KWANLIN DÜN FIRST NATION

An Act To Amend The Election Act

May 2016

This version of the Act is for convenience of reference only.
For purposes of interpreting and applying the law a person should access the *Act to Amend the Election Act* (Kwanlin Dün First Nation) 2016, and the *Election Act* (Kwanlin Dün First Nation) 2013, held in the Kwanlin Dün First Nation Registry of Laws, Executive Council Office.

Kwanlin Dün First Nation

AN ACT TO AMEND THE ELECTION ACT

Summary

This enactment amends the *Election Act* (Kwanlin Dün First Nation), May 2013 (the "*Election Act*"), based on the recommendations by the Kwanlin Dün First Nation election committee and informed by the Kwanlin Dün First Nation election held in March 2014.

The amendments to the *Election Act* are intended to disallow immediate family members of candidates from serving as election officials to avoid the potential for conflicts of interests; clarify what information is required as part of filing one's nomination papers; authorize the chief returning officer with the discretion to hire a deputy returning officer if required to minimize the costs of operating an election process; and avoid unnecessary handling of the ballots to ensure accuracy in results.

The Council of the Kwanlin Dün First Nation hereby enacts as follows:

Short title

1. This Act may be cited as the *Act to Amend the Election Act*.

2. The definitions of "beneficiary", "chief", "citizen" and "Council" are hereby repealed.

3. The definition of "immediate family member" is replaced and defined as the same meaning as assigned to it by paragraph 67(1)(r) of the Constitution and includes siblings for the purposes of this Act;

4. The definitions of "Judicial Council", "Kwanlin Dün First Nation" and "registrar of citizenship" are hereby repealed.

5. Section 2 of the *Election Act* is amended by including a subsection (2) that states the following:

(2) In addition to subsection (1), the definitions of the constitution shall also apply to this Act.

6. The *Election Act* is amended by adding a subsection 12(e) that states the following:

(e) not be an immediate family member of a candidate for the office of either chief or councillor.

7. The *Election Act* is amended by repealing and replacing subsection 13(5) with the following:

(5) Within 30 days after the results of the elections are declared, the election committee shall provide a written report to the Council or its delegate, including the report delivered by the chief returning officer, setting out the results of the election, the details of carrying out the election process under its direction and supervision, and any recommendations for future elections.

8. The *Election Act* is amended by adding a subsection 15(f) that states the following:

(f) not be an immediate family member of a candidate for the office of either chief or councillor.

9. The *Election Act* is amended by adding a subsection 21(f) that states the following:

(f) not be an immediate family member of a candidate for the office of either chief or councillor.

10. The *Election Act* is amended by replacing section 23 with the following:

23. At least 21 days before the voting date, the chief returning officer may appoint sufficient deputy returning officers to conduct the regular election.

11. The *Election Act* is amended by adding a subsection 24(f) that states the following:

(f) not be an immediate family member of a candidate for the office of either chief or councillor.

12. The *Election Act* is amended by adding a subsection 27(f) that states the following:

(f) not be an immediate family member of a candidate for the office of either chief or councillor.

13. The *Election Act* is amended by adding a subsection 31(g) that states the following:

(g) not be an immediate family member of a candidate for the office of either chief or councillor.

14. The *Election Act* is amended by adding a subsection 32(g) that states the following:

(g) not be an immediate family member of a candidate for the office of either chief or councillor.

15. The *Election Act* is amended by repealing and replacing section 42 with the following:

42. (1) A citizen seeking office of either the chief or councillor shall submit, to the chief returning officer, their candidacy form and a current clearance letter from the Royal Canadian Mounted Police that confirms that the citizen has not been convicted of any indictable offences for the purpose of subsection 41(d) of the Act.

(2) “current” for the purpose of subsection (1) means that the clearance letter was issued to the citizen within 90 calendar days of the date the letter was filed with the chief returning officer.

(3) Paragraph 41(d) does not apply to a citizen who has been granted a pardon removing any penalties or punishments and preventing any new prosecution towards the citizen for which the pardon was given.

16. The *Election Act* is amended by adding a subsection 56(f) that states:

(f) not be an immediate family member of a candidate for the office of either chief or councillor.

17. The *Election Act* is amended by repealing and replacing subparagraphs 114(1)(c)(i) and 114(c)(ii) with the following:

(i) accept or reject the declaration envelop;
(ii) if the declaration envelop is accepted, open the declaration envelop and place the ballot in a designated ballot box, making a note if an envelope does not include the ballot issued;

18. The *Election Act* is amended by repealing and replacing subparagraphs 115(1)(c)(i) with the following:

(i) open the declaration envelop and place the ballots in a designated ballot box for purposes of counting, making a note if an envelope does not include the ballot issued according to the instructions provided by the chief returning officer.

19. The *Election Act* is amended by adding section 173 that states the following:

173. The *Election Act* (2013), is hereby amended.