



## **Terms of Reference**

# **Kwanlin Dün COUNCIL Election Committee**

**December 13 2016**

**Kwanlin Dün Council  
Election Committee**

**Terms of Reference**

**Reviewed and duly accepted by  
the Chair of the Election Committee on this \_\_\_\_\_ day of \_\_\_\_\_ 2016**

\_\_\_\_\_  
**Chair**

**Reviewed and duly accepted by  
the Member of the Election Committee on this \_\_\_\_\_ day of \_\_\_\_\_ 2016**

\_\_\_\_\_  
**EC Member**

**Reviewed and duly accepted by  
the Member of the Election Committee on this \_\_\_\_\_ day of \_\_\_\_\_ 2016**

\_\_\_\_\_  
**EC Member**

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## **1. AUTHORITY**

The Election Committee (the “Committee”) shall derive its authority from Resolution No: 2016-56: the establishment of the Kwanlin Dün Council Election Committee consistent with the provisions under schedule 3 – *Election and Referendum Code Constitution of Kwanlin Dün First Nation* and the *Election Act 2016 as amended*.

## **2. STRUCTURE**

The Election Committee shall consist of the 3 members appointed. Additionally, the Chief Returning Officer shall serve *ex officio* in Committee Meetings at the discretion of the Committee.

The Election Committee shall perform those duties set out under Section 13 of the Elections Act 2016 as amended.

The Election Committee may operate in the event of a vacancy on the committee and may establish internal procedures for its operations.

## **3. MANDATE AND SCOPE OF ACTIVITIES**

The Election Committee (Committee) is appointed for a fixed term to provide ongoing supervision of the election on matters relating to Kwanlin Dün (KDFN)’s elections, its voting processes, and upholding democratic values and respect of KDFN constitution.

The Committee is appointed by the resolution of the KDFN (Council) and therefore reports to the Council. This Terms of Reference is an internal procedural document and is consistent with Section 13 and intended to advance the purposes of the Committee. It is subject to periodic reviews by the Committee.

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Section 13 (1)(2),(3) & (4) (5) of the *Elections Act* specifies the responsibilities of the Committee. The assessment and advice by the Committee may include matters related to:

1. General direction, overall supervision and conduct of elections
2. Submission of a written report within 30 after the results of the elections is declared.
3. Under Section 8(1) *Part Two Issue of Writ*, the EC may, after consultation with the Chief Returning Officer extend or postpone the time for the regular vote if substantial grounds exist no more than 72 consecutive hours as specified in the Election Act 2016 as amended.

In discharging its mandate, the Committee may consult and otherwise engage KDFN citizens and provide verbal or written requests to the Council. The KDFN Council shall provide the resources the Committee may require to perform its duties.

#### **4. ROLE OF THE ELECTION COMMITTEE**

The role of the Election Committee is set out under the 'Mandate and Scope of Activities' section of this document.

#### **5. RESPONSIBILITIES OF THE CHAIR**

The Election Committee Chair, upon selection by members of the Committee, shall preside over the deliberations of the Committee. The Chair shall call or cancel a meeting. The Chair shall lead in setting the meeting agenda, assigning specific election related tasks and the strategic approach for the Committee. The Chair shall also lead in the conduct of the Committee meetings. The Chair ensures that agendas and supporting materials are delivered to members in advance of meetings. The chair ends each meeting with a summary of advice provided and recommendations to the Committee and if necessary, to the Chief Returning Officer or Council.

The Chair, in consultation with one other member, may recommend to the KDFN Council that a Committee member be removed if their conduct poses significant risk of hindering the work of the Committee or if there is sufficient evidence to suggest a significant failure to satisfactorily fulfill duties mandated under the Act.

The position of chair is assumed by selection and on an ad hoc basis and may be assigned to a designate in the absence of the Chair.

##### **Absence of Chair**

In the event of the chair's absence, one member of the Committee or the chair's designate will facilitate the meeting and act in accordance to authority of that position.

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## **6. RESPONSIBILITIES OF ELECTION COMMITTEE MEMBERS**

Individual Committee members have the following responsibilities:

- I. Understand the goals, objectives of the KDFN electoral system as set out in the Act and Constitution.
- II. Take a genuine interest in the conduct of the election and the potential impacts.
- III. Actively participate in meetings through attendance, discussion, and review of minutes, and other supporting documents and other research documents.
- IV. The member is expected to satisfactorily complete all tasks assigned by the Chair and on time in order to facilitate the smooth operation of the Committee's work.

### ***6.1 Membership***

The members of the Election Committee are appointed by the Board for a fixed term.

### ***6.2 Frequency of Meetings***

The Committee is required to meet on as needed basis. Meetings are held in Whitehorse and at a location determined by the Committee. The Committee may hold conference calls in place of meeting in a physical location. Two Committee members are required to form quorum.

### ***6.3 Agenda, Minutes, and Supporting Materials***

Meeting materials will be sent to members ahead of each meeting. Meeting summary shall be posted to the Election Committee portal on the KDFN Website. The meeting summary will include the following: 1) meeting participants, and 2) the meeting agenda. A report will highlight general observations and recommendations, if any.

### ***6.4 Reports***

The Election Committee in consultation with the Chief Returning Officer ensures the election is conducted in the manner prescribed under the *Consolidated Elections Act*. While the Chief Returning Officer is tasked to produce a report at the end of the election, the observations of the EC shall be considered.

## **7. OPERATING PRINCIPLES**

The KDFN Elections Act Section 12 provides direction for the personal conduct of Committee members. Regardless of background and family affiliations, members are to serve in an individual capacity. The public interest must be paramount. Committee members must take care to avoid political partisanship or public support or criticism of any voter or candidate.

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Committee Members should declare any actual or potential conflicts of interest at the start of all meetings in the event that specific issues come up for discussion. The committee would serve its fiduciary role in a consensus manner. In the event of a declared conflict; the Committee will make determination of the appropriateness of such conduct and necessary sanctions.

Deliberations within the committee shall be open, frank and confidential consistent with Chatham House Rules<sup>1</sup>.

In communicating with the Council, public and media about the Committee's work, Committee members should respect the confidentiality of their colleagues and statement or views expressed shall be on a non-attributional basis. Decisions are made by consensus.

## **8. BUDGET**

The Election Committee's budget is set by the KDFN Administration and each member shall submit attendance at meetings to administration for payment of honoraria. The Chair vets attendance but it is up to each member to submit their attendance record directly to KDFN.

## **9. COMPENSATION OF COMMITTEE MEMBERS**

Committee members shall be eligible for reimbursement of reasonable expenses incurred through service to the Committee and shall be compensated for their participation in meetings as set out in the honoraria KDFN schedule. The honoraria for the Committee members are set out in the KDFN Council Resolution (*Chronological No: 2013-03*) – Honoraria Rate Increase.

## **10. Secretarial and Administrative Services**

The Kwanlin Dün administration shall supply the Election Committee with administrative support as it may pertain to sensitive and secure documents.

### **Appendix A**

#### **AUTHORS**

This document was prepared by the Election Committee of the **Kwanlin Dün First Nation**

in furtherance of its work. This document can be amended by a quorum of members present by consensus.

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<sup>1</sup> Chatham House Rule states that 'when a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed'.

## VERSION HISTORY

Date	Document Version	Document Revision History	Document Author/Reviser
December 7, 2016	0.1	Notes from initial meeting	EC
December 7, 2016	1.0	Initial draft – formatted	EC

## APPROVALS

Date	Document Version	Approver Name and Title	Approver Signature
December 13, 2016	1.0	Chair, Election Committee	
December 13, 2016	1.0		

## Referenced Documents

Elections Act (2016) as amended; Constitution Act; Honoraria Regulation (2013) and Resolution No: 2016-56

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