




VUNTUT GWITCHIN FIRST NATION

2020 INTERIM ELECTIONS ACT

THIS ACT is hereby approved by the Council of the Vuntut Gwitchin First Nation present at a meeting duly convened on May 6, 2020 at Old Crow, Yukon:



CHIEF DANA TIZYA-TRAMM



DEPUTY CHIEF DARIUS ELIAS



COUNCILLOR CHERYL J. CHARLIE

Preamble

WHEREAS the Constitution was amended by General Assembly resolution 2019-22 whereby the election rules and regulations formerly appended to the Constitution were repealed and replaced by a requirement for Council to enact a Vuntut Gwitchin First Nation election law;

AND WHEREAS the Vuntut Gwitchin First Nation election law establishing election rules and regulations is still under development and has not been enacted by Council;

AND WHEREAS there are currently two vacancies on Council which affects the ability of Council to most efficiently and effectively fulfill their duties and responsibilities;

AND WHEREAS any vacancies on Council that occur when there is more than six months remaining before a general election must be filled through by-election pursuant to Article XIV(7) of the Constitution;

AND WHEREAS in lieu of the Vuntut Gwitchin First Nation election law, Council wishes to re-establish the election rules and regulations formerly appended to Constitution on an interim basis to apply to the required by-election, subject only to such amendments required for consistency with the Constitution;

AND WHEREAS this interim Act is subject to the Constitution, the supreme law of the Vuntut Gwitchin First Nation, including Article IV(4) and Article XI reproduced in Schedule I for information purposes;

AND WHEREAS Council intends to repeal and replace this interim Act with the enactment of the Vuntut Gwitchin First Nation election law prior to the next general election;

NOW THEREFORE the Council hereby enacts as follows:

Short Title

1. This Act may be cited as the *2020 Interim Elections Act (Vuntut Gwitchin First Nation)*.

Interpretation

2. In this Act, including the preamble, the following definitions shall apply:

"Constitution" means the Constitution of the Vuntut Gwitchin First Nation as amended from time to time; and

"Council" means the Council established under the Constitution as a branch of the Vuntut Gwitchin First Nation government.
3. In the event of any conflict or inconsistency between this Act and the Constitution, the Constitution shall prevail to the extent of the conflict or inconsistency.

Election Rules and Regulations

4. Voting shall be pursuant to the principles of the Constitution.
5. Voting shall be by secret ballot.
6. Voting for Council shall be the third Monday in November, with the exception of voting in by-elections which shall be on a date prescribed by the returning officer.
7. There shall be a polling station in Old Crow and a polling station in Whitehorse and in such other locations as the returning officer may decide.
8. There shall be at least two weeks notice of the voting date. Notice shall be posted in Old Crow and in Whitehorse and shall be broadcast by radio.
9. The voting and election procedure shall be conducted by a returning officer. The returning officer shall be Vuntut Gwitchin and shall be appointed by the Council.
10. All persons who are Vuntut Gwitchin First Nation citizens are eligible to vote in an election if they are Yukon residents and 18 years of age or older.
11. There may be an advance poll at the discretion of the returning officer, subject to any law of the Vuntut Gwitchin First Nation.
12. There may be voting by mail at the discretion of the returning officer, subject to any law of the Vuntut Gwitchin First Nation.

Coming Into Force

13. This Act shall come into force upon the date approved by Council pursuant to the *Governance Act (Vuntut Gwitchin First Nation)*.

SCHEDULE I

ARTICLE IV – RIGHTS OF CITIZENS

[...]

4. Subject to residency and other requirements set out in Vuntut Gwitchin Law, every Citizen who is at least 18 years of age is eligible to vote in Vuntut Gwitchin First Nation elections and to hold office in Vuntut Gwitchin Government.
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ARTICLE XI – TERMS OF OFFICE AND QUALIFICATIONS

QUALIFICATIONS

1. Any person desiring to run for Chief or Councillor must meet the following qualifications:
 - (a) Be 18 years or older;
 - (b) Be ordinarily resident in Canada;
 - (c) No indictable offence convictions for 5 years preceding the election; and
 - (d) Be a Citizen of the Vuntut Gwitchin First Nation.
2. If an eligible candidate for Chief or Councillor does not reside on Settlement Land during the election and wins their desired seat they must relocate to Settlement Land within 14 days after election day.