

Draft Liard First Nation Constitution
as presented to Liard First Nation General Assembly
by the Liard First Nation Constitutional Committee
October 27 - 30, 1998
- FOR DISCUSSION PURPOSES ONLY -

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1.0 PREAMBLE/STATEMENT OF OBJECTIVES

- 1.1 We are Kaska people. Our ancestors have used and occupied the lands within the Liard River basin from time immemorial. We have our own language, culture, beliefs and government based upon respect for our elders and the old ways, respect for the land and animals, and respect for all people.
- 1.2 For ourselves and our children, we hereby adopt this Constitution in order to:
- (a) preserve and promote our traditional Kaska culture, heritage, spiritual beliefs, and language;
 - (b) protect the lands and natural resources within the Traditional Territory of Liard First Nation;
 - (c) promote the general welfare of Liard First Nation Citizens and the Kaska people;
 - (d) assist in re-establishing healthy communities and to achieve the full potential of Liard First Nation Citizens through healing, education and creation of meaningful employment opportunities;
 - (e) promote a system of governance which is accountable to Liard First Nation Citizens;
 - (f) protect the individual rights of Liard First Nation Citizens;
 - (g) better direct and control our own affairs; and
 - (h) enable the ongoing evolution and development of the Kaska Nation.
[further objectives to be identified and included]

2.0 DEFINITIONS

2.1 In this Constitution:

“Beneficiary” means a person enrolled or eligible to be enrolled under the Liard First Nation Final Agreement;

“Chief” means the Citizen who is elected as Chief of Liard First Nation in accordance with this Constitution;

“Citizen” means a citizen of Liard First Nation as determined in accordance with this Constitution and the Liard First Nation Citizenship Code attached to this Constitution as Schedule “A”;

“Constitution” means the Liard First Nation Constitution;

“Council” means the Chief and Councillors;

“Councillor” means a Citizen who is elected as a Councillor of Liard First Nation in accordance with this Constitution;

“Eligible Voter” means a Citizen who is eighteen (18) years of age or older and who is eligible to vote at a General Assembly and in elections for Chief and Councillors in accordance with this Constitution;

“Financial Compensation Fund” means the financial compensation funds received by Liard First Nation under the Liard First Nation Final Agreement;

“Liard First Nation Final Agreement” means the land claims agreement to be concluded amongst Liard First Nation, the Government of Canada and the Yukon Government;

“Liard First Nation Self-Government Agreement” means the self-government meeting to be concluded amongst Liard First Nation, the Government of Canada and the Yukon Government;

“Ordinary Resolution” means a resolution approved by at least fifty (50%) percent of all Eligible Voters present at a duly convened Regular Meeting of the General Assembly;

“Regular Meeting” means a duly convened meeting of the General Assembly constituted by a quorum of not less than fifty (50) Eligible Voters;

“Settlement Land” has the same meaning as in the Liard First Nation Final Agreement;

“Special Meeting” means a duly convened meeting of the General Assembly constituted by a quorum of not less than one hundred (100) Eligible Voters

“Special Resolution” means a resolution approved by at least seventy-five (75%) per cent of all Eligible Voters present at a duly convened Special Meeting of the General Assembly;

“Traditional Territory” has the same meaning as in the Liard First Nation Final Agreement;

[other definitions to be added]

- 2.2 This Constitution may be translated into the Kaska language and such translation shall be equally authoritative.

3.0 CITIZENSHIP

3.1 The citizenship of Liard First Nation shall consist of those Persons eligible to become Citizens in accordance with the Liard First Nation Citizenship Code.

4.0 LIARD FIRST NATION GOVERNMENT

4.1 The Liard First Nation Government shall consist of the following bodies:

- (a) General Assembly
- (b) Council
- (c) Elders Council
- (d) Youth Council
- (e) Judicial Council

5.0 LIARD FIRST NATION GENERAL ASSEMBLY

5.1 There shall be a General Assembly composed of all the Citizens of Liard First Nation.

5.2 Every Citizen of the Liard First Nation is eligible to attend and participate in every meeting of the General Assembly.

5.3 All Citizens who are eighteen (18) years of age or older may vote at meetings of the General Assembly.

5.4 There must be fifty (50) Eligible Voters present to constitute a quorum for a Regular Meeting of the General Assembly and to pass an Ordinary Resolution of the General Assembly. There must be one hundred (100) Eligible Voters present to constitute a quorum for a Special Meeting of the General Assembly and to pass a Special Resolution of the General Assembly. No decisions, approval of budgets or any other acts concluded at a meeting of the General Assembly where there is no quorum shall be valid.

5.5 In meetings of the General Assembly any Citizen may speak in the Kaska language and where feasible interpretation services shall be provided.

5.6 The General Assembly may by Ordinary Resolution:

- (a) pass or amend any laws of Liard First Nation;
 - (b) approve the annual budget for Liard First Nation;
 - (c) review and approve the reports of Chief and Council;
 - (d) provide advice and direction to Chief and Council;
- [other items to be identified and added]**

5.7 The General Assembly may by Special Resolution:

- (a) amend the Constitution;
- (b) approve the disposition of Settlement Land;
- (c) approve an expenditure from the Financial Compensation Fund;
- (d) delegate the law making authority of Liard First Nation in accordance with section 5.12 of this Constitution and the Liard First Nation Self-Government Agreement;

[threshold for items b, c and d and additional matters requiring approval by a Special Resolution to be carefully reviewed and considered]

Jurisdiction

5.8 The General Assembly is the law making body of the Liard First Nation and may, subject to this Constitution, make laws in any and all of the following areas:

5.8.1 The administration of the affairs, operation and internal management of Liard First Nation.

5.8.2 The management and administration of the rights and benefits recognized under the Final Agreement which are controlled by Liard First Nation.

5.8.3 Matters relating to Citizens as outlined in the Self-government Agreement including:

- (a) provision of programs and services for Citizens in relation to their spiritual and cultural beliefs and practices;
- (b) provision of programs and services for Citizens in relation to the Kaska language;
- (c) provision of social, health, welfare and children services;
- (d) adoption;
- (e) education;
- (f) marriages, wills and inheritance;
- (g) provision of services to Citizens for the resolution of disputes.

5.8.4 Subject to the restrictions in section 12.0 of this Constitution, the use, management, administration, control and protection of Settlement Land including:

- (a) allocation or disposition of rights in and to Settlement Lands;
- (b) use, management, administration, protection of natural resources under the control of the Liard First Nation;
- (c) gathering, hunting, trapping or fishing including the protection of fish, wildlife, flora and fauna, and habitat;

- (d) licensing and regulation of any activity on Settlement Land; and
- (e) controlling the behaviour of occupants of Settlement Lands.

5.8.5 Any other matter within the jurisdiction and lawful authority of Liard First Nation.

- 5.9 A copy of any proposed law shall be mailed to all Eligible Voters sixty (60) days in advance of the meeting of the General Assembly where such law is to be considered.
- 5.10 All laws are passed if an Ordinary Resolution of the General Assembly is passed adopting the law.
- 5.11 Any law passed by the General Assembly may be challenged by a written petition clearly identifying the law in question and signed by at least fifty (50%) percent of all Eligible Voters of Liard First Nation.
- 5.12 Any petition challenging a law passed by the General Assembly shall be presented to the Council who shall deliver such petition to the Judicial Council. The Judicial Council shall within thirty (30) days of receipt of such written petition determine whether the written petition is valid and, if so, shall quash such law.
- 5.13 The General Assembly may by Special Resolution delegate its law making authority to:
- (a) a public body established by a law of the Liard First Nation;
 - (b) Government, including a department, agency or official of Government;
 - (c) a public body performing a function of government in Canada, including another Yukon First Nation;
 - (d) a municipality, school board, local body, or legal entity established by Yukon Law;
 - (e) any legal entity in Canada; or
 - (f) the Kaska Tribal Council.

Other Duties and Responsibilities of the General Assembly

- 5.14 The General Assembly shall have the power to amend this Constitution in accordance with section 14.0 of this Constitution.
- 5.15 The General Assembly shall review the reports of the Chief and Council and the departments of the Liard First Nation government presented to the General Assembly.

- 5.16 The General Assembly shall consider and approve, with such amendments as the General Assembly considers appropriate, the Liard First Nation annual budget as prepared and presented by the Chief and Council at the meeting of the General Assembly to be held on or before March 31 of each year.

Requirements for Meeting

- 5.17 The Chief and Council shall be responsible for arranging and facilitating meetings of the General Assembly including identifying a person to act as Chair of any meetings of the General Assembly.
- 5.18 The General Assembly shall meet:
- (a) on or before March 31 of each year, to review and approve the budget of Liard First Nation for the upcoming fiscal year;
 - (b) on or before October 31 of each year, to review and approve the audited financial statements of Liard First Nation and to review programs and policies of Liard First Nation.
- 5.19 In addition to the required meetings of the General Assembly, Chief and Council may call and arrange such other meetings of the General Assembly as they determine are necessary.
- 5.20 The Chief and Council shall call and arrange a meeting of the General Assembly if directed to by the General Assembly or if twenty-five (25%) percent or more of all Eligible Voters sign and deliver to Chief and Council a petition requesting a meeting of the General Assembly.
- 5.21 Notice of any meeting of the General Assembly must be sent 14 days before the meeting to all Eligible Voters and shall be published in a newspaper having circulation within the Yukon and broadcast upon radio or television in the Yukon. The notice must set out the time, date and place of the meeting. The notice must also state what matters are going to be discussed at the meeting.

Procedure at Meetings

- 5.22 All motions of the General Assembly must be represented by a duly passed Ordinary Resolution or Special Resolution.
- 5.23 All motions in support of an Ordinary Resolution or Special Resolution must be moved by an Eligible Voter and seconded by another Eligible Voter.
- 5.24 Consensus shall be encouraged in the making of any Ordinary Resolution or Special Resolution of the General Assembly.

- 5.25 Where consensus is not achieved in the passing of an Ordinary Resolution, an Ordinary Resolution shall require the approval of a majority (fifty percent plus one) of Eligible Voters present at a duly convened Regular Meeting of the General Assembly
- 5.26 Where consensus is not achieved in the passing of a Special Resolution, a Special Resolution shall require the approval of at least seventy-five (75%) percent of Eligible Voters present at a duly convened Special Meeting of the General Assembly.
- 5.27 Unless otherwise approved by the General Assembly, the Chair of the General Assembly shall not be a Citizen or member of another Kaska First Nation. The Chair shall administer the meeting and may make such rulings as may be required for properly administering the General Assembly.

6.0 LIARD FIRST NATION COUNCIL

Membership and Term

- 6.1 The Council shall consist of:
- (a) seven (7) voting members consisting of one (1) Citizen who has been elected as Chief and six (6) Citizens who have been elected as Councillors in accordance with the provisions of this Constitution and any applicable laws respecting Liard First Nation elections;
 - (b) three (3) Elders appointed by the Elders Council; and
 - (c) one (1) Youth appointed by the Youth Council.
- 6.2 The Elders and Youth members appointed to Council shall be non-voting members of Council and shall not be liable or legally responsible for any decisions of Council.
- 6.3 The Council shall select one (1) Councillor as Deputy Chief who shall act as the Chief in the event of the absence or incapacity of the Chief.
- 6.4 The term of office for the Chief and Councilors shall be three (3) years except that in order to provide for staggered terms for the voting members of Council the initial term for two Councillors elected in accordance with the Constitution shall be one and a half (1½) years.
- 6.5 Only Citizens who are eighteen (18) years of age or older shall be eligible to serve as Chief or as a Councillor.
- 6.6 In order to serve as Chief or as a Councillor a Citizen shall:

- (a) have resided in the Liard First Nation Traditional Territory for at least one year prior to the nomination date (provided that a temporary absence from the Traditional Territory of Liard First Nation, including an absence for the purpose of training or study does not constitute an interruption of residency);
- (b) continue to reside in the Liard First Nation Traditional Territory; and
- (c) not have been convicted of an indictable offence within the five (5) year period prior to the nomination date or during their term in office.

Elections

- 6.7 Citizens who are eighteen (18) years of age or older shall be eligible to vote in elections of Chief and Council.
- 6.8 Elections for Chief and Council shall be conducted in accordance with the Election Procedures attached to this Constitution as Schedule "B".

Powers

- 6.9 The duties and responsibilities of the Council include:
- (a) implementing the directions of the General Assembly;
 - (b) administering and implementing the laws of the Liard First Nation as passed by the General Assembly;
 - (c) directing such committees, in accordance with the terms of reference and mandate of any such committees, as may be necessary for the proper management and administration of the Liard First Nation;
 - (d) hiring, in consultation with the Elders Council such program directors or senior managers as are required for the proper administration of the Liard First Nation;
 - (e) approving all agreements and contracts to be entered into by the Liard First Nation and delegating such signing authorities as is appropriate;
 - (f) establishing procedures to ensure that the financial records of Liard First Nation are properly maintained in accordance with generally accepted accounting procedures;
 - (g) recommending the passage of laws by the General Assembly as are within the legal capacity of Liard First Nation;
- [additional duties and responsibilities to be considered]**
- 6.10 Council shall:
- (a) prepare an annual budget for approval at the meeting of the General Assembly to be held on or before March 31 of each year;
 - (b) prepare such supplementary budgets as may be required and present such supplementary budget to the General Assembly for approval;

- (c) not spend funds of Liard First Nation except in accordance with a budget or supplementary budget approved by the General Assembly;
 - (d) represent the Liard First Nation in negotiations with third parties;
 - (e) not sell or surrender any interest in lands owned by the Liard First Nation except as provided by this Constitution;
 - (f) prepare rules governing the conduct of meetings of Chief and Council;
 - (g) prepare reports concerning the management of lands and resources of the Liard First Nation for the annual meeting of the General Assembly;
- [additional mandatory matters to be considered]**

Removal

- 6.11 The Chief or any Councillor may be removed from office by a written petition signed by at least fifty (50%) percent of all Eligible Voters.
- 6.12 Any petition requesting the removal from office of the Chief or any Councillor(s) shall clearly identify:
- (a) the elected official or officials to be removed from office;
 - (b) the reason for such removal;
 - (c) the name and address of the Citizen signing the petition.
- 6.13 Any petition requesting the removal from office of a Chief or any Councillor(s) shall be delivered to the Council who shall deliver such petition to the Judicial Council. The Judicial Council shall within thirty (30) days of receipt of such written petition determine whether the petition satisfies the requirements of 6.10 and 6.11 and, if so, shall declare that such Chief or Councillor(s) is removed from office.
- 6.14 The Chief or any Councillor shall automatically cease to hold office if:
- (a) they fail to attend any 3 consecutive meetings of Council and the Council determines by resolution that such failure to attend is without good reason;
 - or
 - (b) are convicted on an indictable offense.
- 6.15 A Chief or any Councillor removed from Council under 6.14(a) may, within fourteen (14) days of a decision by Council, appeal such decision to the Judicial Council who shall make a final determination as to whether the Chief or Councillor's absence was or was not without good cause and the Judicial Council may reinstate the removed Chief or Councillor to office.

Vacancy

- 6.16 Any vacancy where the unexpired term of the person leaving office is less than one year shall remain vacant.
- 6.17 Any vacancy where the unexpired term of the person leaving office is one year or greater, shall be filled by a Citizen duly elected in a by-election.

Chief and Council Operating Procedures

- 6.18 The quorum for all meetings of the Council shall be four (4) members who shall include three (3) elected Councillors and the Chief or Deputy Chief.
- 6.19 Consensus decision making shall be encouraged in the making of any decision of the Council and in the approval of any resolution of the Council. When consensus is not obtained, a resolution shall require the approval of a majority present at a duly convened meeting of the Council.
- 6.20 The Chief shall chair meetings of the Council and shall only vote on a resolution in the event of a tie amongst Councillors.
- 6.21 The Council shall make all their meetings open to Citizens, provided that "in camera" meetings may be held when dealing with confidential and/or personnel matters.
- 6.22 There shall be at least one (1) regularly scheduled meeting of Council per month and as many other meetings as are necessary to properly conduct the business and affairs of Liard First Nation.
- 6.23 Minutes of all meetings of Council shall be recorded and shall be posted in the main administrative building of Liard First Nation and shall be made available to Citizens upon request.

Conflict of Interest

- 6.24 A Council member shall disclose to the Council any financial or other personal interest that such member or a member of his or her immediate family has in any matter before Council and shall leave the meeting room and not take part in the decision making process of Council or vote on any such matter.

- 6.25 Where a disagreement arises as to whether a Council member has a financial or other personal interest in a matter before Council, the Council shall determine whether the Council member has such an interest and, if such a matter is put to a vote, the Council member in question shall leave the meeting room and not participate in any such vote.
- 6.26 All members of Council shall treat as confidential all confidential information received by them in their capacity as a member of Council.

7.0 ELDERS COUNCIL

- 7.1 All Citizens of the Liard First Nation who are age fifty (50) or over are members of the Elders Council and entitled to attend all meetings of the Elders Council.
- 7.2 Membership on the Elders Council shall not automatically entitle any Citizen to any Elders' benefits or programs.
- 7.3 The Elders Council shall appoint three (3) members of the Elders Council to the Liard First Nation Council. The Elders Council may provide advice to the government bodies of the Liard First Nation.
- 7.4 The Elders Council may make rules governing on the conduct of the meetings of the Elders Council.
- 7.5 The Elders Council shall be consulted by Chief and Council on any law that Chief and Council is proposing to the General Assembly. The Elders Council may make a report at the General Assembly where the law is to be discussed.

8.0 YOUTH COUNCIL

- 8.1 All Citizens of Liard First Nation between the ages of twelve (12) years and seventeen (17) years, inclusive, are members of the Youth Council and shall be entitled to attend meetings of the Youth Council.
- 8.2 The Youth Council shall appoint one (1) member of the Youth Council to the Liard First Nation Council who shall be entitled to attend all meetings of the Liard First Nation Council.
- 8.3 The Youth Council may make rules on the conduct of the meetings of the Youth Council.

9.0 JUDICIAL COUNCIL

- 9.1 There shall be a Judicial Council comprised of five (5) Citizens.

9.2 The Citizens resident in each of the following areas within the Traditional Territory of Liard First Nation shall nominate one (1) Citizen and one (1) alternate to the Judicial Council:

- Upper Liard
- Alberta Creek
- Two Mile
- Two and ½ Mile
- Town of Watson Lake

- WINDED LAKE

9.3 In order to serve as a member of the Judicial Council a Citizen shall:

- (a) be an Eligible Voter;
- (b) have resided in the Traditional Territory of Liard First Nation for at least one (1) year prior to their nomination date;
- (c) continue to reside in the Traditional Territory of Liard First Nation;
- (d) not have been convicted of an indictable offense within the five (5) year period prior to their nomination date or during their term of office.

[further qualifications (i.e. age, experience, etc.) to be considered]

9.4 Nominations to the Judicial Council shall be approved by an Ordinary Resolution of the General Assembly.

9.5 The Judicial Council shall have the jurisdiction and authority to:

- (a) review and determine the validity of any petition challenging a Liard First Nation Law;
- (b) review and determine the validity of any petition removing an elected Chief or Councillor from office;
- (c) resolve any appeals of any decision of the Enrollment Committee;
- (d) adjudicate all cases of the alleged violation of Liard First Nation Laws and to impose such penalties as are provided by Liard First Nation Laws; and
- (e) decide any other matter within its jurisdiction as established by this Constitution.

9.6 Unless a decision of the Judicial Council is stated in this Constitution to be final, any decision of the Judicial Council may be appealed to the Yukon Supreme Court on the grounds that the Judicial Council acted without jurisdiction, acted beyond its jurisdiction, refused to exercise its jurisdiction, failed to observe procedural fairness, erred in law, or based its decision on an erroneous finding of fact or without due regard for the material before it.

[further discussion on the jurisdiction and composition of the Judicial Council required]

10.0 CITIZEN'S RIGHTS

10.1 The Liard First Nation shall not pass laws or act in a manner that will:

Religious and Cultural Rights

- (a) limit the ability of a Citizen to freely exercise his or her religion, beliefs or cultural identity;
- (b) limit the right of any Citizen to participate in the culture of the Liard First Nation;

Expression and Assembly

- (c) limit the right of a Citizen to freely express himself or herself;
- (d) limit the ability of the Citizens of the Liard First Nation to peacefully gather for a lawful purpose including protesting any act of the Liard First Nation Government;

Property

- (e) limit the ability of a Citizen to own or possess property both personal and real;
- (f) deprive a Citizen of property that he or she is entitled to except in accordance with the due process of law and with compensation;

Mobility and Employment

- (g) limit the ability of a Citizen to move within the Settlement Lands of the Liard First Nation;
- (h) limit the ability of any Citizen to pursue any type of employment;

Access to Government Records

- (i) limit the ability of any Citizen to access the public records of the Liard First Nation;

Right of Participation

- (j) limit the ability of any Citizen to freely participate in the Liard First Nation Government;

Legal Rights

- (k) limit or deny the right of any Citizen to the right to counsel;
- (l) limit or deny the right of any Citizen to a trial by a fair and impartial tribunal;
- (m) cause a Citizen to be tried and punished twice for the same offence;
- (n) limit or deny the right of any Citizen not to be subject to any cruel or unusual punishment;
- (o) limit or deny the right of any Citizen to incriminate himself or herself;
- (p) limit or deny the right of any Citizen to challenge any laws or actions of the Liard First Nation Government;
- (q) limit or deny a Citizen the right from an unreasonable search or seizure.

10.2 The rights affirmed under this section are subject to such reasonable limits prescribed by law, regulation, or policy as can be demonstrably justified in the Liard First Nation society.

10.3 Any Citizen whose rights have been infringed upon by any law or act of the Liard First Nation Government may apply to Judicial Council for relief. The Judicial Council may grant whatever remedies or relief as it may deem to be appropriate.

11.0 ADMINISTRATION OF SETTLEMENT LANDS AND RESOURCES

11.1 No sale of any Settlement Lands owned by the Liard First Nation shall be valid unless approved by fifty (50%) per cent plus one (1) of all Eligible voters present at a duly convened meeting of the General Assembly.

11.2 Any money or other compensation generated by the sale of any Settlement Lands shall become part of the compensation received under the Final Agreement and added to the Financial Compensation Fund.

11.3 For greater certainty, a mineral or oil and gas lease is a sale of Settlement Land.

[the appropriate threshold for approvals of any sale of Settlement Land to be considered]

[the application of these provisions to the disposition of other natural resources to be considered]

12.0 ADMINISTRATION OF FINANCIAL COMPENSATION

12.1 Financial Compensation received under the Final Agreement shall be administered according to this Constitution.

12.2 The Council shall recommend a financial policy (the "Policy") to the General Assembly for the first meeting of the General Assembly following receipt of the Financial Compensation Fund.

12.3 The Policy shall:

- (a) identify what eligible investments the Financial Compensation Fund may be invested in ("Eligible Investments"); and
- (b) what percentage of income earned on the Financial Compensation Fund is to be re-invested in Eligible Investments to protect the real value of the Financial Compensation Fund against inflation and what percentage of the income earned on the Financial Compensation Fund is available to be used to fund current and ongoing programs and services of Liard First Nation.

12.4 The Policy shall be approved of by a Special Resolution of the General Assembly.

12.5 Council shall not expend, loan or otherwise utilize the Financial Compensation fund except in accordance with a Policy approved of by a Special Resolution of the General Assembly.

12.6 The Council shall make a report to the General Assembly at every annual general meeting of the General Assembly regarding the status of the Financial Compensation Fund.

13.0 FINANCIAL ADMINISTRATION AND AUDIT

13.1 The financial year for the Liard First Nation shall run from April 1st to March 31st of the following year, or such other date as determined by a resolution of the General Assembly.

13.2 The General Assembly shall by Ordinary Resolution adopt a budget prior to the beginning of any financial year. If the General Assembly does not adopt a budget prior to the beginning of any financial year, the budget for the prior financial year shall be deemed to apply on an interim basis for a further three (3) month period.

13.3 The General Assembly may adopt any supplementary budgets by Ordinary Resolution as may be necessary.

13.4 Council shall not expend monies accept in accordance with a budget or supplementary budge approved of by the General Assembly, provided that if during any financial year Liard First Nation receives additional funds not identified in an approved budget such funds may be expended in accordance with the terms and conditions governing the receipt by Liard First Nation of such funds.

- 13.5 Council shall ensure that all financial records of the Liard First Nation are maintained in accordance with generally accepted accounting principles.
- 13.6 The General Assembly shall appoint an auditor who is a member of the Canadian Institute of Chartered Accountants to review the financial statements and records of the Liard First Nation and to prepare an annual audit report to the General Assembly. The auditor's report shall be presented at the meeting of the General Assembly to be held on or before October 31 of each year and shall be made available in the notice of such meeting.

14.0 TRANSITIONAL AND AMENDMENTS OF THE CONSTITUTION

- 14.1 The General Assembly shall have the power to amend this Constitution.
- 14.2 Amendment to this Constitution shall require the approval of fifty (50%) per cent plus one (1) of all Eligible Voters present at a duly convened meeting of the General Assembly.
- 14.3 Notice of any meeting of the General Assembly and a copy of any proposed amendment to the Constitution shall be mailed to all Eligible Voters sixty (60) days in advance of such meeting of the General Assembly.
[thresholds required to amend Constitution to be carefully reviewed]

Transition

- 14.4 This Constitution once approved of by the General Assembly in accordance with 14.7 shall repeal and supersede any constitution(s) previously adopted by Liard First Nation.
- 14.5 Upon ratification of this Constitution, the existing Chief and Council of Liard First Nation shall continue to be the Chief and Council of Liard First Nation for the balance of their terms. Within three (3) months after ratification of this Constitution, by-elections shall be held to elect the additional members of Council required under section 5.0.
- * 14.6 This Constitution shall not affect or amend the existing structure and election rules respecting Lower Post First Nation.
- 14.7 This Constitution shall be presented to a special meeting of the General Assembly for ratification and shall be ratified and approved if approved of by seventy-five (75%) per cent of all members present at such meeting.

SCHEDULE "A"

LIARD FIRST NATION CITIZENSHIP CODE

1.0 Definitions

1.1 In this Schedule the following definitions shall apply:

"Adopted Child" means a Person who, while a Minor, is adopted pursuant to a law of general application or a law of Liard First Nation;

"Appeal Board" means the Citizenship Appeal Board;

"Band" has the same meaning as in the *Indian Act* R.S.C. 1985, c. I-5;

"Citizen" means a person whose name is on the Citizenship List;

"Child" means a Minor born in or out of wedlock;

"Citizenship List" means the list of Citizens which is maintained by the Liard First Nation;

"Descendant" means direct descendant by either maternal or paternal line, notwithstanding any intervening adoption and independent of whether any child of the line was born inside or outside of a marriage;

"Enrollment Committee" means the Liard First Nation Enrollment Committee established pursuant to the *Yukon First Nations Lands Claims Settlement Act* and continued in accordance with this Citizenship Code;

"Kaska" means a Person who is 25 percent or more Kaska ancestry;

"Marriage" includes common law marriages or those sanctioned by laws of general application or Liard First Nation laws;

"Minor" means a Person who is sixteen (16) years of age or younger;

"Person" means a natural person;

"Registrar" means the officer of the Liard First Nation government who is responsible for maintaining the Citizenship List;

"Traditional Territory" has the same meaning as in the Liard First Nation Final Agreement.

2.0 Citizenship

2.1 A Person is eligible for enrollment as a Citizen be enrolled on the Liard First Nation Citizenship List if that Person:

- a) is enrolled as a Beneficiary of Liard First Nation;
- b) is a Descendant of a Beneficiary of Liard First Nation and is of 25 percent or more Kaska ancestry;
- c) upon application to the Enrollment Committee is determined by the Enrollment Committee in its discretion and upon consideration of all relevant circumstances to have a sufficient affiliation with Liard First Nation so as to justify enrollment.

[rules regarding adoption/marriage/non-beneficiaries to be considered]

3.0 Citizenship Application

3.1 Any Person may apply to the Enrollment Committee to become enrolled as a Citizen of the Liard First Nation.

3.2 Any Person over the age 18 may apply to the Enrollment Committee to enroll a Minor.

3.3 The Enrollment Committee shall consider all applications for enrollment which it receives and determine as soon as practicable whether such applicant is entitled to become a Citizen and as soon as it has made a decision forward such decision to the Registrar.

4.0 Enrollment Committee

4.1 The Liard First Nation Council shall, by resolution, establish an Enrollment Committee, which shall be composed of five (5) Persons nominated by Council upon consultation with the Elders Council.

4.2 The Enrollment Committee shall:

- a) establish its own procedures;
- b) publish its own procedures;
- c) publish and provide information in respect of the process for enrollment as a Citizen;
- d) prepare and supply forms to any Person wishing to apply for enrollment as a Citizen ;

- e) receive completed applications for enrollment and as soon as practicable determine whether such applicant is entitled to become a Citizen;
- f) provide to the Registrar the name of any applicant who is entitled to become a Citizen, together with all relevant information and documentation in respect of such Person ;
- g) provide to the Registrar the names of applicants who have been refused certification together with all relevant information and documentation to the Registrar.

4.3 The Liard First Nation Enrollment Committee established under the *Yukon First Nations Lands Claims Settlement Act* shall be the Enrollment Committee until such time as Council establishes the Enrollment Committee pursuant to this Citizenship Code.

5.0 Registrar

5.1 The Council shall appoint a person to act as Registrar, who shall have the following responsibilities:

- a) notifying each applicant of the results of the findings and determination of the Enrollment Committee; and
- a) maintaining an up-to-date master Citizenship List.

6.0 Judicial Council

6.1 The Judicial Council shall consider any appeal from a decision of the Enrollment Committee made within one year of the date of the decision.

6.2 An appeal must be in writing and contain a brief statement of the grounds of appeal.

6.3 An appeal may be made by the Council, by any Citizen, by the person in respect of whom the decision was made, or by his or her representative.

6.4 The onus of establishing the grounds of an appeal under this section lies on the person making the appeal.

6.5 Upon receipt of an appeal, the Judicial Council shall cause an investigation to be made into the matter and shall render a decision within 90 days of receipt of the Appeal.

6.6 The Judicial Council shall have the authority to uphold, vary, or rescind any decision of the Enrollment Committee, or to refer the matter back to the Enrollment Committee for reconsideration or further investigation.

7.0 Loss of Citizenship

7.1 Any Citizen over the age of eighteen years may renounce their Citizenship upon written notice to the Citizenship Committee. Upon receiving such notification the Citizenship Committee shall notify the Registrar to remove such person's name from the Citizenship List.

8.0 Transition

8.1 Notwithstanding the foregoing, nothing contained in this Citizenship Code shall limit or effect the jurisdiction, power and authority of the Enrollment Commission or the Liard First Nation Enrollment Committee established pursuant to the *Yukon First Nations Land Claims Settlement Act (Canada)*.

SCHEDULE "B"

LIARD FIRST NATION ELECTION REGULATIONS

The Liard First Nation, in accordance with its power to provide for the conduct of elections for the Liard First Nation, does hereby enact the Liard First Nation Election Regulations.

1 DEFINITIONS

1.1 In these Election Regulations, the following definitions shall apply:

- 1.1.1 "By-Election(s)" means an election held in accordance with the Constitution and these Regulations to fill a vacancy on Council;
- 1.1.2 "Chief" means the Chief of the Liard First Nation elected in accordance with the Constitution and these Regulations;
- 1.1.3 "Chief Electoral Officer" means a person appointed pursuant to the Constitution and these Regulations to provide all necessary means and to do all required acts for the purpose of holding an Election or By-Election;
- 1.1.4 "Council" means the Chief and Councillors of the Liard First Nation elected in accordance with the Constitution and these Regulations;
- 1.1.5 "Councillor(s)" means the Councillor(s) of the Liard First Nation elected in accordance with the Constitution and these Regulations;
- 1.1.6 "Election(s)" means a Liard First Nation Election held pursuant to the Constitution and;
- 1.1.7 "Executive Director" means the employee of the Liard First Nation with this title or who performs this role;
- 1.1.8 "Regulations" means the Liard First Nation Election Regulations;
- 1.1.9 "Liard First Nation Election Appeal Board" means the Judicial Council established pursuant to the Constitution and these Regulations; and
- 1.1.10 "Liard First Nation Citizenship Code" means the procedures governing membership into the Liard First Nation.

2 CHIEF ELECTORAL OFFICER

- 2.1** The Chief Electoral Officer shall be appointed by Council prior to the issue of the Election notice pursuant to the terms of the Constitution and these Regulations.
- 2.2** The Chief Electoral Officer shall:
- 2.2.1** not be a Citizen of Liard First Nation;
 - 2.2.2** be neither a Chief nor a Councillor nor shall he or she become a candidate in an Election or By-Election for which he or she is appointed or favour, promote or be associated with the campaign of any candidate;
 - 2.2.3** be twenty-one (21) years of age or over as of the date of appointment; and
 - 2.2.4** keep confidential all information acquired in the exercise of their duties.
- 2.3** The duties of the Chief Electoral Officer are to act as the returning officer of the Election or By-Election, to appoint the deputies, interpreters, and other persons required to conduct the Election or By-Election and shall provide all necessary means and do all acts that may be required for the purpose of holding the Election or By-Election or taking the votes. The duties and the powers of the Chief Electoral Officer shall include, but are not limited to, the following:
- 2.3.1** to appoint deputy electoral officers, interpreters, and all other persons required in order that the Election or By-Election be held;
 - 2.3.2** to prepare the list of eligible voters;
 - 2.3.3** to prepare, post and announce the notice of any Election or By-Election;
 - 2.3.4** to publicize the date, time and place of the nomination meeting;
 - 2.3.5** to act as the chairman of the nomination meeting;
 - 2.3.6** to prepare lists of eligible and ineligible nominees, from among those nominated;
 - 2.3.7** to procure the necessary materials and establish polling places;
 - 2.3.8** to establish regulations and accreditation procedures for scrutineers employed by candidates at the polling places;

- 2.3.9 to establish and conduct the poll and to be responsible for all matters during polling;
 - 2.3.10 to close the poll and gather ballots;
 - 2.3.11 to supervise the count of the vote;
 - 2.3.12 to declare the successful candidates;
 - 2.3.13 to deal with the ballots in accordance with these Regulations;
 - 2.3.14 subject to the provisions of the Constitution and these Regulations, to generally oversee and supervise the conduct of the Election or By-Election and to act with respect to appeals as required by the Constitution and these Regulations; and
 - 2.3.15 to obtain from each nominee a release authorizing the Chief Electoral Officer to conduct a criminal record inquiry to determine the eligibility of a nominee.
- 2.4 The Chief Electoral Officer shall be provided with sufficient support staff, space and resources by Council in order to fulfil his or her duties pursuant to the Constitution and these Regulations.

3 DEPUTY ELECTORAL OFFICERS

- 3.1 Deputy electoral officers, as required in order to assist in the conduct of the Election or By-Election, shall be appointed by the Chief Electoral Officer prior to the nomination meeting pursuant to the Constitution and these Regulations.
- 3.2 Any deputy electoral officer shall:
 - 3.2.1 be registered as a Citizen of the Liard First Nation;
 - 3.2.2 be neither a Chief nor a Councillor nor shall he or she become a candidate in an Election or By-Election for which he or she is appointed or favour, promote or be associated with the campaign of any candidate;
 - 3.2.3 be twenty-one (21) years of age or over as of the date of appointment; and
 - 3.2.4 keep confidential all information acquired in the exercise of their duties.
- 3.3 The deputy electoral officers shall perform all duties as assigned and delegated by the Chief Electoral Officer and the expression "Chief Electoral Officer" appearing

in these Regulations shall include the deputy electoral officers where such duties have been delegated to him or her.

4 INTERPRETERS

- 4.1 Interpreters shall be appointed as required for the conduct of an Election or By-Election by the Chief Electoral Officer at least fifteen (15) days prior to an Election or By-Election..
- 4.2 An interpreter shall:
- 4.2.1 be twenty-one (21) years of age or over;
 - 4.2.2 be fluent in the Kaska language and dialects thereof;
 - 4.2.3 be able to read and write English;
 - 4.2.4 have a knowledge of Kaska names and families in the Liard First Nation Traditional Territory; and
 - 4.2.5 be neither a Chief nor a Councillor nor shall he or she become a candidate in an Election or By-Election for which he or she is appointed or favour, promote, or be associated with the campaign of any candidate.

5 SCRUTINEERS

- 5.1 Scrutineers may be appointed by candidates at the candidates own expense. Each candidate may appoint one (1) scrutineer at least seven (7) days prior to an Election or By-Election by filing with the Chief Electoral Officer an appointment in the form stipulated by the Chief Electoral Officer.
- 5.2 Scrutineers shall be twenty-one (21) years of age or over and may be a Citizen of the Liard First Nation.
- 5.3 Scrutineers shall be entitled to observe the conduct of an Election or By-Election and the counting of the ballots but shall not:
- 5.3.1 speak to or influence or interfere with any voter in the polling place; or
 - 5.3.2 obstruct or interfere with the Chief Electoral Officer, any deputy electoral officers or interpreters in completing their duties in accordance with the Constitution or these Regulations.

5.4 No more than one scrutineer for each candidate may be appointed with respect to each polling place and no more than one scrutineer per candidate may be present at the counting of votes but the non-attendance of any scrutineer does not invalidate any act taken pursuant to the Constitution or these Regulations.

6 VOTERS LIST

6.1 At least fifteen (15) days prior to an Election or By-Election, a preliminary list of eligible voters prepared from the list of Liard First Nation Citizens maintained pursuant to the Liard First Nation Membership Code shall be posted at the Liard First Nation Administration office, the Watson Lake post office, the Lower Post First Nation Administration Office and the Kaska Tribal Council office.

6.2 Any Liard First Nation Citizen who is eighteen (18) years of age or over on the Election or By-Election date may apply to the Chief Electoral Officer to have:

6.2.1 his or her name or the name of any other person added to the list of eligible voters; and

6.2.2 his or her name or the name of any other person deleted from the list of eligible voters.

6.3 The Chief Electoral Officer shall cause an investigation to be made into the eligibility of the person to be added or deleted and, as a result of the investigation, may add or delete as appropriate such person or persons who are the subject of any such application.

6.4 The Chief Electoral Officer shall furnish a copy of the findings to the person causing the investigation upon written request of such person.

6.5 The Chief Electoral Officer shall be entitled to request any proof, affidavit or statutory declaration of any applicant or person subject to an investigation under this section.

6.6 The Chief Electoral Officer shall post the final voters list on or before seven (7) days prior to the Election or By-Election date.

7 NOMINATIONS

7.1 Nominations for Chief and Council shall be open from the date of the announcement of the Election or By-Election to at least fifteen (15) days prior to the Election or By-Election date.

- 7.2 The Chief Electoral Officer shall prescribe the form of nominations to be utilized by prospective candidates.
- 7.3 Nomination papers shall be submitted by all potential candidates prior to the close of nominations.
- 7.4 Nomination papers for the position of Chief shall be signed by twenty-five (25) Eligible Voters and nomination papers for the position of Councillor shall be signed by ten (10) Eligible Voters.
- 7.5 Any person who is a candidate for Chief or Councillor and who is an employee of the Liard First Nation or of a wholly owned Liard First Nation corporation must take an unpaid leave of absence or vacation time from the filing of their nomination papers with the Chief Electoral Officer to the nomination Election or By-Election date.
- 7.6 An eligible voter may give the Chief Electoral Officer notice that one or more of the candidates is ineligible to hold office pursuant to the Constitution and these Regulations. In respect of such notice, if received within seven (7) days from the date of the close of nominations, the Chief Electoral Officer shall convene a hearing to which the Chief Electoral Officer shall summon the said voter, the candidate and any other person in the Chief Electoral Officer's sole discretion. The Chief Electoral Officer shall resolve the matter at the hearing in a summary manner and may consider any information or evidence presented and shall not be bound by the rules of the evidence or procedure in so doing. The decision of the Chief Electoral Officer regarding the eligibility of candidates shall be final and binding.
- 7.7 Forthwith after any such hearing or hearings referred to in section 7.08, and in any event at least seven (7) days prior to the Election or By-Election, the Chief Electoral Officer shall post in the Liard First Nation Administration Office, the Watson Lake post office, the Lower Post First Nation administration office and the Kaska Tribal Council office, the final list of candidates for the offices of Chief and Councillor.
- 7.8 Every candidate shall provide the Chief Electoral Officer with a signed consent or release, in a form approved by the Chief Electoral Officer, authorizing the Chief Electoral Officer to conduct a criminal record search on that candidate.

8 WITHDRAWAL FROM CANDIDACY

- 8.1 A candidate may withdraw his or her candidacy by so notifying the Chief Electoral Officer in writing.

9 ESTABLISHMENT OF POLLING PLACES

9.1 The Chief Electoral Officer shall designate the locations of the polling stations for the Election or By-Election. At each polling place, the Chief Electoral Officer shall provide polling booths or compartments for eligible voters to mark their ballots in secret and free from observation.

10 BALLOT BOXES

10.1 At each polling place, the Chief Electoral Officer shall provide as many ballot boxes as are required for the purposes of the Election or By-Election.

10.2 The ballot boxes shall:

10.2.1 be made of durable material;

10.2.2 be accompanied by adequate locks and seals;

10.2.3 be designed so that ballots, once deposited, cannot be tampered with; and

10.2.4 remain locked and sealed until the unofficial counting of ballots begins.

10.3 Each ballot box shall have a form affixed to it stating:

10.3.1 that it is an official ballot box for that Election or By-Election;

10.3.2 the polling station at which it is to be located;

10.3.3 the date or dates for which it is used;

10.3.4 the signature of the Chief Returning Officer; and

10.3.5 its sequential number.

10.4 At each polling place, the Chief Electoral Officer shall, immediately before commencement of any poll, open the ballot boxes and call the scrutineers and such other persons as may be present to view that the ballot boxes are empty. The Chief Electoral Officer shall then lock and seal the boxes to prevent them from being opened without breaking the seal and shall place them in public view for the reception of ballots and the seal shall not be broken until the poll is officially terminated and the ballots are to be counted.

11 MATERIALS

11.1 The Chief Electoral Officer shall cause to be prepared a sufficient number of ballot papers for the purpose of voting at the Election or By-Election. Such ballot papers shall be in the form prescribed containing the names of candidates for Chief and for Councillors.

11.2 The content of each ballot shall be as follows:

11.2.1 at the top of the ballot shall be printed the name of the position to be elected;

11.2.2 below the position to be elected shall be printed such instructions to the eligible voter as may be necessary to inform them of the manner in which the ballot is to be marked;

11.2.3 each candidate's name shall be printed as similar as possible;

11.2.4 the candidate's names shall be arranged as follows:

11.2.4.1 the candidates' surnames;

11.2.4.2 the candidate's given name, initials, and nickname, if applicable, following the surname and a comma; and

11.2.4.3 the candidate's name listed alphabetically; and

11.2.5 a space shall be provided to the right of each candidate's name for the indication of a choice of that candidate.

11.3 In each voting compartment, the Chief Electoral Officer shall cause to be provided a suitable desk, table or shelf, sufficient materials for marking the ballot papers and a sufficient number of explanatory directions for voting.

12 VOTING PROCEDURE

12.1 Only the Chief Electoral Officer, deputy electoral officers, scrutineers, interpreters, and others concerned with the conduct or carrying out of the Election or By-Election in an official capacity, and the eligible voters who are present and are actually engaged in voting, shall be entitled to remain in the polling place during the time appointed for voting.

- 12.2 No persons present in the polling place during the time appointed for voting shall campaign for any candidate, influence or interfere with any voter in the polling place.
- 12.3 There shall be no signs, posters or other campaign materials posted outside of or in the polling place during the time appointed for voting during an Election or By-Election.
- 12.4 Every polling place shall be kept open on the Election date or By-Election date from 9:00 o'clock in the forenoon until 8:00 o'clock in the afternoon of the said day (local time).
- 12.5 All voting shall be by secret ballot.
- 12.6 An eligible voter may vote once only for Chief and for the number of Councillors he or she chooses, not exceeding the number of Councillors to be elected. A ballot containing votes for more than one (1) Chief or for more than the number of Councillors to be elected is void.
- 12.7 When a person whose name is on the list of eligible voters attends the polling place for voting purposes, the Chief Electoral Officer or deputy electoral officer, as the case may be, shall:
- 12.7.1 verify that the name of the person is registered on the list of eligible voters;
 - 12.7.2 initial a ballot to indicate valid issuance of same;
 - 12.7.3 provide the ballot to the eligible voter on which to register his or her vote; and
 - 12.7.4 cause to be placed in the proper column of the eligible voters list a mark opposite the name of the person receiving the ballot to indicate the issuance of a ballot to that person.
- 12.8 A Chief Electoral Officer shall not issue a ballot to any person whose name does not appear in the eligible voters list, unless the voter is sworn in for voting purposes.
- 12.9 If the Chief Electoral Officer is satisfied that such person is eligible to be added to the voters list the Chief Electoral Officer shall require such person to be sworn in and shall add his or her name to the eligible voters list.
- 12.10 The Chief Electoral Officer shall when requested to do so explain the mode of voting to any eligible voter.

- 12.11 On receiving a ballot, each eligible voter shall:
- 12.11.1 forthwith proceed to the compartment provided for marking ballots and shall mark the ballot by placing his or her mark (which must be either "X", "+" or "✓") opposite the name of the candidate or candidates for whom the person wishes to vote;
 - 12.11.2 fold the ballot so as to conceal the name of the candidates and the marks on the face of the ballot but so as to expose the initials of the Chief Electoral Officer; and
 - 12.11.3 on leaving the compartment, forthwith deliver the ballot to the Chief Electoral Officer or a deputy electoral officer.
- 12.12 On receiving a ballot the Chief Electoral Officer or deputy electoral officer shall, without unfolding the ballot, verify his or her initials and at once deposit the ballot in the ballot box in the presence of the voter and of all other persons entitled to be present.
- 12.13 While any eligible voter is in the compartment for the purpose of marking his or her ballot, no other person shall be allowed in the same compartment or be in any position from which the person can see the manner in which such eligible voter marks his or her ballot, except as otherwise specifically provided in the Constitution or these Regulations.
- 12.14 On the request of any eligible voter who is unable to read or write English or is incapacitated by blindness, deafness or otherwise from voting in the manner prescribed by these Regulations, the Chief Electoral Officer or interpreter shall assist the voter as follows:
- 12.14.1 in the case of a voter who cannot read, write or speak English, the interpreter shall:
 - 12.14.1.1 explain the mode of voting to the voter;
 - 12.14.1.2 identify the candidates;
 - 12.14.1.3 call out the Kaska names of the candidates on the ballot; and
 - 12.14.1.4 allow the voter to mark his or her own ballot.

12.14.2 in the case of a voter who is deaf, the interpreter shall:

- 12.14.2.1 explain the mode of voting to the voter;
- 12.14.2.2 identify the candidates; and
- 12.14.2.3 allow the voter to mark his or her own ballot.

12.14.3 in the case of a voter who is blind, the interpreter shall:

- 12.14.3.1 explain the mode of voting to the voter; and
- 12.14.3.2 call out the names of the candidates in English or Kaska as requested.

12.14.4 in the case of a person who is physically incapable of marking his or her ballot due to physical handicap, the Chief Electoral Officer or interpreter shall mark the said ballot as instructed by the voter.

12.15 The Chief Electoral Officer or interpreter shall not in anyway influence an eligible voter to cast a vote for any particular candidate.

12.16 The Chief Electoral Officer shall mark on the voters list opposite the name of any eligible voter so assisted, the fact that the voter was so assisted by the Chief Electoral Officer or interpreter and the reasons therefor.

12.17 An eligible voter who has inadvertently dealt with his or her ballot paper in such a manner that it cannot be conveniently used shall return it to the Chief Electoral Officer or a deputy electoral officer who shall thereupon write the word "cancelled" upon the spoiled ballot and cause the said spoiled ballot to be preserved separate and apart from the ballot box. The Chief Electoral Officer shall then issue another unmarked ballot to the voter.

12.18 Any eligible voter who has received a ballot paper and who leaves the polling booth without delivering same to the Chief Electoral Officer in the manner provided by these Regulations or who refuses to vote shall forfeit his or her right to vote at the Election or By-Election and the Chief Electoral Officer shall make an entry in the eligible voters list in the column for remarks opposite the name of such voter to show that such voter received the ballot paper and declined to vote. In the case where the ballot paper is returned to the Chief Electoral Officer, the Chief Electoral Officer shall mark upon the face of the ballot paper the word "declined" and all ballot papers so marked shall be preserved separate and apart from the ballot box.

12.19 Promptly at 8:00 o'clock in the afternoon of Election day or By-Election day, the Chief Electoral Officer shall publicly declare that the polls are closed, however, all eligible voters who are inside the polling place at such time but who have not yet voted shall be allowed to vote.

12.20 Notwithstanding sections 12.04 and 12.19, the Chief Electoral Officer may, in his or her absolute discretion, extend the time for voting at any polling station.

13 CLOSING THE POLL

13.1 Immediately after the close of the poll, the Chief Electoral Officer shall, in the presence of such of the scrutineers, and all other persons entitled to be present, open the ballot boxes and proceed to count the votes.

13.2 The Chief Electoral Officer shall not permit more than one scrutineer of any candidate to be present at the same time in any polling place during the counting of the votes.

13.3 In the course of counting the votes, the Chief Electoral Officer shall only open one ballot box at a time unless, in the Chief Electoral Officer's complete discretion, the Chief Electoral Officer is satisfied that there is sufficient supervision to open more than one box at any one time.

13.4 The Chief Electoral Officer shall examine all the ballots and shall reject ballots on the following grounds:

13.4.1 ballots which have not been supplied by the Chief Electoral Officer;

13.4.2 ballots upon which votes have been given for more candidates than are to be elected;

13.4.3 ballots upon which anything appears by which the voter can be identified;

13.4.4 ballots which do not indicate a vote for any candidate; and

13.4.5 ballots which are so marked that it is uncertain the name of the candidate or candidates for whom the person wished to vote.

13.5 Ballots that are rejected shall not be counted. On the back of such ballots the Chief Electoral Officer shall:

13.5.1 endorse "rejected" if the ballot is rejected as void; and

13.5.2 endorse "reason objected to" if any objection is made to the rejection;

and shall initial each endorsement.

- 13.6 The Chief Electoral Officer shall make a note of any objection made by a scrutineer to any ballot paper found in the ballot box and any question arising out of the objection shall be decided by the Chief Electoral Officer in his or her sole and absolute discretion. The decision of the Chief Electoral Officer on the acceptance or rejection of any ballot paper shall be final and binding.
- 13.7 Every objection shall be numbered and the corresponding number shall be placed on the back of the ballot paper and initialed by the Chief Electoral Officer.
- 13.8 The Chief Electoral Officer shall then count the ballots cast for each candidate on the ballot papers not rejected, and shall prepare a written statement in words and as well in figures under the following heads:
 - 13.8.1 the date of the election;
 - 13.8.2 the number of persons who voted at the polling place;
 - 13.8.3 the number of ballots cast for each candidate; and
 - 13.8.4 the number of rejected ballot papers.
- 13.9 The written statement shall then be signed by the Chief Electoral Officer and those of the candidates who are present and desire to sign it.
- 13.10 At the completion of the counting of the ballots and in the presence of the scrutineers, the Chief Electoral Officer or the deputy electoral officer shall make up and seal separate packets containing:
 - 13.10.1 the used ballot papers that have not been objected to and have been counted;
 - 13.10.2 the used ballot papers that have been objected to but have been counted;
 - 13.10.3 the rejected ballot papers;
 - 13.10.4 the cancelled ballot papers;
 - 13.10.5 the unused ballot papers;
 - 13.10.6 the notes taken of objections made to ballot papers found in the ballot box; and

13.10.7 the list of eligible voters;

and such packets shall be verified on the face thereof by a description and the signature of the said Chief Electoral Officer.

13.11 The materials referred to in section 13.10 shall be retained by the Chief Electoral Officer under lock and key until the appeal periods have passed or, if any appeals have been filed, the conclusion of any such appeals. At the end of such time periods all materials may be destroyed by the Chief Electoral Officer in the presence of a witness.

14 DECLARATION OF RESULT

14.1 Immediately after completion of the counting of the ballots, the Chief Electoral Officer or a deputy electoral officer shall publicly declare to be elected the candidate or candidates having the highest number of votes for Chief and Councillor in accordance with the Constitution and these Regulations and shall also post at the Liard First Nation Administration Office, the Watson Lake post office, the Lower Post Administration Office, and the Kaska Tribal Council office, a statement signed by the Chief Electoral Officer showing the number of votes cast for each candidate.

14.2 Where two or more candidates for Chief are tied for the greatest number of votes, the Chief Electoral Officer shall conduct a recount of the votes. If the result of the recount is still a tie, the Chief Electoral Officer shall conduct a second vote only for the candidates that are tied with the greatest number of votes.

14.3 Where two or more candidates for Councillor are tied for the sixth (6th) greatest number of votes, the Chief Electoral Officer shall conduct a recount of the votes. If the result of the recount is still a tie, the Chief Electoral Officer shall conduct a second vote only for the candidates that are tied for the sixth (6th) greatest number of votes.

14.4 If a second vote is required pursuant to section 7.06, 14.02 or 14.03, the Chief Electoral Officer shall hold the second vote within ten (10) days of the Election or By-Election.

15 SECRECY OF VOTING

15.1 Every person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting.

15.2 No person shall interfere or attempt to interfere with an eligible voter who is marking his or her ballot paper or obtain or attempt to obtain at the polling place, information as to how a voter is about to vote or has voted.

16 APPEALS

16.1 The Judicial Council shall be responsible to conduct hearings and determine in accordance with the Constitution and these Regulations any appeal from an Election or By-Election.

16.2 Any eligible voter may lodge an appeal against an Election or By-Election by:

16.2.1 serving, within fifteen (15) days following the Election or By-Election, a written document on which shall appear:

16.2.1.1 the grounds pursuant to the Constitution and these Regulations upon which the Election or By-Election is appealed;

16.2.1.2 the evidence in support of the grounds; and

16.2.1.3 the signature of the person initiating the appeal; and

16.2.2 such notice of appeal shall be served, within fifteen (15) days of the Election or By-Election on the Chief Electoral Officer.

16.3 The Judicial Council shall not receive or consider any appeals with respect to the eligibility of candidates, the decision of the Chief Electoral Officer under section 7.08 of these Regulations being final and binding.

16.4 If no appeals are lodged within the time prescribed, the Judicial Council shall notify the Chief Electoral Officer and Council that the results of the Election or By-Election are final and binding.

16.5 Upon receipt of an appeal under section 16.06, the Judicial Council shall cause a copy of the appeal to be served on all candidates for the office of Chief or Councillor who are affected by the appeal, either personally or via registered mail, within fifteen (15) days of the receipt of the appeal.

16.6 Any candidate affected by the appeal may reply to the appeal by setting out his or her response in writing to the grounds of appeal, set out in the appeal, and providing any and all evidence in support of his or her position.

- 16.7 The appeal and the replies to the appeal, if any, and the evidence supplied in connection with each shall constitute the record for purposes of the appeal.
- 16.8 Upon expiry of the time for filing replies, the Judicial Council shall meet to hear and determine the appeal or appeals. There must be a quorum of at least three (3) Citizens of the Judicial Council to hear and determine any appeal.
- 16.9 In their deliberations, the Judicial Council may, in its sole discretion:
- 16.9.1 examine the record;
 - 16.9.2 conduct hearings of the person bringing the appeal, any candidates affected by the appeal, and any witnesses which either may call and the Liard First Nation Election Appeal Board may permit to be heard;
 - 16.9.3 cause the appearance of a witness who may, in the Liard First Nation Election Appeal Board's opinion, assist the Liard First Nation Election Appeal Board in deciding the appeal; or
 - 16.9.4 generally conduct the proceedings in any way which the Liard First Nation Election Appeal Board, in its sole discretion, deems appropriate in order to decide the appeal and the Liard First Nation Election Appeal Board may make or establish such procedures, regulations and orders governing the conduct of any such hearings, or any proceedings of the Liard First Nation Election Appeal Board, as the Liard First Nation Election Appeal Board determines to be necessary and appropriate in the circumstances.
- 16.10 The Liard First Nation Election Appeal Board shall give reasonable notice of the hearing to the person bringing the appeal, and any candidates affected by the appeal and give each party full opportunity to present his or her evidence and submissions at the hearing.
- 16.11 The decision of the Liard First Nation Election Appeal Board shall either:
- 16.11.1 uphold the appeal and, in the sole discretion of the Liard First Nation Election Appeal Board:
 - 16.11.1.1 if the circumstances warrant, declare that the entire Election or By-Election be set aside and that a new Election or By-Election be conducted forthwith for all of the positions for Councillor, or for the position of Chief, or for both; or

- 16.11.1.2 if the circumstances warrant, declare that only one or some of the positions for Councillor be declared vacant and that a new Election or By-Election for the one or more positions shall be held forthwith; or
- 16.11.1.3 if the circumstances warrant, declare that a candidate for office as Chief or Councillor is in breach of the Constitution and/or these Regulations and thereby is disqualified from holding that office and that the candidate with the next highest number of votes is elected as Chief or Councillor; or

16.11.2 dismiss the appeal.

16.12 Any person filing an appeal may, at any time before a final decision has been rendered by the Liard First Nation Election Appeal Board, withdraw the appeal, by notice in writing, and such appeal shall thereupon be deemed to have been dismissed.

16.13 Decisions of the Judicial Council may be appealed to the Yukon Supreme Court on the grounds that the Judicial Council acted without jurisdiction, acted beyond its jurisdiction, refused to exercise its jurisdiction, failed to observe procedural fairness, erred in law, or based its decision on an erroneous finding of fact or without due regard for the material before it.

[further discussion on the jurisdiction and composition of the Judicial Council required]

17 FORMS

17.1 Such forms as are required for the purpose of these Regulations shall be prescribed from time to time by the Chief Electoral Officer.

18 AUTOMATIC OR ELECTRONIC BALLOT COUNTING

18.1 Notwithstanding sections 10.01, 10.02, 10.03, 10.04, 12.12, 13.01 to 13.11, or any section relating thereto, Liard First Nation Elections or By-Elections may be conducted with automatic or electronic equipment.