confirmation of their Nomination and concluding with the end of an Election Period the employee is eligible to receive any accrued overtime or holiday pay.
- (3) If the employee is elected to office the employee will vacate their position.

Incumbent Candidate

35. (1) An Incumbent seeking Election will vacate their office on the day the Chief Electoral Officer confirms their Nomination.
- (2) Where an Incumbent vacates their office under subsection (1), the Executive Council will select a member among the Executive Council to serve as the Naa Sháade Háni in the interim up to the date when the elected Naa Sháade Háni is sworn in office.

Members of Executive Council other than Incumbent

36. (1) Any member of the Executive Council, other than an Incumbent who seeks to put their name forward in an Election or By-Election will vacate their seat on the day the Chief Electoral Officer confirms their Nomination.
- (2) Where a member of the Executive Council vacates their seat under subsection (1), the applicable Clan will appoint a new member.

Nomination forms and time

37. (1) A Person who satisfies section 33 and is seeking to be elected may submit their Nomination form to the Chief Electoral Officer's office, identified in the Notice of Election, on or before 4:00 p.m. (YST) on the date of the close of Nominations.

(2) Each potential Candidate is responsible to ensure that their Nomination form is complete and filed on time for consideration.

Notice to prospective Candidates

38. Within 24 hours of the close of Nominations, the Chief Electoral Officer will:

- (a) contact the prospective Candidates and confirm the acceptance or refusal of their candidacy; and
- (b) Publicly Post the list of Candidates.

Acclamation

39. If only one Candidate has been confirmed for the office of the Naa Sháade Háni or the Deputy of the Naa Sháade Háni, the Chief Electoral Officer will immediately:

- (a) declare the Candidate elected to the office of the Naa Sháade Háni or the Deputy Naa Sháade Háni, as appropriate; and
- (b) Publicly Post:
 - i. the name of the Person who has been acclaimed; and
 - ii. that an Election will not be held for the office of the Naa Sháade Háni or the Deputy Naa Sháade Háni, as appropriate.

Extension of Nomination period

40. If no Person has been confirmed as a Candidate for the office of the Naa Sháade Háni or the Deputy Naa Sháade Háni, the Chief Electoral Officer will immediately:

- (a) extend the Nomination period for an additional 48-hours; and
- (b) Publicly Post the extension of the Nomination period.

Issuance of Notice following extension

41. (1) If, after the 48-hour extension, no Person is confirmed as a Candidate for the office of the Naa Sháade Háni or the Deputy Naa Sháade Háni, the Chief Electoral Officer will Publicly Post that no Person has been confirmed as a Candidate and the Speaker will determine a new date for a Regular Election under section 5.

(2) If after the 48-hour extension, no Person is confirmed as a Candidate for the office of the Deputy Naa Sháade Háni the Chief Electoral officer will Publicly Post to hold an election for the office of the Naa Sháade Háni and seek the instructions of the Executive Council on how to proceed with the office of the Deputy Naa Sháade Háni.

Notice of Election following extension

42. If, after the 48-hour extension, there are one or more Persons confirmed as Candidates for the offices of the Naa Sháade Háni or the Deputy Naa Sháade Háni, as applicable, the Chief Electoral Officer will issue a Notice of Election as set out in section 48.

Withdrawal of a Candidate

43. (1) A Person may withdraw from the Election by filing with the Chief Electoral Officer a withdrawal of Nomination, in a prescribed form, signed by the Candidate and two Electors.
- (2) If a Candidate withdraws from the Election after the close of Nominations and before the close of the vote, the Chief Electoral Officer will Publicly Post the Candidate's withdrawal and make every effort to strike the name of the Candidate from the Ballot.

Death of a Candidate

44. If a Candidate dies after the close of Nominations and before the close of the vote, the Chief Electoral Officer will Publicly Post the death of the Candidate and make every effort to remove the name of the Candidate from the Ballot.

Candidate incapacitated

45. If the Chief Electoral Officer is notified that a Candidate is injured or disabled to the extent that it would prevent the Candidate from holding office, the Chief Electoral Officer may act in accordance with section 46.

Possible effect on an Election

46. If the circumstances outlined in sections 43 to 45 arise, the Chief Electoral Officer may order that:
- (a) the Election proceed;
 - (b) the Election be postponed;
 - (c) the original Election be cancelled and a new Election be called; or
 - (d) if only one Candidate remains, the remaining Candidate be acclaimed in accordance with section 39.

Void Ballots

47. (1) If there is no postponement of the vote, any votes cast for a Candidate, who has withdrawn, is deceased or is considered incapacitated to hold office under section 45, will be voided and will not be counted towards the results of the vote.
- (2) The Chief Electoral Officer will make every effort to remove the names of Candidates on the Ballot by blacking out the name on the Ballot.

PART SIX – NOTICE OF ELECTION**Notice of Election**

48. (1) The Chief Electoral Officer will Publicly Post a Notice of Election at the close of Nominations.
- (2) The Notice of Election will include:
- (a) the nature and purpose of the vote;
 - (b) the list of Candidates nominated for the office of the Naa Sháade Háni in the order they will appear on the Ballot;
 - (c) the list of Candidates nominated for the office of the Deputy Naa Sháade Háni in the order they will appear on the Ballot;
 - (d) voting options;

- (e) date and time for the Advance Votes;
- (f) date and time for the Regular Vote;
- (g) Voting Locations;
- (h) the Chief Electoral Officer's name and contact information; and
- (i) any other information necessary and specific to the vote.

PART SEVEN – CANDIDATE'S REPRESENTATIVE

Appointment of Candidate's Representative

49. A Candidate may, by using the prescribed form, appoint one or more Persons to represent the Candidate at a Voting Location.

Number of representatives in a Voting Location

50. Each Candidate may have one Candidate Representative at a Voting Location at any one time.

Candidate's Representatives declaration

51. On entering a Voting Location, the Candidate's Representative will:
- (a) provide the prescribed appointment form to the Deputy Returning Officer; and
 - (b) before the Deputy Returning Officer, swear or affirm an oath as prescribed by Schedule "E".

Candidate's Representative objections

52. (1) A Candidate's Representative will identify their objections specific to the voting process at a Voting Location to the Deputy Returning Officer for resolution.

Removal of Candidate's Representative

53. (1) The Chief Electoral Officer or Deputy Returning Officer may order a Candidate's Representative to leave a Voting Location if either Electoral official concludes that the Candidate's Representative has failed to comply with their declaration.

(2) If a Candidate's Representative is ordered to leave a Voting Location, the Deputy Returning Officer will make a note of the reasons and action exercised in the Official Electors Poll Book.

Activity by a Candidate's Representative in a Voting Location

54. A Candidate's Representative may, during the hours of voting, examine the Elector sign-in sheets and confirm the names of Electors who have not cast their vote to their Candidate.

Inspection of voting documents

55. (1) Prior to the opening of a Voting Location, the Candidate's Representatives present may inspect the Ballot papers and all other papers, forms, and documents related to the vote.

Candidate as own representative

56. A Candidate will not act as their own representative under this Act.

PART EIGHT – BALLOTS**Ballots**

57. (1) In every Regular Election there will be two Ballots:
- (a) one Ballot for the office of the Naa Sháade Háni; and
 - (b) one Ballot for the office of the Deputy Naa Sháade Háni.
- (2) The name on each Ballot for each respective office will be the name prescribed on the approved Nomination form.
- (3) The names on the Ballot will be printed in alphabetical order by last name first.
- (4) Where two or more Candidates have the same last name, additional information will be provided to distinguish the Candidates on the Ballot.

Design of the Ballot

58. Each Ballot will:
- (a) be designed to have the following information on the reverse side of the Ballot:
 - i. the words “Teslin Tlingit Council Election”;
 - ii. the voting date; and
 - iii. a box for the initials of the designated Deputy Returning Officer;
 - (b) be designed so that it can be folded after the vote to conceal the marks on the Ballot while exposing the initials of the designated Deputy Returning Officer;
 - (c) have a counterfoil and a stub with a line of perforation between the Ballot paper and the counterfoil, and a line of perforation between the counterfoil and the stub; and
 - (d) sequentially numbered printed both on the back of the stub and on the back of the counterfoil.

Ballot boxes

59. (1) The Chief Electoral Officer will provide as many Ballot boxes as are required for the purposes of the vote at each Voting Location.
- (2) Each Ballot box will be:
- (a) made of durable material;
 - (b) accompanied by adequate seals;
 - (c) designed so that the Ballots once deposited cannot be tampered with; and
 - (d) duly labelled.

Sealing of the Ballot boxes

60. Ten minutes prior to the opening of a Voting Location, the Deputy Returning Officer will:
- (a) open each Ballot box to be used at the Voting Location;

- (b) permit any Candidate's Representative or Person present to verify that the Ballot box is empty;
- (c) seal each Ballot box to prevent it from being opened without breaking the seal; and
- (d) place each Ballot box in public view for the reception of Ballots.

PART NINE – VOTING

Secret Ballot

61. The vote will be by secret Ballot.

Respecting the right to vote by secret Ballot

62. Every Person in a Voting Location will respect and maintain the secrecy of the voting process.

Interference with an Elector

63. No Person is to interfere, or attempt to interfere with, an Elector when they are marking their Ballot.

Questioning an Elector

64. No Person is to ask an Elector in the Voting Location how the Elector is about to vote or has voted.

Right to receive Ballots

65. An Elector will receive a Ballot for the office of the Naa Sháade Háni and the Deputy Naa Sháade Háni when either position has more than one Candidate seeking office.

Voting options

66. An Elector may cast their Ballot using one of the five options:
- (a) Mail-In voting in accordance with sections 67 to 74;
 - (b) Special voting in accordance with sections 75 to 83;
 - (c) Proxy voting in accordance with sections 84 to 85;
 - (d) Advance voting in accordance with section 86; or
 - (e) Regular voting in accordance with sections 87 to 105.

PART TEN – VOTING PROCEDURES

Mail-In voting

67. (1) Every Elector whose mailing Address of Record is outside of the Traditional Territory of the Teslin Tlingit Council will receive a Mail-In Voting Package by mail.
- (2) An Elector who has received a Mail-In Voting Package by mail may vote by any method set out in section 66.
- (3) Every Elector is responsible to confirm their Address of Record with the Registrar of Citizenship.

Mail-In Voting Package

68. (1) The Mail-In Voting Package will include:
- (a) a Ballot for the Naa Sháade Háni and a Ballot for the Deputy Naa Sháade Háni;
 - (b) a postage paid return envelope, pre-addressed to the Chief Electoral Officer;
 - (c) a white envelope to insert the marked Ballot and titled “Ballots enclosed”;
 - (d) an Elector’s declaration form for signature by the Elector and a witness;
 - (e) a security envelope for the Elector’s declaration;
 - (f) instructions form prescribing the procedures and deadlines for voting by mail;
 - (g) information sheet outlining the voting options under section 66 should the Elector choose not to cast their Ballot by Mail-In; and
 - (h) a list of Candidates acclaimed, if applicable.
- (2) The Mail-In Voting Packages will be mailed at least 30 days before the Regular Voting Date to all Electors.
- (3) An Elector with a mailing Address of Record outside of Canada may receive a postage paid envelope pre-addressed to the Chief Electoral Officer.

Criteria for Mail-In Ballots to be counted

69. To be valid for the purpose of the count, a Mail-In Ballot must be received by 6:00 p.m. on the Regular Voting Date:
- (a) in the Elector’s declaration envelope signed by the Elector and a witness;
 - (b) by the Chief Electoral Officer or designate, in Person or by mail, at the Election’s office; or
 - (c) by a Deputy Returning Officer at a Voting Location in Whitehorse.

Responsibility of returned Ballots

70. (1) It is the responsibility of an Elector to deliver their Ballot by the deadline and in the appropriate manner for the purposes of the count as outlined in section 69.
- (2) Any costs to return a Ballot, other than the use of the postage paid return envelope will be the responsibility of the Elector.

Assistance to vote by Mail-In

71. An Elector may seek assistance from another Person to mark their Ballots and complete and sign the Elector’s declaration form.

Lost or spoiled Mail-In Ballot

72. (1) An Elector who inadvertently spoils or loses their Mail-In Ballot may request a replacement Mail-In Ballot by contacting the Chief Electoral Officer.
- (2) An Elector may receive one replacement Mail-In Ballot.

Extension of time for Mail-In voting

73. If there is an extension or postponement of the time for taking the vote in accordance with section 7, the date for returning the Mail-In Ballots will be adjusted accordingly.

Security of return mail

74. The Chief Electoral Officer will ensure that the Election's office is a secure location, that is independent from Teslin Tlingit Council and its corporations.

Special Voting

75. (1) An Elector may request to cast their ballot through a Special Vote.
- (2) The Chief Electoral Officer will issue a Special Ballot Voting Package to an Elector on receipt of an application in a prescribed form.
- (3) An Elector who receives a Special Ballot Voting Package is ineligible to receive a second Ballot paper.
- (4) The Chief Electoral Officer will mark the Elector as voted in the Official Electors' Poll Book when the Special Ballot Voting Package has been issued.
- (5) A Special Ballot Voting Package can be issued to an Elector:
- (a) by mail;
 - (b) at the Election's office; or
 - (c) can be hand delivered by the Chief Electoral Officer.

Time limit for Special Voting

76. An Elector may apply for a Special Ballot Voting Package:
- (a) no more than 30 days before the voting date; and
 - (b) no later than noon, on the Regular Voting Date.

Special Ballot Voting Package

77. The Special Ballot Voting Package will contain:
- (a) a Ballot for the Naa Sháade Háni and a Ballot for the Deputy Naa Sháade Háni, where there are more than one candidate seeking office;
 - (b) a postage paid return envelope, pre-addressed to the Chief Electoral Officer;
 - (c) a white envelope to insert the marked Ballot and titled "Ballots enclosed";
 - (d) an Elector's declaration form for signature by the Elector and a witness;
 - (e) a security envelope for the Elector's declaration; and
 - (f) instructions prescribing the procedures to complete and return Ballots for counting.

Criteria to count Ballots cast through Special Voting

78. To be valid for the purpose of the count, a Special Ballot must be received by 6:00 p.m. on the Regular Voting Date:
- (a) in the Elector's declaration envelope signed by the Elector and a witness;
 - (b) by the Chief Electoral Officer or designate, in Person or by mail, at the Election's office; or
 - (c) by a Deputy Returning Officer at a Voting Location in Whitehorse.
- (2) The Chief Electoral Officer or Deputy Returning Officer may act as a witness for an Elector who is casting their Ballot through the Special Vote.

Responsibility for return of Ballots

79. (1) Every Elector who receives a Special Ballot Voting Package is responsible to return their Ballot by the deadline expressed under section 78.
- (2) Any costs to return a Ballot, other than the use of the postage paid return envelope, will be the responsibility of the Elector.
- (3) If there is an extension or postponement of the time for taking of the vote pursuant to section 7, the date for returning the Ballot will be adjusted accordingly.

Assistance to vote by Special Ballot

80. An Elector may seek the assistance of another Person to mark their Ballot and complete and sign the Elector's declaration form.

Declaration of a witness for Mail-In or Special Ballots

81. (1) A Person who witnesses and signs an Elector's declaration form confirms that the Person who marked the Ballot is the Person whose name is set out and signed on the Elector's declaration form.
- (2) An Elector's declaration form that does not have either the Elector's signature or the witness' signature affixed will invalidate the Ballot and prevent the Ballot from being counted.

Housebound or institutionalized Electors

82. The Chief Electoral Officer may hand deliver a Special Ballot Voting Package to Electors who reside within the Traditional Territory of Teslin or in Whitehorse who, for reasons of being housebound or institutionalized, are unable to vote in any other manner under this Act.

Record of special Ballot

83. The Chief Electoral Officer will keep a record of who has been provided a Special Ballot Voting Package.

Application to vote by Proxy

84. (1) An Elector may apply to the Chief Electoral Officer, in a prescribed form, to vote by Proxy.
- (2) The Chief Electoral Officer will issue a Proxy certificate to the applicant Elector on receipt of the prescribed form in subsection (1) and on confirmation that both the applicant Elector and named Elector to receive the Proxy are both eligible to vote.
- (3) An applicant Elector who has received a Proxy certificate is ineligible to receive a second Ballot paper.
- (4) Upon issuing the Proxy certificate the Chief Electoral Officer will:
- (a) mark the applicant Elector as voted in the Official Electors Poll Book; and
 - (b) mark the word "Proxy" beside the named Elector who can exercise the Proxy in addition to their own ballot in the Official Electors Poll Book.
- (5) An applicant Elector may receive their Proxy certificate by mail or pick it up at the Elections

office.

- (6) An Elector can apply for a Proxy:
- (a) no more than 30 days before the Regular Voting Date; and
 - (b) no later than noon on the Regular Voting Date.

Limit of Proxies

85. A named Elector is limited to cast one proxy for each office in addition to casting their own ballots.

PART ELEVEN – ADVANCE AND REGULAR VOTING PROCEDURES

Advance voting

86. (1) The Chief Electoral Officer in consultation with the Executive Council will identify the dates to hold two Advance Votes, 14 days and 7 days before the Regular Voting Date, and Publicly Post the dates, time, and location of the Advance Votes as required under section 48.

Regular voting hours

87. Voting will take place from 8:00 a.m. to 8:00 p.m. (YST) at the Voting Locations.

Opening of Voting Location

88. The opening of a Voting Location is not dependent on the attendance of a Candidate's Representative.

Seal on a Ballot box

89. The seals on a Ballot box is not to be broken nor can the Ballot box be moved from its location until the vote is officially closed and the count proceeds as prescribed by Part 13.

Those authorized to be at the Voting Locations

90. During the time that the Voting Location remains open for voting, only the following people may be present:
- (a) the Chief Electoral Officer;
 - (b) the Deputy Returning Officer and the Poll Clerk;
 - (c) a Candidate's Representative for each of the Candidates; and
 - (d) Electors who are present and engaged in the voting process.

Media at the Voting Location

91. During the time of the vote, media may be present at the Voting Locations with the written permission of the Chief Electoral Officer.

Campaign information at a Voting Location

92. Notwithstanding a Candidate's Representative attendance at a Voting Location, no Candidate, campaign materials, or campaign activities can be within 100 meters of a Voting Location.

Badges at Voting Locations

93. The Chief Electoral Officer will issue identification badges to Election Officials to identify their respective offices to the public.

Procedures to provide the Ballot to an Elector

94. When an Elector arrives at a Voting Location and requests a Ballot for voting purposes, the Deputy Returning Officer will:
- (a) request that the Elector provide picture identification to verify their name and proof of the Elector's Address of Record;
 - (b) ensure that the Elector is listed on the Official Electors List;
 - (c) ensure that the Poll Clerk:
 - i. prints the Elector's name and number on the Elector sign-in sheet;
 - ii. asks the Elector to sign their name beside their printed name; and
 - iii. draws a line through the Elector's name in the Official Electors Poll Book;
 - (d) initial the Ballot to indicate its valid issuance; and
 - (e) provide the initialed Ballot to the Elector with instructions on marking the Ballot.

Treatment of Ballot by the Elector

95. (1) After receiving the Ballot, an Elector will:
- (a) immediately proceed to the compartment providing for marking the Ballot;
 - (b) mark the Ballot by placing a cross, check, or other mark to clearly indicate their choice;
 - (c) fold the Ballot concealing the mark on the face of the Ballot while exposing the initials of the Deputy Returning Officer; and
 - (d) deliver the Ballot to the Deputy Returning Officer.

(2) When an Elector is in the compartment for the purpose of marking their Ballot, no other Person is, except as provided in section 97, allowed in the same compartment or be in any position to see how an Elector is marking their Ballot.

Returning the Ballot to the Deputy Returning Officer

96. When the Elector returns their Ballot, the Deputy Returning Officer will:
- (a) leave the Ballot folded;
 - (b) verify the initials of the Deputy Returning Officer;
 - (c) remove the counterfoil;
 - (d) have the Elector deposit their Ballot in the Ballot box; and
 - (e) ensure that the Poll Clerks marks in the official Electors poll book in the designated column beside the Elector's name that the Ballot has been deposited in the Ballot box.

Providing assistance to an Elector

97. (1) When requested to do so, the Deputy Returning Officer may explain any voting procedure to an Elector.
- (2) At the request of an Elector who is unable to vote in accordance with section 95(1), the Deputy Returning Officer may, on receipt of a declaration for assistance made by the Elector and in the presence of the Poll Clerk:
- (a) explain the voting procedures to the Elector;
 - (b) identify the Candidates in the order they appear on the Ballot;

- (c) assist the Elector in casting their Ballot in the manner they have requested; and
- (d) in case of an Elector who is visually impaired or physically disabled, mark the Ballot as instructed by the Elector.

(3) The Deputy Returning Officer may order people to leave a Voting Location if they are of the view that the process of assisting the Elector referred in subsection (2) may jeopardize the secrecy of the Ballot.

Recording assistance

98. The Deputy Returning Officer will:
- (a) mark the name of the Elector who requested the assistance in the Official Electors Poll Book and on the Elector sign-in sheet; and
 - (b) the reasons for the request of assistance.

Not on the Official Electors List

99. (1) A Deputy Returning Officer will not provide a Ballot to a Person whose name is not on the Official Electors List.
- (2) If a Person's name is not on the Official Electors List, that Person may be declared eligible to vote if the Person:
- (a) obtains the Registrar of Citizenship confirmation in the prescribed form; and
 - (b) returns the confirmation to the Deputy Returning Officer before the close of the vote.
- (3) If a Person is declared eligible to vote in accordance with subsection (2), the Deputy Returning Officer will add the Elector's name to the Official Electors List.

Elector's name similar to another name on the Official Electors List

100. If a Person requests a Ballot and it unclear to the Deputy Returning Officer which name on the Official Electors List is the Person before them, the Deputy Returning Officer will:
- (a) review their picture identification and select the entry that seems to correspond with the name of the Person before them; and
 - (b) make a note in the Official Electors Poll Book confirming how the selection was determined to distinguish the Person from the other Person with the same or similar name.

Impersonated Elector

101. A Person who requests a Ballot after another Person has voted with the same name can receive a Ballot and vote when they provide a declaration to the Deputy Returning Officer in a prescribed form.

Notation in the Official Electors Poll Book and sign-in sheet

102. In the case referred to in section 101, the Deputy Returning Officer will make a note in the Official Electors Poll Book and Elector sign-in sheet, opposite the name of the Elector:
- (a) a Ballot paper was issued twice to two different Electors under the same name;
 - (b) that a declaration of an impersonated Elector was made; and
 - (c) any objections made by a Candidate's Representative.

Spoiled Ballot

103. (1) An Elector who has unintentionally spoiled their Ballot where it cannot be used may return the Ballot back to the Deputy Returning Officer and request a replacement Ballot.

(2) On receipt of a spoiled Ballot, the Deputy Returning Officer will:

- (a) Write the word “spoiled” on the back of the spoiled Ballot;
- (b) keep the spoiled Ballot separate from the Ballot box;
- (c) provide a replacement Ballot to the Elector; and
- (d) make a note in the Official Electors Poll Book and Elector sign-in sheet beside the Elector’s name.

Number of replacement Ballots

104. In cases where a Ballot is spoiled, an Elector may receive one replacement Ballot for the office required.

Elector refusing to vote

105. An Elector who receives a Ballot and leaves the Voting Location without delivering a Ballot to the Deputy Returning Officer in a manner required under this Act, or if after receiving the Ballot, refuses to vote, will forfeit their right to cast the Ballot and the Deputy Returning Officer will:

- (a) mark the word “cancelled” on the face of the Ballot, if returned;
- (b) ensure that the Elector is not issued another Ballot;
- (c) make an entry in the official Electors poll book and Electors sign-in sheet indicating that the Elector declined to cast their Ballot; and
- (d) keep the cancelled Ballot separate from the Ballot box.

PART TWELVE - CLOSING THE VOTING LOCATIONS**Closing the Voting Locations**

106. At the designated closing time as identified in section 87, the Deputy Returning Officer will publicly announce that the voting is closed.

Electors in the Voting Location when voting declared closed

107. Only Electors inside a Voting Location, when the voting is declared closed, who have not yet voted will be permitted to vote.

PART THIRTEEN – COUNTING THE BALLOTS**Attendance at the counting of Ballots**

108. Immediately after the close of the Regular Vote the Deputy Returning Officer will proceed to count all Ballots according to the instructions provided by the Chief Electoral Officer and in the presence of:

- (a) the Poll Clerk;
- (b) the representatives for each Candidate; and
- (c) any other Persons authorized by the Chief Electoral Officer.

Verification of Mail-In Ballots and Special Ballots

109. (1) The Deputy Returning Officer will review all Mail-In and Special Ballot envelopes to confirm acceptance of the Ballots by:
- (a) checking each envelope against the list of Mail-In Electors and Special Ballot Electors;
 - (b) confirming that the signatures of both the Elector and witness are on the prescribed Elector's declaration form; and
 - (c) confirming if there are any other necessary signatures required in accordance with sections 71 or 80.
- (2) When the Deputy Returning Officer has confirmed the Mail-In or Special Ballot is ready to be deposited under subsection (1) open the envelope titled "Ballots enclosed" and place the Ballots into the designated Ballot box.
- (3) The Deputy Returning Officer will make a note in the Official Electors Poll Book if an envelope does not include the Ballots that were issued.
- (4) If the Elector's declaration form is missing or the required signatures are not affixed, the Deputy Returning Officer will set the envelope containing the Ballots aside unopened and mark the envelope as "cancelled".
- (5) In circumstances outlined in subsection (4) the Deputy Returning Officer will make a note in the Official Electors Poll Book beside the Elector's name setting out reasons for setting their envelope aside.
- (6) During the course of transferring the Mail-In Ballots or the Special Ballots to the Ballot box, any accidental disclosures of how the Ballots are marked are to be kept confidential and will not negate the validity of the Ballots.

Opening the Ballot boxes

110. After the Mail-In or Special Ballots have been processed in accordance with sections 109, the Deputy Returning Officer will open the Ballot boxes and proceed to count the votes according to the instructions provide by the Chief Electoral Officer.

Ballot reconciliation

111. The Deputy Returning Officer will record all information on the forms provided by the Chief Electoral Officer.

Examination of Ballots

112. After separating the Ballots for the Naa Sháade Háni and the Deputy Naa Sháade Háni, the Deputy Returning Officer will examine each Ballot, show the Ballot to each Person present, and determine the number of Ballots clearly marked for each of the Candidates.

Rejection of Ballots

113. The Deputy Returning Officer will reject a Ballot where:
- (a) an Elector has selected more than one Candidate on the same Ballot;
 - (b) the identity of the Elector is evident;
 - (c) the Ballot was not marked;

- (d) the Ballot does not show a clear preference for any one Candidate; or
- (e) the Ballot is not valid.

Recording of rejected Ballot

114. On the back of each rejected Ballot the Deputy Returning Officer will write “rejected”, indicate the reason for the rejection, and initial the Ballot.

Objection to a Ballot

115. (1) If a Candidate’s Representative states an objection to the acceptance or rejection of a Ballot the Deputy Returning Officer will:

- (a) make a note of the objection on the prescribed form;
- (b) number the objection;
- (c) place the same number on the back of the Ballot in question;
- (d) initial the number on the back of the Ballot; and
- (e) address any question arising from the objection and if necessary, consult with the Chief Electoral Officer.

(2) The decision of the Deputy Returning Officer is final.

Preparing the statement of vote

116. (1) After all Ballots for the Naa Sháade Háni from the Ballot box have been examined and accepted or rejected as prescribed in sections 112 and 113, the Deputy Returning Officer will:

- (a) count the number of cast Ballots in favor of each Candidate excluding rejected Ballots; and
- (b) prepare the statement of vote and confirm the:
 - i. date of the vote;
 - ii. total number of Electors who voted by Special Ballot;
 - iii. total number of Electors who voted by Mail-In;
 - iv. total number of Electors who voted at the Voting Locations;
 - v. total number of Ballots supplied;
 - vi. total number of Ballots unused;
 - vii. total number of spoiled and cancelled Ballots;
 - viii. total number of Ballots cast;
 - ix. total number of Ballots cast that were rejected; and
 - x. total number of Ballots cast for each Candidate for the Naa Sháade Háni.

(2) The same procedure outlined in subsection (1) will be applied to confirming the statement of the vote for the Deputy Naa Sháade Háni.

Signing the statement of vote

117. (1) The statement of vote:

- (a) requires the signature of the Deputy Returning Officer who carried out the count and Poll Clerk; and
- (b) may be signed by any Candidate’s Representative present during the count.

(2) For greater certainty preparing the statement of vote and counting of the Ballots for the Naa Sháade Háni and the Deputy Naa Sháade Háni is to be conducted separately.

Sealing of the votes

118. Following the counting of the Ballots and finalizing the statement of the vote and in the presence of any Candidate's Representative present, the Deputy Returning Officer will prepare and seal in separate envelopes, as provided by the Chief Electoral Officer, the:

- (a) the counted Ballots for each Candidate for the office of the Naa Sháade Háni;
- (b) the counted Ballots for each Candidate for the office of the Deputy Naa Sháade Háni;
- (c) the rejected Ballots, including any notes taken or objections made;
- (d) unused Ballots;
- (e) cancelled and spoiled Ballots; and
- (f) the Official Electors List and the Official Electors Poll Book.

Delivery of voting materials to Chief Electoral Officer

119. The Deputy Returning Officer will:

- (a) sign and write a description of the contents on the envelopes; and
- (b) deliver all material used during the vote to the Chief Electoral Officer as instructed.

Validation of votes and disposition of Ballots

120. (1) The Chief Electoral Officer will:

- (a) take possession of all voting materials;
- (b) prepare a summary statement of the vote for each office voted that includes:
 - i. the date of the vote;
 - ii. the total number of Electors who voted at each Voting Location;
 - iii. total number of Ballots supplied;
 - iv. total number of Ballots unused;
 - v. total number of spoiled and cancelled Ballots;
 - vi. total number of Ballots cast;
 - vii. total number of Ballots cast that were rejected;
 - viii. total number of Ballots cast for each Candidate for the office of the Naa Sháade Háni; and
 - ix. total number of Ballots cast for each Candidate for the office of the Deputy Naa Sháade Háni;
- (c) keep and house the materials in a secure location until the Appeals period has passed; and
- (d) destroy the materials only after:
 - i. the time for any Appeal has passed; and
 - ii. all Appeal procedures have been concluded.

(2) The Chief Electoral Officer will provide a certificate of validation in the prescribed form to the Executive Council within 7 days after the close of the Regular Voting Date.

(3) If a Judicial Recount under Part 16 is in progress the Chief Electoral Officer will provide a certification of validation to the Executive Council within 14 days after the close of the Regular Voting Date.

Declaration of an elected Candidate

121. Subject to section 122, immediately after the counting of the Ballots has been concluded as prescribed by section 112 to 120, the Chief Electoral Officer will Publicly Post:

- (a) the name of the Candidate who received the greatest number of votes and is elected to the office of the Naa Sháade Háni;

- (b) the name of the Candidate who received the greatest number of votes and is elected to the office of the Deputy Naa Sháade Háni; and
- (c) the results of the vote for the remaining Candidates.

PART FOURTEEN – AUTOMATIC RECOUNT

Automatic Recount

122. The Chief Electoral Officer will conduct an Automatic Recount where:

- (a) there is a difference of three or less votes cast for the Candidate receiving the greatest number of votes and the next highest Candidate; or
- (b) there is a tie between Candidates with the greatest number of votes.

Time and place of Automatic Recount

123. If an Automatic Recount is held under section 122 the Automatic Recount will take place at the Chief Electoral Officer's office at noon the day after Regular Voting Date.

Persons in attendance

124. Only the following people may attend an Automatic Recount:

- (a) each Candidate affected or their Candidate's Representative; and
- (b) the Poll Clerks confirmed by the Chief Electoral Officer.

Delay of recount

125. The Chief Electoral Officer may delay a recount for up to two hours to ensure the presence of witnesses.

Documents to be supplied

126. The Chief Electoral Officer will bring all relevant voting materials to the Automatic Recount including:

- (a) the Ballot boxes;
- (b) the statement of the vote used to validate the results; and
- (c) all Ballots cast and other material used as prescribed under section 120.

Documents that may be examined

127. At the Automatic Recount, the Chief Electoral Officer will open the sealed envelopes that contain the used and counted Ballots, unused Ballots, rejected Ballots, spoiled, and cancelled Ballots for the office in question.

Documents that cannot be examined

128. The Chief Electoral Officer will not open any envelopes that appear to contain other documents or refer to any other voting materials other than the Elector sign-in sheets.

Steps to be taken by the Chief Electoral Officer

129. At an Automatic Recount, the Chief Electoral Officer will:

- (a) count all Ballots as prescribed by sections 112 to 118;

- (b) verify or correct, if necessary, each statement of the vote; and
- (c) review the decision of the Deputy Returning Officer specific to the number of votes cast for each respective Candidate.

Clerical assistance

130. At the Automatic Recount, the Chief Electoral Officer may seek the assistance of other Election Officials but will personally make all decisions regarding the acceptance or the rejection of Ballots that were subject to an objection as outlined in section 115.

Proceedings to be continuous

131. The Automatic Recount will proceed continuously except for necessary breaks.

Security of documents

132. During a break referred to in section 131, the Chief Electoral Officer will keep the Ballots sealed in parcels and the seal will be signed by the Chief Electoral Officer and be initialed by a witness in attendance.

Reversal of a decision

133. (1) At the Automatic Recount the Chief Electoral Officer may reverse the decision of another Election Official regarding the counting of the Ballots.

(2) The Chief Electoral Officer will make a note of the reversal of decision under subsection (1) and provide written reasons.

Procedure at completion of an Automatic Recount

134. At the completion of an Automatic Recount, the Chief Electoral Officer will:

- (a) seal the Ballots in a separate envelope for each voting station in accordance with section 118;
- (b) mark on the original statement of vote any changes made under this section; or
- (c) prepare a new statement of vote of the results of the counting in accordance with the requirements of sections 116 and 117;
- (d) seal the Ballot boxes; and
- (e) Publicly Post the results of the Automatic Recount.

Resolution of a tie

135. (1) If, at the end of an Automatic Recount, two or more Candidates with the greatest number votes have an equal number of votes, the Candidates may resolve the tie by flipping a coin.

(2) Failing to agree to the flipping of a coin under subsection (1) a tie will be resolved by the drawing of lots as prescribed under section 137.

Resolving a tie by flipping of a coin

136. (1) Should the Candidates with the equal number of votes choose to resolve the tie by a tossing of a coin, the Chief Electoral Officer will, on the day that the Automatic Recount has been concluded:

- (a) provide a two-dollar Canadian coin;
 - (b) place the names of the Candidates tied on separate identical Ballot papers;
 - (c) fold the Ballot papers in a uniform manner where the names of the Candidates are not visible;
 - (d) place the Ballots in a container that is sufficiently large in order for the Ballots to be shaken inside and make their distribution random;
 - (e) direct a Person who is not a Candidate to withdraw one Ballot at a time for the person to call heads or tails.
- (2) If three or more Candidates are tied with equal number of votes the Chief Electoral Officer will apply the same process under subsection (1) until a single Candidate has been identified.

Resolving a tie by drawing of lots

137. In accordance with section 135(2), the Chief Electoral Officer will, on the day that the Automatic Recount has been concluded:

- (a) mark a Ballot for each Candidate who is tied;
- (b) fold the Ballots in a uniform manner where the names of the Candidates are not visible;
- (c) place the Ballots in a container that is sufficiently large in order for the Ballots to be shaken inside and to make their distribution random;
- (d) direct a Person who is not a Candidate to withdraw one Ballot; and
- (e) confirm the Candidate whose name is on the Ballot drawn as elected.

Deadline for the declaration of results

138. (1) When the Automatic Recount is complete and the resolution of a tie has been satisfied, if applicable, the Chief Electoral Officer will report the results of the Automatic Recount and resolution of the tie to the Executive Council and Publicly Post the results in accordance with section 121.

(2) The decision of the Chief Electoral Officer is final.

PART FIFTEEN – ELECTORAL ADJUDICATOR

Appointment of Electoral Adjudicator

139. (1) The Executive Council will appoint an Electoral Adjudicator no less than 21 days prior to the Regular Voting Date.

(2) The Electoral Adjudicator will serve a term from the date of appointment to the close of any Appeals.

Requirements for Electoral Adjudicator

140. An Electoral Adjudicator must:

- (a) be at least 19 years of age;
- (b) be familiar with Election procedures;
- (c) have experience in hearing and resolving disputes; and
- (d) cannot be Teslin Tlingit.

Responsibilities of Electoral Adjudicator

141. The Electoral Adjudicator is responsible to hear and resolve Judicial Recounts and Appeals.

PART SIXTEEN – JUDICIAL RECOUNT

Application for Judicial Recount

142. (1) Any Candidate can make an application for a Judicial Recount.

(2) A Candidate's application needs to be filed with the Electoral Adjudicator's office no later than 72-hours from the close of the Regular Voting Date.

Ground for Judicial Recount

143. (1) A Candidate's application for a Judicial Recount can be filed on the following grounds:

- (a) the Ballots were incorrectly accepted or rejected;
- (b) a statement of the vote does not accurately record the number of valid votes for a Candidate; or
- (c) the final determination did not correctly calculate the total number of valid votes for a Candidate.

(2) A Candidate's application for a Judicial Recount is to include a list of facts and be supported by a witness' affidavit.

No Judicial Recount if an Automatic Recount was completed

144. An application for a Judicial Recount will not be considered if an Automatic Recount was previously completed.

Denial of application

145. The Electoral Adjudicator may refuse to hear an application if the Electoral Adjudicator deems the application is without merit.

Requirements for Judicial Recount application

146. The Candidate making the application for a Judicial Recount is required to supply:

- (a) the original application to the Electoral Adjudicator;
- (b) a copy of the application to the Chief Electoral Officer; and
- (c) copies of the application to the Candidates in the Election.

Setting the date for the Judicial Recount

147. On acceptance of an application the Electoral Adjudicator will set a date, time, and location for the Judicial Recount.

Attendance at a Judicial Recount

148. The Electoral Adjudicator will permit the following Persons to be present and heard at a Judicial Recount:

- (a) the applicant Candidate;
- (b) the Chief Electoral Officer;
- (c) Candidates and Candidate's Representatives; and
- (d) any other Person authorized by the Electoral Adjudicator.

Summons

149. For the purposes of conducting the Judicial Recount, the Electoral Adjudicator has the authority to summons any Deputy Returning Officer or Poll Clerk as a witness and require the Election Officials to give evidence under Oath.

Materials for the Judicial Recount

150. The Chief Electoral Officer will deliver the voting materials to the Electoral Adjudicator including:

- (a) Ballot boxes;
- (b) the statement of the vote to validate the results;
- (c) all Ballots cast; and
- (d) any other materials used for the sealing of the envelopes.

Opening of sealed envelopes for Judicial Recount

151. (1) If at a recount all of the Ballots returned are required the Electoral Adjudicator may open the sealed envelopes that contain the used, unused, rejected, spoiled and cancelled Ballots.

(2) The Electoral Adjudicator will not open any envelopes that appear to contain other documents or refer to any other voting documents.

Completing the Judicial Recount

152. The Electoral Adjudicator will:

- (a) open the Ballot boxes containing the Ballots;
- (b) count the Ballots in the manner prescribed for a Deputy Returning Officer; and
- (c) verify or correct if necessary, each statement of vote.

Clerical assistance

153. The Electoral Adjudicator may retain the services of support staff to assist in the performance of its duties under this Part.

Proceedings are continuous

154. The Electoral Adjudicator will, as far as practicable, proceed continuously with the Judicial Recount except for necessary breaks.

Security of documents

155. (1) Unless otherwise directed by the Electoral Adjudicator, the Ballot boxes will remain in the custody of the Chief Electoral Officer.

(2) During a recess or break the Electoral Adjudicator will keep the Ballots and the other Election materials sealed in parcels.

(3) The seal under subsection (2) will be signed by the Electoral Adjudicator.

(4) The Electoral Adjudicator will supervise the parceling and sealing of Ballots and documents at a Judicial Recount and will take all necessary precautions for their security.

Procedure at completion of a Judicial Recount

156. At the completion of a Judicial Recount, the Electoral Adjudicator will:

- (a) seal the Ballots in a separate envelop for each Voting Location;
- (b) without delay prepare a statement of vote that sets out the number of votes for each Candidate;
- (c) deliver the original of the statement of vote to the Chief Electoral Officer; and
- (d) publicly announce the results of the Judicial Recount.

Termination of a Judicial Recount

157. The Electoral Adjudicator at any time may terminate a Judicial Recount if requested in writing by the Candidate who applied for the recount.

Resolution of a tie following a Judicial Recount

158. Where two or more Candidates have the greatest and equal number of votes the Candidates affected may choose to call for a drawing of lots or a flipping of a coin to break the tie and proceed as required under sections 137 to 136.

Electoral Adjudicator decision is final

159. The decision of the Electoral Adjudicator is final.

PART SEVENTEEN – APPEAL**Grounds and time limit for an Appeal**

160. (1) Within 14 days after the close of the vote on the voting date, an Elector may Appeal the results of an Election to the Electoral Adjudicator.

(2) An Appeal submitted under subsection (1) must sufficiently outline one or more of the following grounds:

- (a) alleged corrupt practice in connection with the Election;
- (b) an alleged violation of the Act that might have affected the result of the Election; or
- (c) a Person in the Election was ineligible to be a Candidate.

(3) An Appeal submitted under subsection (1) must include:

- (a) Elector's claim set out in an affidavit;
- (b) the facts supporting the grounds for the Appeal; and
- (c) documentation to support the Appeal.

Notice by the Electoral Adjudicator

161. (1) Where the Appeal is submitted in accordance with section 160, the Electoral Adjudicator will forward a copy of the Appeal and all supporting documents within 5 days to:

- (a) the Chief Electoral Officer; and
- (b) each Candidate affected by the Appeal.

(2) The Chief Electoral Officer or any affected Candidate may, within 14 days from the date of the Notice of Appeal, forward the Electoral Adjudicator a written response addressing the details of the

Appeal with supporting documents.

Scheduling of hearing

162. When an application for Appeal has been accepted the Electoral Adjudicator will schedule a date for the hearing 21 days from the date of the Notice provided under section 161 (2).

Applications with similar facts or evidence

163. In cases where there may be more than one application for an Appeal and where applications may be similar in facts or evidence, the Electoral Adjudicator may combine the applications and conduct a single hearing.

Withdrawal of candidacy

164. (1) A Candidate who has been elected to office and is the object of an Appeal may resign and file a written statement to the Electoral Adjudicator renouncing all claims to the office.

(2) On receipt of a withdrawal of the elected Candidate under subsection (1), the Electoral Adjudicator will determine whether:

- (a) the withdrawal of the elected Candidate substantially affects the Elector's Appeal under section 160 (2)(c) and discontinue the hearing; or
- (b) confirm whether the hearing should continue if the grounds of the Appeal are based on sections 160 (2)(a) or (b).

(3) In circumstances where an elected Candidate resigns and the Appeal is discontinued under subsection (2)(a) the Electoral Adjudicator can:

- (a) proclaim the next Candidate with the next highest number of votes be elected; or
- (b) call a new Election.

Investigation by Electoral Adjudicator

165. (1) The Electoral Adjudicator may, if they determine that the materials filed are insufficient to decide the validity of the Election Appeal, conduct an investigation in a manner it deems necessary and expedient.

(2) The Executive Council will provide financial resources that are reasonably necessary to support an investigation conducted under subsection (1).

Documents made public

166. All documents filed in accordance with this Part will constitute and form the record and be available to the public.

Limit of finding fault

167. The Electoral Adjudicator will not declare an Election result invalid or void by reason of an irregularity or failure to comply with the Act if they are satisfied that:

- (a) the Election was conducted in good faith and substantially in accordance with the provisions in the Act; and
- (b) the irregularity or failure did not materially affect the result of the Election.

Declaration of judgement

168. (1) On review of the Appeal, the Electoral Adjudicator will provide written reasons for its decision that order the Election result is either:

- (a) confirmed as valid;
- (b) invalid and a new Election be called to fill the office; or
- (c) invalid and that the Candidate with the next highest vote be declared elected.

(2) On review of the Appeal regarding the qualification of an elected Candidate to take office, the Electoral Adjudicator will declare that the Candidate in question is:

- (a) qualified to take and hold office;
- (b) not qualified to hold office and that the Candidate with the next highest votes be declared elected; or
- (c) not qualified to hold office a new Election be called to fill the office.

Decisions of the Electoral Adjudicator are final

169. All decisions by the Electoral Adjudicator on Appeal are final.

PART EIGHTEEN – OTHER MATTERS**Elected Candidates take office**

170. (1) The Candidate declared elected in accordance with section 121 is to take an Oath of office, in a prescribed form, and assume the duties as the Naa Sháade Háni or the Deputy Naa Sháade Háni 30 days from the Regular Voting Date.

(2) The General Council will affirm the Candidate elect at the Annual General Council Assembly in the same year of the election.

Status of the elected Candidate

171. The elected Candidate who is affected by an Appeal will hold office and vote and otherwise act in the office unless and until the Electoral Adjudicator declares the Candidate is disqualified and the office is vacated.

Report on Election results

172. (1) The Chief Electoral Officer will submit an Elections Report to the Executive Council and General Council 30 days from the date of the declaration of the official results.

(2) The Elections Report to Executive Council and General Council will include, but is not limited to:

- (a) the number of Electors listed on the Official Electors List;
- (b) copies of the statement of votes;
- (c) the number of Ballots cast for each Candidate;
- (d) the number of rejected Ballots;
- (e) the number of Electors who voted;
- (f) recommendations to improve the Election process;
- (g) an overview of the Election preparations and procedures consistent with this Act;
- (h) all public postings, brochures, lists, declarations, certificates, forms, and instructions; and
- (i) any other documents and materials important for the preparations and proceedings of the Election.

Delay of Elections Report

173. If there is an active Appeal under section 163 the Elections Report will be due 21 days following the completion of the Appeal.

Archive of Election results

174. The Teslin Tlingit Council will maintain an archive of Election results and relevant materials.

Registrar of Citizenship

175. (1) The Registrar of Citizenship will be available to the Chief Electoral Officer for any matter related to the development and confirmation of the Official Electors List.

(2) The Registrar of Citizenship will be available to the:

- (a) Election Officials from the Writ of an Election until the filing of the Elections Report; and
- (b) Electoral Adjudicator to the close of an Appeal, if required.

Forms

176. The Executive Council is authorized to develop and approve the forms or Schedules providing for any matter required by this Act.

Comprehensive Review

177. (1) No later than two years after the day on which this Act comes into effect a comprehensive review of the Act and the election process will be undertaken by a Teslin Tlingit Council constitutional committee comprised of clan representatives.

(2) The Teslin Tlingit Council clan based constitutional committee will issue a report with recommendations and proposed legislative amendments, if appropriate, to the General Council on or before the Annual General Council Assembly for 2023 with the purpose to finalize a leadership selection process for the year 2024 and onward.

Act in force

178. This Act will come into force on a day fixed by the General Council.

This Act repeals

179. This Act hereby repeals and replaces Schedule "B" of the Constitution, that is attached to but does not form part of the Constitution.