
West Point First Nation

Election Code

This Election Code has been put into place to ensure a clear, fair, and consistent process for electing the Chief and Councilors of the West Point First Nation (WPFN). Once elected, the Chief and Councilors are mandated to:

- Maintain an effective Dene government, accountable to the membership
- Strengthen and expand economic development and employment opportunities for the members
- Promote social health and well-being among members and the community
- Support and encourage education and training for members
- Maintain the integrity of the land and the traditional way of life.

Definitions

- a) “Appeals Committee” means the impartial committee appointed by the existing Council to decide on election appeals.
- b) “Candidate” means a person seeking election as a Council member.
- c) “Council” means the West Point First Nation Council comprised of a Chief and four (4) Councilors.
- d) “Council member” means Chief or Councilor.
- e) “Election day” means the day set aside for the election of the West Point First Nation Council.
- f) “Elector” (also known as voter) means a person qualified to vote in the West Point First Nation Council elections.
- g) “Electoral staff” means the Electoral Officer and other appointed electoral staff.
- h) “Employee” means a salaried person working for the West Point First Nation.
- i) “Indictable offence” means a criminal offence that is considered by the courts to be of a very serious nature.
- j) “Polling station” is a place set aside in the community for electors to vote in advance polls and on election day.
- k) “Polling booth” is a place set aside in the polling station where an elector may mark his/her ballot without being seen by others.
- l) “Proxy ballot” means a second ballot given to a proxy elector who has written authorization (a completed proxy form) to vote on behalf of another elector.
- m) “Registered member” means a person whose name appears on the Indian Register and on the West Point First Nation membership list as a member of the West Point First Nation.
- n) “Resident voting members” are those members normally living with the WPFN’s traditional land use area.

2) Application

- a) The WPFN Election Code shall apply to all elections and by-elections for the positions of Chief and/or Councilor for the West Point First Nation.

3) Composition of Council

- a) The Council of the West Point First Nation shall consist of one (1) Chief and four (4) Councilors.
- b) A Sub-Chief shall be appointed by Council.
- c) Unless otherwise stated in this Election Code, a quorum for decision-making is deemed to be three (3) Council members.

4) Term of Office

- a) The term of office for the Chief and Councilors of the West Point First Nation Council shall be three years, with elections held on or about Treaty Day.
- b) Following ratification of this Election Code, the next regular election for Council will be the summer of 2005 and every three (3) years thereafter.

5) Eligibility of Electors (Voters)

- a) To be eligible as an elector, a person:
 - i) must be eighteen (18) years of age or older on election day;
 - ii) must be a registered member of the West Point First Nation.

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

- a) To be eligible as a candidate for the position of Chief or Councilor, a person:
 - i) must be eighteen (18) years of age or older on election day;
 - ii) must be a registered member of the West Point First Nation;
 - iii) must be normally resident in the WPFN traditional land use area;
 - iv) must not have any outstanding debts with the WPFN or its subsidiaries;
 - v) must not be a member of the Appeals Committee or a member of the Electoral staff;
 - vi) must not be serving a sentence for an indictable offence;
 - vii) must be willing to sign and uphold the WPFN Council Code of Conduct.

7) Eligibility of WPFN Employees

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

8) Establishing an Election Date and Budget

- a) The election for Chief and Council shall be held on or about Treaty Day in the community of West Point.
- b) The election for Chief and Councilors shall be held on the same election day.
- c) The actual date of election must be set through a General Band or Band Council Resolution at least thirty (30) days prior to the election.
- d) At the same time that the election date is set, the Council will establish a working budget for the election, through a Band Council Resolution. This budget will be administered by the WPFN Band Manager. Amendments to the budget must be approved by Council.

9) Appointment of an Electoral Officer

- a) For all regular elections and all elections and by-elections for Chief, the Council shall appoint an Electoral Officer who is not a band member at the same time that the election date is formally established.
- b) For Councilor by-elections, the Band Manager may act as the Electoral Officer.
- c) The Electoral Officer shall carry out all tasks necessary to ensure a fair election process and will address all elections issues as they arise. Generally, the Electoral Officer will:
 - i) advertise the election date, polling hours, and polling station(s);
 - ii) establish and advertise the opening and closing of nominations; the date, place, and hours of advance polling; and any other important election information;
 - iii) prepare, post, revise, and finalize an updated Voter's List based on current WPFN membership information;
 - iv) supervise the nomination, balloting, and appeal processes, according to the terms of this Election Code and other standard election practices
 - v) appoint and supervise any electoral staff, as required and within budgetary limitations.

10) Appointment of an Appeals Committee

- a) The current Council, in consultation with the Electoral Officer, shall appoint a volunteer Appeals Committee at least twenty (20) days before the election is held. The Appeals Committee shall consist of three (3) people and should include non-members.
- b) The Appeals Committee will review and make decisions regarding all appeals initiated under the terms of this Election Code.

11) Procedures for Nominations

- a) The Electoral Officer will prepare and post an updated Voters' List at least twenty (20) days prior to election day in a reasonable number of public places in West Point and Hay River. This list will also be provided to members upon request.
- b) The Electoral Officer will set and publish dates and times for the opening and closing of nominations, but nominations must remain open for at least seven (7) days, beginning with the posting of the Voters' List and ending at least ten (10) days before election day.
- c) Nominations must be in writing on a nomination form, signed by two nominators who are eligible electors and by the person being nominated. These forms will be available from the Electoral Officer or the WPFN office.
- d) Signed nomination forms must be submitted directly to the Electoral Officer or designated electoral staff.
- e) Qualified candidates may be nominated to run for either Chief or Councilor but may not run for both positions.

12) Publication of the List of Candidates

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

13) Withdrawal of Candidates

- a) Candidates wishing to withdraw from the election must submit a written statement to that affect to the Electoral Officer no later than forty-eight (48) hours after the close of nominations.

14) Candidates Declared Elected by Acclamation

- a) In the event that only one (1) qualified candidate is nominated for the position of Chief by the close of nominations, no election for Chief will be held and the Electoral Officer shall declare the candidate acclaimed.
- b) In the event that no more than four (4) qualified candidates are nominated for the Councilor positions by the close of nominations, no election for Councilors will be held and the Electoral Officer shall declare the candidates acclaimed.

15) Methods of Voting

- a) Electors may vote once for the positions of Chief and Councilors by voting in person, by secret ballot, during the hours and at the place designated by the West Point First Nation.
- b) For regular elections, one (1) advance poll will be held prior to election day, and the ballots from this poll will remain sealed at a secure site until the closing of regular election day polling.
- c) Voting hours will normally be from 3:00 p.m. to 6:00 p.m. for the advance poll and from 3:00 to 7:00 p.m. on election day.
- d) No advance polling will take place for by-elections.
- e) Where a person's name does not appear on the Voters' List, the person may register as an elector at the voting station by showing a valid Treaty Card identifying the person as a member of the West Point First Nation along with a second piece of identification confirming the person's age eligibility.
- f) Where an elector is elderly, disabled, hospitalized, or otherwise infirm and is unable to come to the voting station -- and has notified the Electoral Officer in advance of election day -- the Electoral Officer may make provisions for the use of proxy balloting. A proxy ballot must be signed by the infirm elector and a copy of the infirm elector's Treaty Card must accompany the ballot. A West Point First Nation elector can only vote by proxy on behalf of one (1) infirm elector.

16) Ballots for Chief and Council

- a) The Electoral Officer shall prepare separate ballots for the positions of Chief and Councilor, listing names in alphabetical order on a sheet of paper.
- b) The Electoral Officer shall prepare ten percent (10%) more ballots for the positions of Chief and Council than the total amount of resident voters; count the number of ballots prepared; and store the ballots in a safe place.

17) Balloting Procedures

- a) On the day before advance polling and election day the Electoral Officer shall:
 - i) appoint or swear in any persons necessary to provide assistance during the hours of voting including a polling clerk, and / or interpreters;
 - ii) prepare the final Voters' List;
 - iii) ensure the facilities, supplies, and equipment for voting are in place.
- b) Before opening the voting station(s) the Electoral Officer shall empty, close, and seal all required ballot boxes.
- c) During polling hours, designated electoral staff will:
 - i) explain the voting procedures;
 - ii) provide each voter with an initialed ballot;
 - iii) verify his/her initial upon return of the ballot;
 - iv) mark the ballot as returned on the Voters' List and indicate if any special help was required.

- d) Where required, only interpreters appointed by the Electoral Officer shall be utilized.
- e) Each voter will:
 - i) mark and fold his/her ballot in a private voting booth;
 - ii) return the folded ballot for verification to the electoral staff;
 - iii) deposit the folded ballot in the ballot box.
- f) If an elector damages a ballot by mistake the Electoral Officer shall:
 - i) mark the ballot as cancelled;
 - ii) indicate the cancelled ballot on the Voters' List;
 - iii) provide the elector with another ballot.
- g) During polling hours, no candidates or supporters are to carry out any campaigning or any other activities in the polling station that may interfere with or influence voters, but candidate representatives approved in advance by the Electoral Officer may observe the voting process.
- h) After the polls have closed and all the electors have left the voting station the Electoral Officer will:
 - i) invite candidates' representatives to witness the ballot count;
 - ii) open the ballot boxes, including advance poll ballot boxes;
 - iii) supervise the counting and tallying of the ballots;
 - iv) announce the preliminary results, with the vote count for each candidate.

18) Breaking a Tie Vote

- a) Should one or more candidates for the position of Councilor receive the same number of ballots as the candidate with the lowest number of ballots, or should there be a tie between the two top candidates for Chief, the Electoral Officer will:
 - i) place the tie ballots in a container;
 - ii) without looking, and in front of witnesses, select one ballot;
 - iii) record and announce the tie-breaking vote.

19) Recount Provisions

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

20) Posting Election Results

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

21) Appeals

- a) At any time after the initial posting of the Voters' List and prior to the election, a person may request, in writing, to have his/her name added to the List or may appeal, in writing, the eligibility of a name currently on the List. These matters will be directed to and addressed by the Electoral Officer, who may call upon the assistance of the Appeals Committee as needed.
- b) Within forty-eight (48) hours of the posting of the Candidates' List, an eligible elector may appeal the eligibility of a candidate in writing to the Electoral Officer. The Electoral Officer must consult with the Appeals Committee and reply in writing within forty-eight (48) hours of the appeal. The Appeals Committee's decision is final.
- c) Within seven (7) days of the close of the election, any elector or candidate may appeal the election results in writing to the Electoral Officer if they believe a violation of the WPRN Election Code has occurred. The Electoral Officer must consult with the Appeals Committee and reply to the appeal, in writing, within seven (7) days of the appeal.
- d) If the Appeals Committee determines that the Election Code was violated and that this violation may have affected the outcome of the election, the Committee can declare the Chief and/or Councilor election results null and void and order a new election within sixty (60) days. Any decision of the Appeals Committee is final.
- e) Where a new election is ordered, the current Chief and/or Councilors remain in office until the new election is completed.

22) Assuming Office

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

23) Destruction of Ballots

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

24) Vacancies on Council

- a) Council may declare a vacancy on Council when a Council member:
 - i) resigns his/her office;
 - ii) is unable to continue his/her duties due to illness, disability, or death;
 - iii) misses three consecutive meetings without advance notification or reasonable justification;
 - iv) moves away from the WPFN traditional land use area for a period of more than 3 months;
 - v) is convicted of an indictable offence while in office;
 - vi) is removed by Council through a vote of non-confidence (see Section 25);
 - vii) is removed by the membership through vote of non-confidence at a Special or General Band Meeting (see Section 25).
- b) If the Chief or a Councilor steps down or is removed from office and there is more than twelve (12) months until the next regular election, a by-election shall be held.
- c) If the Chief steps down or is removed from office and there is twelve (12) months or less until the next regular election, the Sub-Chief shall be appointed interim Chief and Council shall appoint a new Councilor.
- d) If a Councilor steps down or is otherwise removed from office and there is twelve (12) months or less until the next regular election, Council shall appoint a new Councilor.
- e) Interim Councilors may be appointed by Council as required to ensure a quorum is in place while an election is being carried out or in other essential circumstances.
- f) The term of office for a Chief or Councilor elected through by-election or appointed by Council ends on the date of the next regularly-scheduled election.

25) Recall Provisions

- a) The Chief or any Councilor may be removed from office by a vote of non-confidence at a legally-constituted Council meeting with the Chief and all Councilors present, or by a vote of non-confidence at a legally-constituted Special or General Membership meeting, for the following reasons only:
 - i) he/she seriously violates the Council Code of Conduct, or
 - ii) he/she violates the Code of Conduct on repeated occasions.
- b) Any violations of the Code of Conduct may be brought forward by Council members and should be documented in regular Council minutes.

26) Provisions for General and Special Membership Meetings

- a) Council shall hold an annual General Membership Meeting within ninety (90) days of the end of the WPFN’s fiscal year to:
 - i) approve the annual audit;
 - ii) review WPFN programs and services;
 - iii) review and respond to membership issues and concerns;
 - iv) amend the WPFN Election Code, as required and according to procedure.
- b) The annual General Membership Meeting must be advertised at least thirty (30) days in advance.
- c) Proposed changes to the Election Code must be posted as least seven (7) days in advance of the General Membership Meeting and can only be made in non-election years.
- d) Council must hold Special Membership Meetings every six (6) months to:
 - i) provide information to members;
 - ii) solicit membership input on key issues affecting WPFN;
 - iii) seek approval for governance, resource, and other significant agreements.
- e) Council may hold other Special Membership Meetings as required.
- f) Special Membership Meetings must be advertised at least seven (7) days in advance.
- g) Any member who is being aggressive or verbally abusive will be asked to leave the General or Special meetings.

27) Quorums for General and Special Membership Meetings

- a) A quorum of twenty-five percent (25%) of resident voting members is required at General and Special Membership Meetings to approve the annual audit and seek approval for governance, resource, and other significant agreements.
- b) A quorum of sixty percent (60%) of resident voting members is required at General and Special Membership Meetings to remove a Chief or Councillor(s) from office.
- c) Where Council cannot achieve a quorum at a General or Special Membership Meeting after two attempts, Council may decide the issue at hand through a Band Council Resolution at a legally-convened Council meeting with the Chief and all Councilors present.

28) Council Code of Conduct

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

“As a member of the West Point First Nation Council, I hereby swear to:

- Uphold and respect Dene traditions and values
- Work cooperatively to serve the membership of the organization to the best of my ability
- Act as a role model by maintaining a healthy lifestyle
- Follow all organizational policies and procedures

- 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
- Maintain confidentiality regarding personal or private Council business
- Make every effort to attend and participate fully in all Council meetings
- Consult regularly with elders, youth, and other members to ensure that Council decisions represent the best interests of the membership
- Declare a conflict of interest where I or my immediate family might benefit financially from Council decisions.”

29) Changes to the Election Code

- a) Once adopted, the West Point First Nation Election Code can only be changed by Resolution at a legally-constituted General Membership Meeting in a non-election year.