

BETWEEN:

The Liard River Indian Band,

The Party of the
First Part

AND:

Kaska Unity Society

The Party of the
Second Part

AGREEMENT

WHEREAS representatives of the Liard River Indian Band and the Kaska Unity Society have held meetings to discuss the restructuring of the Chief and Council of the Liard River Indian Band pursuant to an Agreement dated July 17, 1992, a copy of which is attached hereto as Schedule "A";

AND WHEREAS the Parties have found a mutually acceptable structure for Chief and Council to promote the unity of the Kaska Nation;

The Parties agree as follows:

1. This Agreement and the structure of Chief and Council set out shall be presented to the General Assembly of the Liard River Indian Band to be held at Simpson Lake from August 31 to September 3, 1992. The Parties agree to be bound by the decisions of the General Assembly which shall be determined by consensus, or failing to achieve consensus, by a vote requiring a majority of 75% of the members 18 years of age who are present, with abstentions being counted as part of the majority vote.

2. The Parties agree that the terms of this Agreement, if adopted, or as modified by the General Assembly, shall form the basis of a First Nation Constitution to be finalized by the newly elected Chief and Council for adoption at a future General Assembly. *customary elected Deputy Chief*

Customary
3. There shall be an election for *customary elected* Chief, Deputy Chief and Council to be held on the 15th day of October, 1992, pursuant to the Election Rules to be attached hereto as Schedule "B" when initialled by lawyers Ronald Veale and Stephen Walsh. The election shall be funded by the Liard River Indian Band and administered by an Election Committee, consisting of 2 *Chair* and 2 members appointed by the Liard River Indian Band and 2 members appointed by the Kaska Unity Society, all of whom must be Band members of Kaska ancestry.

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10. The Liard First Nation Government shall decide issues relating to Land Claims, policy matters and by-laws.
11. The Parties agree to prepare a joint agenda for the General Assembly for presentation to the General Assembly. Motions or resolutions that deal with constitutional or Band structure matters require 24 hours written notice before they can be voted on, unless there is consensus to waive notice.
12. The Parties agree to meet with the Co-ordinator of the General Assembly to finalize organizational and Agenda matters prior to the General Assembly. Translators shall be provided at the General Assembly.

Dated this 21 day of August, 1992.

KASKA UNITY SOCIETY

Anne Bayne
Anne Bayne

Gordon Edzerza
Gordon Edzerza

Alfred Chief
Alfred Chief

David Dickson
David Dickson

LIARD RIVER INDIAN BAND

Chief Dixon Lutz
Chief Dixon Lutz

George Miller
George Miller

Emma Donnelly
Emma Donnelly

Eileen Van Bibber
Eileen Van Bibber

Louise Genest
Louise Genest

A G R E E M E N T

THE PARTIES agree as follows:

1. The Kaska Unity Society and the Liard River Indian Band hereby agree to discuss re-structuring of the Chief and Council of the Liard River Indian Band including the manner in which the members of the Band Council are determined. Either party may terminate these discussions at any time.
2. Each party shall be represented by a lawyer and three (3) members who shall meet at agreed times and places.
3. Discussions shall include, but not be limited to:
 - (a) definition of membership;
 - (b) eligibility to vote and hold office;
 - (c) structure of Council and number of Councillors;
 - (d) financing the election process;
 - (e) date for election;
 - (f) ratification process for election rules; and
 - (g) Liard Reserve #3.
4. Discussions will be funded by the Department of Indian Affairs according to the attached proposed budget to be presented to Department of Indian Affairs for funding.

Dated this _____ day of July, 1997.

KASKA UNITY SOCIETY

LIARD RIVER INDIAN BAND

Ann Eayne
Ann Eayne

Chief
Chief

Gordon Edzerz
Gordon Edzerz

George Miller
George Miller

Alfred Chief
Alfred Chief

Emma Donnessey
Emma Donnessey

Eileen Van Bibber
Eileen Van Bibber

SCHEDULE "D"

REGULATIONS FOR THE ELECTION FOR THE CHIEF AND COUNCIL
OF THE LIARD FIRST NATION

1. These regulations may be cited as the "Liard First Nation Election Regulations."
2. The Structure of the Liard First Nation Government shall be as follows:
 - (a) the Customary elected Chief who shall be a resident of the Yukon Territory or the Kaska traditional territory in British Columbia;
 - (b) four Councillors who shall be residents of the Yukon Territory;
 - (c) the Customary elected Deputy Chief who shall be a resident of the Kaska traditional territory in British Columbia. The Deputy Chief shall be elected only by those persons who are residents of the Kaska traditional territory in British Columbia;
 - (d) two Councillors who shall be residents of the Kaska traditional territory in British Columbia. The two Councillors shall be elected only by those persons who are residents of the Kaska traditional territory in British Columbia;
 - (e) the Hereditary Chief shall be at the pleasure of the Elders' Council of the Liard River Indian Band and who shall be Dixon Lutz.
 - (f) the Elders' Council shall be determined by the Elders, the Hereditary Chief, the Customary elected Chief, the Customary elected Deputy Chief and Councillors of the Liard River Indian Band.

3. Chief

The Customary elected Chief and the Customary elected Deputy Chief of the Liard First Nation shall be elected by a majority of votes cast at a Liard First Nation election.

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REGULATIONS FOR THE ELECTION FOR THE CHIEF AND COUNCIL
OF THE LIARD FIRST NATION

4. Councillors

The Councillors of the Liard First Nation shall be elected by a majority of votes cast at a Liard First Nation election.

5. Eligibility to Vote and Hold Office

To be eligible to vote or be elected, a person must be 18 years of age and a member of the Liard River Indian Band and an eligible beneficiary of the comprehensive claims of the Liard First Nation or the Kaska Dene Council.

6. Reasons for Ineligibility

A person shall be ineligible to be nominated for or to hold office of the Customary elected Chief, the Customary elected Deputy Chief or Councillor if:

- (a) that person is subject to a court order which states that such person cannot hold public office;
- (b) that person has been convicted of an indictable offence during a twelve month period prior to the date of an election.

7. Tenure

The Customary elected Chief, the Customary elected Deputy Chief and Councillors elected to the Liard First Nation Government shall hold office for a term of (3) years - commencing at 12:00 a.m. of the day following the Liard First Nation election and terminating at midnight of the day of the next Liard First Nation election.



OF THE LIARD FIRST NATION

8. Vacancies

The office of the Customary Elected Chief, the Customary elected Deputy Chief or Councillor shall become vacant when a person who holds that office:

- (a) is convicted of an indictable offence while holding office;
- (b) dies or resigns from office; or
- (c) is subject to a Petition signed by a simple majority of the Liard River Indian Band Members and eligible beneficiaries eighteen (18) years of age or older that such person is unfit to hold office.

9. Filling of Vacancies

- (a) Should the office of the Customary elected Chief, the Customary elected Deputy Chief or a Councillor of the Liard First Nation become vacant due to the resignation, death or removal from office of the incumbent, a by election shall be held only where the unexpired term of office is greater than six (6) months.
- (b) When the office of the Customary elected Chief or the Customary elected Deputy Chief becomes vacant and there is less than six (6) months remaining in the unexpired term of office, the Councillors shall choose one from amongst themselves to be the Acting Chief of the Liard First Nation.
- (c) When the office of a Councillor becomes vacant and there is less than six (6) months remaining in the unexpired term of office, the office shall remain vacant to the expiry of the term of office.

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REGULATIONS FOR THE ELECTION FOR THE CHIEF AND COUNCIL
OF THE LIARD FIRST NATION

10. Election Committee

There shall be an Election Committee appointed to administer elections consisting of two Co-Chairs and 4 members; two of whom shall be appointed by the Kaska Unity Society and two of whom shall be appointed by the Liard River Indian Band.

11. The Duties and Responsibilities of the Election Committee are:

- (a) to exercise general responsibility for the administration of the election;
- (b) to appoint all personnel required for the administration of the election;
- (c) to maintain the integrity of the election;
- (d) when required, to develop and implement any policies or practices in order to facilitate the conduct of the election within the spirit of the regulations;
- (e) to implement change in policy or practice concerning the election as expressed in a motion from a General Assembly;
- (f) to announce the official results of the elections;
- (g) to maintain all necessary election records; and
- (h) to appoint a Chief Electoral Officer and as many Deputy Electoral Officers as the Election Committee deems necessary.

12. Election Schedule

The Election Schedule shall be as follows:

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REGULATIONS FOR THE ELECTION FOR THE CHIEF AND COUNCIL
OF THE LIARD FIRST NATION

- (a) The polling day must not be less than thirty (30) days after the official announcement of elections.
- (b) Nominations shall close not less than fourteen (14) days before polling day.
- (c) The date of the opening of nominations will coincide with the official announcement of elections.
- (d) The procedure and regulations governing nominations are as follows:
 - (i) candidates and nominators must all be eligible voters;
 - (ii) nominations papers must be submitted to the Elections Committee and Chief Electoral Officer prior to the close of nominations;
 - (iii) nomination papers for the Customary elected Chief and Customary elected Deputy Chief must be signed by a minimum of twenty-five (25) qualified voters and for Councillor (10) qualified voters on forms distributed by the Election Committee.

13. Chief Electoral Officer

The Chief Electoral Officer shall:

- (a) prepare a list containing in alphabetical order, the names of the voters entitled to vote in the election;
- (b) post a copy of the list of voters and the location where voting will be held in such places as the Chief Electoral Officer deems necessary at least 15 days prior to the date of the election;

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REGULATIONS FOR THE ELECTION FOR THE CHIEF AND COUNCIL
OF THE LIARD FIRST NATION

- (c) prepare all forms and ballot papers to be submitted to the voters and distribute the forms and ballot papers to the Deputy Electoral Officers;
- (d) procure a sufficient number of ballot boxes;
- (e) before the poll is open, cause to be delivered to the Deputy Electoral Officers, the ballot papers and sufficient supplies for the conduct of the election.

14. Deputy Electoral Officers

The duties and responsibilities of Deputy Electoral Officers are:

- (a) to supervise the election under the direction of the Chief Electoral Officer at the location where voting will take place;
- (b) to appoint, if authorized by the Chief Electoral Officer, any additional personnel required to facilitate the elections;
- (c) to set up polling stations at the voting locations as determined by the Chief Electoral Officer;
- (d) to maintain, as directed, all pertinent records and to ensure that these records are delivered to the Chief Electoral Officer;
- (e) to conduct, when required, an enumeration of voters in each area;
- (f) to maintain the integrity of the election by ensuring that all ballots and ballot boxes are not tampered with;
- (g) to inform voters of the right to vote, the procedure to be followed and the location of the polling station where voters may cast their ballots.

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REGULATIONS FOR THE ELECTION FOR THE CHIEF AND COUNCIL OF THE LIARD FIRST NATION

15. Complaint with List of Voters

- (1) Any voter may apply to the Chief Electoral Officer within 10 days of the posting of the list of voters to have the list revised on the grounds that:
 - (a) the name of a voter has been omitted from the list;
 - (b) the name of a voter is incorrectly set out in the list;
 - (c) the name of a person not qualified to vote is included in the list.
- (2) Where the Chief Electoral Officer is satisfied that a revision is necessary in the list of voters, the Chief Electoral Officer shall make the revision and such revision shall be final.

16. Notice of Election

- (1) The Chief Electoral Officer shall post a notice at least 30 days prior to the date of the election, in such places as he or she deems necessary, including notices in appropriate Yukon newspapers.
- (2) The notice shall state:
 - (a) the date on which the election shall take place;
 - (b) the hours of the day the voters may vote;
 - (c) the location of the polling booths.

17. Voting Procedure on Election Day

The voting procedure on election day will be as follows:

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- (a) the voter will approach the table where the ballots and ballot boxes are and announce his or her name to the electoral officer;
- (b) the Electoral Officer or the poll clerk will then check that the voter's name is on the list of voters, if so, the poll clerk will cross the name out;
- (c) if the person's name does not appear on the list of voters, but the Electoral Officer is satisfied that the person is an eligible voter, then the Electoral Officer will enter the voter's name and address on the list of voters and initial the entry;
- (d) the Electoral Officer will then initial the back of each ballot for the voter and explain how to mark it;
- (e) on application of a voter who is:
 - (i) not able to read;
 - (ii) incapacitated by blindness or other physical cause;the Electoral Officer shall assist that voter by marking his or her ballot paper in the manner directed by the voter and shall place such ballot in the ballot box.
- (f) every voter receiving a ballot paper shall:
 - (i) proceed immediately to the compartment provided for marking the ballot paper;
 - (ii) mark his or her choice by placing a mark beside the name of the candidates for whom he or she is voting for;

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(iv) fold the ballot paper so as to conceal the mark on the face of the paper, but so as to expose the initials on the back of it;

(iv) forthwith deliver the ballot paper to the Electoral Officer for deposit in the ballot box;

(g) the Electoral Officer will receive the folded ballots from the voter after the voter has voted and, without unfolding the ballot paper, place the ballot in the ballot box.

18. Spoiled or Improperly Printed Ballots

(1) A voter who receives an improperly printed ballot or inadvertently spoils his or her ballot in marking it, shall, upon returning the ballot to the Electoral Officer, be entitled to another ballot.

(2) A voter who has received a ballot and leaves the compartment for marking ballots without delivering the ballot to the Electoral Officer in the manner provided or refuses to vote, shall forfeit his or her right to vote in the election.

(3) The Electoral Officer shall make an entry on the list of voters opposite the name of the voters that the voter did not return the ballot or refused to vote as the case may be.

19. Interference with Voter

(1) No person shall interfere or attempt to interfere with a voter when marking his or her ballot, or obtain or attempt to obtain at the polling place, information as to how a voter is about to vote or has voted.

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- (2) The Electoral Officer shall allow only one voter in the compartment for marking ballots at any one time.
- (3) The Electoral Officer cannot advise voters on whom to vote for under any circumstances.

20. Tallying of Election Results

- (1) Immediately after the close of the poll, the Electoral Officer, in the presence of at least two witnesses shall:
 - (a) examine the ballot papers;
 - (b) reject all ballot papers:
 - (i) that have not been supplied by an Electoral Officer;
 - (ii) that have been marked incorrectly; or
 - (iii) upon which anything appears by which a voter can be identified.
 - (c) count the votes given in favour of and for each candidate;
 - (d) prepare a statement in writing of the number of votes so given and of the number of ballot papers rejected.
- (2) The statement referred to in paragraph 20(1)(d) shall be:
 - (a) signed by the Electoral Officer;

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OF THE LIARD FIRST NATION

- (b) witnessed by the two or more witnesses present at the counting;
 - (c) delivered to the Chief Electoral Officer.
- (3) The Election results should be relayed by telephone to the Chief Electoral Officer.

21. Publication of Election Results

- (1) When the results of the voting at all the polls are known to the Chief Electoral Officer, he or she shall:
- (a) immediately prepare a statement in triplicate signed by himself or herself indicating:
 - (i) the number of voters who were entitled to vote;
 - (ii) the number of voters who actually voted;
 - (iii) the number of votes cast in favour of each candidate;
 - (iv) deliver a copy of the statement to the Election Committee, the Customary elected Chief and the Customary elected Deputy Chief.
- (2) The Election Committee or Chief Electoral Officer shall announce the official results of the Liard First Nation Government election.

22. Re-Count of Votes

- (1) The Chief Electoral Officer shall deposit the ballot papers used in the voting in a sealed envelope and retain it for one week after the election day.

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21. Any voter may, within one week of election day, request a re-count of the ballots if there are 10 votes or less separating an elected candidate and any candidate who did not get elected.
22. If the election results are such that ten or less votes separate an elected candidate and any candidate who did not get elected, there will be a re-count of the results by the Chief Electoral Officer, whose decision is final. Candidates or representatives of candidates may be present to observe the re-count.
23. Any reference to "Electoral Officer" means the Chief Electoral Officer or a Deputy Electoral Officer as the case may be.

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