

THIS IS A CERTIFIED TRUE COPY OF
THE Madawaska Maliseet First Nation
COMMUNITY RATIFICATION
PROCESS, SHOWN BEFORE ME AT

_____,
NEW BRUNSWICK ON
THE ___ DAY OF _____, 2016.

Madawaska Maliseet

First Nation

COMMUNITY RATIFICATION PROCESS

In accordance with:

The Framework Agreement on First Nation Land Management

and

The First Nations Land Management Act

Dated for Reference: July 31, 2017

TABLE OF CONTENTS

Contents

1. TITLE AND PURPOSE	4
2. DEFINITIONS.....	4
3. REGISTRATION OF ELIGIBLE VOTERS	6
4. INFORMATION TO VERIFIER.....	7
5. CONFIRMATION BY VERIFIER.....	7
6. COUNCIL RESOLUTION	8
7. DUTY OF RATIFICATION OFFICER AND APPOINTMENT OF ASSISTANT.....	8
8. NOTICE OF VOTE	9
9. COMMUNITY INFORMATION.....	10
10. INFORMATION TO THIRD PARTIES	11
11. AVAILABILITY OF DOCUMENTS	11
12. PRELIMINARY PROCEDURES.....	12
13. ADDITIONAL DAY FOR VOTING	12
14. ELECTRONIC VOTING.....	14
15. ELECTRONIC VOTING PLATFORM PROTOCOL.....	16
16. MAIL-IN BALLOTS.....	17
17. COUNTING OF ELECTRONIC BALLOTS.....	20
18. VOTING PROCEDURES AT THE POLLS ON VOTING DAY.....	20
19. ORDERLY VOTING	22
20. REJECTED BALLOTS	23
21. OPENING MAIL-IN BALLOTS	23
22. COUNTING OF BALLOTS.....	23
23. PROCEDURAL AMENDMENTS	24
24. OBJECTIONS.....	25
25. REPORT BY VERIFIER.....	26
26. CERTIFICATION OF LAND CODE.....	26
Form 1 – Ballot Question.....	27
Form 2 – First Nation Council Resolution.....	28
(Information to Verifier).....	28
Form 3 – Confirmation By Verifier.....	29
(Land Code and IA Ratification Process)	29
Form 4 – First Nation Council Resolution	31

(Commencement of Vote) **Error! Bookmark not defined.**

Ratification Process..... 31

Form 5 – First Nation Council Resolution – Approval of IA for Vote 32

Form 6 – Appointment of Ratification Officer 33

Form 6A – Appointment of an Assistant Ratification Officer 34

Form 7 – Notice of Community Ratification Vote 35

Form 8 – Voter Registration Document..... 36

Form 9 – Identification Envelope 38

Form 10 – Declaration of Ratification Officer (Mail-in Ballots)..... 39

Form 10A – Declaration of Ratification Officer – Electronic Votes 40

Form 11 – Statement of Witness (Deposit of Mail-In Ballots)..... 41

Form 11A- Statement of Witness (Opening of Mail-In Ballots) 42

Form 12 – Declaration of Ratification Officer (Regular Polls) 43

Form 13 – Statement of Witness (Regular Polls) 44

Form 14 (Certification by Ratification Officer – Conclusion of Vote) 45

Form 16 – First Nation Council Resolution (Submission to Verifier at Conclusion of Vote)..... 49

Form 17 – Certification of Land Code..... 50

DRAFT

**Madawaska Maliseet First Nation
COMMUNITY RATIFICATION PROCESS**

1. TITLE AND PURPOSE

- 1.1 The title of this document is the *Madawaska Maliseet First Nation Community Ratification Process*.
- 1.2 The purpose of this document is to set out the procedure by which Madawaska Maliseet First Nation will decide whether to approve its Land Code and the Individual Agreement, as required under the Framework Agreement and the Act.

2. DEFINITIONS

- 2.1 In this Ratification Process:

“**AANDC**” means Aboriginal Affairs and Northern Development Canada;

“**Act**” means the *First Nations Land Management Act*, S.C. 1999, c. 24;

“**Background Documents**” means:

- (a) the Framework Agreement;
- (b) the Act;
- (c) a summary of the Framework Agreement;
- (d) a summary of the Act; and
- (e) a summary of the Land Code;

“**Ballot Question**” means the question asked in the Ratification Vote in Form 1;

“**Council**” means the Chief and Councillors of the Madawaska Maliseet First Nation;

“**Department**” means the Department of Aboriginal Affairs and Northern Development Canada;

“**Electronic Voting Platform**” or “**On-Line Voting**” means an optional process by which a Member may vote via a telephone and/or web based platform;

“**Electronic Voting**” means casting a ballot via the internet or telephone;

“**Eligible Voter**” means a Member of Madawaska Maliseet First Nation who is 18 years of age or older on a Voting Day;

“**First Nation**” means the Madawaska Maliseet First Nation;

“**Framework Agreement**” means the *Framework Agreement on First Nation Land Management* entered into between the Minister of Indian Affairs and Northern Development and the Chiefs of fourteen First Nations on February 12, 1996, as amended;

“**Individual Agreement**” means the proposed Individual First Nation Agreement made between Madawaska Maliseet First Nation and Her Majesty in right of Canada in accordance with clause 6.1 of the Framework Agreement;

“**Land Code**” means the proposed or ratified *Madawaska Maliseet First Nation Land Code*;

“**Lands Officer**” means the employee or contractor responsible for the management of Madawaska Maliseet First Nation reserve lands, and includes a designate;

“**List of Registered Voters**” means the list of Eligible Voters, prepared in accordance with clause 3.6, who have registered to vote in the Ratification Vote;

“**List of Voters**” means the list of Eligible Voters prepared in accordance with clause 3.1;

“**MMFN**” means Madawaska Maliseet First Nation;

“**Member**” means a person whose name appears or the Council agrees is entitled to appear on the Madawaska Maliseet First Nation membership list;

“**Ratification Documents**” means the Land Code and the Individual Agreement;

“**Ratification Officer**” means the person appointed by Council under clause 6.1(a);

“**Ratification Process**” means this *Madawaska Maliseet First Nation Community Ratification Process*;

“**Ratification Vote**” means a vote by the Registered Voters on the Ballot Question conducted according to the Ratification Process;

“**Registered Voter**” means an Eligible Voter who has registered to vote in accordance with clause 3.3;

“**Registration of Eligible Voter**” means an Eligible Voter who wishes to Vote and

whom must register with the Ratification Officer to vote by completing the electronic voting registration process or completing and delivering Form 6;

“**Verifier**” means the person appointed as Verifier under the Framework Agreement and includes any assistant appointed by the Verifier;

“**VIN**” means the Voter Identification Number issued to an Eligible Voter for Electronic Voting;

“**Voting Days**” means the dates set for holding the Ratification Vote and the singular

“**Voting Day**” means one of those dates; and

2.2 Unless otherwise provided, words defined in the Framework Agreement have the same meaning in this Ratification Process.

2.3 Words in the singular include the plural, words in the plural include the singular and words in the masculine include the feminine, as the context may require.

3. REGISTRATION OF ELIGIBLE VOTERS

3.1 The Lands Officer, in consultation with Council, will ensure that an initial List of Voters is prepared containing in the of the Officer the full names, band numbers, birth dates and addresses of the Eligible Voters.

3.2 The Ratification Officer will, at least 40 days before the first Voting Day, send to each Eligible Voter at their last known address a registration package containing a voter registration document in Form 8 and a prepaid return envelope.

3.3 An Eligible Voter who wishes to vote in the Ratification Vote must register with the Ratification Officer by:

- (a) completing and signing a voter registration document in Form 8 before a witness and returning the voter registration document to the Ratification Officer by mail, courier, hand delivery or facsimile within the time set out in clause 3.5; or
- (b) complete the electronic registration and using their unique VIN to complete the voting process online or by telephone;
- (c) Appearing in person at the polls and completing and signing a voter registration document in Form 8;
- (d) Submitting a mail-in ballot, and completing and signing the voter registration document in Form 8 and envelope in Form 9 as part of the mail-in ballot process.

3.4 An Eligible Voter may register prior to the posting of the Notice of Vote.

- 3.5 To be valid, a completed, signed and witnessed voter registration document must be received by the Ratification Officer no later than the close of the polls on the last Voting Day.
- 3.6 A person who has completed the Electronic/Telephone Voting process is deemed to have completed the voter registration document and delivered it to the Ratification Officer.
- 3.7 The Ratification Officer will maintain an updated List of Registered Voters setting out the names of all Eligible Voters who have returned a valid voter registration document in accordance with clause 3.5.
- 3.8 The Ratification Officer is responsible for determining if a person is an Eligible Voter.

4. INFORMATION TO VERIFIER

- 4.1 At least 90 days before the first Voting Day and before the Notice of Vote is posted, Council will by resolution in Form 2 send, or cause to be sent, in quadruplicate the following documents to the Verifier:
- (a) the Ratification Process;
 - (b) the Land Code; and
 - (c) the initial List of Voters.
- 4.2 As soon as practicable after the Notice of Vote is posted, Council will send, or cause to be sent to the Verifier an updated List of Voters sent in accordance with clause 4.1(c), listing any changes to the List of Voters who will be eligible to vote on a Voting Day.
- 4.3 The updated List of Eligible Voters may also include a list of Members who are deceased with accompanying supporting documentation or comments by the person who has confirmed that the Member is deceased and the person's full name, address and relationship to the deceased Member.
- 4.4 If the Ratification Officer determines that the name of a deceased Member should not be included on the List of Eligible Voters, he or she shall, in his or her sole discretion, make the decision and such decision shall be final.
- 4.5 The List of Eligible Voters confirmed by the Ratification Officer under clause 4.4 shall determine the number of Eligible Voters.

5. CONFIRMATION BY VERIFIER

- 5.1 Upon receipt of the documents under clause 4.1, the Verifier will review the Land Code

and the Ratification Process to determine whether they are consistent with the Framework Agreement and the Act.

- 5.2 In accordance with clause 8.8 of the Framework Agreement, the Verifier will, within 30 days of receiving the documents, issue a notice in Form 3 stating whether the Land Code and the Ratification Process are consistent with the Framework Agreement and the Act.

6. COUNCIL RESOLUTION

- 6.1 After the Verifier confirms the Land Code and this Ratification Process are consistent with the Framework Agreement and the Act, Council will pass a Resolution in conformance with Form 4 to:

- (a) appoint the Ratification Officer, who shall be a person knowledgeable about overseeing voting processes and who shall have no personal interest in the outcome of the Ratification Vote;
- (b) confirm the List of Voters;
- (c) confirm the text of the Land Code and approve the Ratification Process;
- (d) confirm the text of the Individual Agreement;
- (e) approve the Electronic/Telephone Voting option with the use of an Electronic Voting Platform service and the contract for an independent service provider;
- (f) order that the Ratification Vote be held to determine if the community approves the Ratification Documents;
- (g) confirm the wording of the Ballot Question; and
- (h) set the Voting Day(s);
- (i) may appoint a Council member to deal with any procedural amendments in the Community Ratification Process.

7. DUTY OF RATIFICATION OFFICER AND APPOINTMENT OF ASSISTANT

- 7.1 If the Ratification Officer accepts the appointment made by Council pursuant to clause 6.1 (a), the Ratification Officer shall execute Form 6 and the completed Form 6 shall be attached to the Form 4 Resolution made by Council pursuant to clause 6.1.

- 7.2 The Ratification Officer is responsible for overseeing the conduct of the Ratification Vote and has all the powers necessary to carry out that responsibility.

- 7.3 The Ratification Officer may appoint one or more assistant Ratification Officers and may delegate any of the duties set out in the Ratification Process to such an assistant, except:
- (a) the initialing of ballots;
 - (b) the deposit of the mail-in ballots in the ballot box under clauses 16.9(i) and 22.1(c); and
 - (c) the counting of ballots under clause 22.
 - (d) the determination to postpone the Voting Day(s) or hold an additional Voting Day(s) under clause 13.1 and 13.2;
 - (e) the safekeeping of ballot boxes under clause 16.7.
- 7.4 Upon the appointment of an assistant Ratification Officer, the Ratification Officer and each such assistant Ratification Officer will execute an Appointment of an Assistant Ratification Officer in Form 6A.
- 7.5 If, at any time the Ratification Officer is unable to perform his or her duties, Council may appoint an acting Ratification Officer, subject to compliance with clause 6.1(a).

8. NOTICE OF VOTE

- 8.1 The Ratification Officer, in consultation with Council, will post a Notice of Vote in Form 7 at least 56 days prior to the first Voting Day in public places where it can be read by the Members, MMFN social media sites and a memo to on-reserve community members.
- 8.2 The Verifier will publish the Notice of Vote in one or more local newspapers at least 15 days prior to the first Voting Day.
- 8.3 The Notice of Vote will contain the following information:
- (a) the date, place and time of the Ratification Vote;
 - (b) the Ballot Question;
 - (c) the procedure for registering as a Registered Voter;
 - (d) instructions for obtaining a copy of the Framework Agreement, Individual Agreement, Land Code, the background documents and the ratification process; and
 - (e) the name, office address, email address and telephone number of the Ratification

Officer;

- (f) an option and procedure for Electronic/Telephone Voting.

8.4 Forthwith after posting the Notice of Vote, the Ratification Officer will email or fax a true copy of the Notice of Vote to the Verifier.

9. COMMUNITY INFORMATION

9.1 Council will send or cause to be sent, in one or more mailings, the following information to each Member on the List of Voters at the Member's last known address:

- (a) a copy of the Notice of Vote;
- (b) a copy of the Land Code;
- (c) a summary of the Land Code;
- (d) a summary of the Individual Agreement;
- (e) a summary of the Framework Agreement;
- (f) a summary of the Act; and
- (g) an invitation to vote by Electronic Voting Methods, a unique VAC, instructions for Electronic Voting Methods, procedures for registration and voting information.

9.2 The information sent in accordance with clause 9.1 will be e-mailed, mailed, and couriered or hand delivered to each Eligible Voter at least 40 days prior to the first Voting Day.

9.3 In addition to the information provided under clause 9.1 Council may conduct or cause to be conducted:

- (a) visits at the homes of Eligible Voters;
- (b) telephone contact with Eligible Voters;
- (c) information meetings at the MMFN administrative offices and other appropriate places; and
- (d) such other information activities as may be deemed appropriate.

9.4 Activities conducted in accordance with clause 9.3 may take place up until the day before the first Voting Day.

- 9.5 Notwithstanding clause 9.3, personal visits, texting, email, telephone or other contact by Council with, an Eligible Voter on a Voting Day is only permitted for purposes of assisting such Eligible Voter to vote and to respond to questions that eligible voters may ask.

10. INFORMATION TO THIRD PARTIES

- 10.1 At least 28 days prior to the first Voting Day the Lands Officer will send, via regular mail to the address provided by AANDC, the following information to each person who holds an Interest in MMFN Land but is not a Member:
- (a) the date of the Ratification Vote;
 - (b) a communiqué from MMFN explaining the effect of the Ratification Vote;
 - (c) a summary of the Act;
 - (d) a summary of the Framework Agreement;
 - (e) a summary of the Land Code; and
 - (f) the name, office address and telephone number of a person who may be contacted for obtaining further information about the management of MMFN Land.
- 10.2 In addition to information provided in accordance with clause 10.1, MMFN may meet with, or otherwise provide information directly to, persons who hold an Interest in MMFN land but are not Members.
- 10.3 Nothing in this Ratification Process precludes MMFN from providing information in any form it deems appropriate to a municipal corporation, First Nations or other entities with an interest in land in the vicinity of MMFN.

11. AVAILABILITY OF DOCUMENTS

- 11.1 Notwithstanding clause 9, any Member may, on request, obtain a copy of the Ratification Documents and Background Documents at no cost.
- 11.2 Any Member or the representative of Canada appointed under clause 8.2 of the Framework Agreement may upon request obtain a copy of the Ratification Process in relation to an objection under clause 24.
- 11.3 The Lands Manager will ensure that copies of the Ratification Documents and Background Documents are available at the administration offices of the MMFN in sufficient quantities to comply with clause 11.1 and 11.2.
- 11.4 Documents will be available electronically upon request.

12. PRELIMINARY PROCEDURES

12.1 The Ratification Officer, in consultation with Council, will:

- (a) designate the polling places;
- (b) prepare sufficient copies of regular ballots and mail-in ballots, which will be uniform in size, appearance, quality and weight;
- (c) prepare sufficient copies of the secrecy envelopes, the identification envelopes, and the return envelopes with prepaid postage where necessary;
- (d) prepare sufficient copies of the voting instructions;
- (e) obtain a sufficient number of ballot boxes;
- (f) provide for a designated voting area at the polls such that a Registered Voter can mark a ballot free from observation;
- (g) provide a sufficient number of blue or black ink pens for marking the ballot;
- (h) ensure that samples of the Ballot Question are posted or available for examination at the polls; and
- (i) ensure that a Commissioner for Taking Oaths or Notary Public will be available as required.
- (j) The Ratification Officer shall undertake any necessary in-service orientation or training prescribed for managing Electronic/Telephone Voting protocols, process and administration.

13. ADDITIONAL DAY FOR VOTING

13.1 In the event of a community emergency or tragedy occurring within seven (7) days leading up to and including the first Voting Day or the first additional Voting Day including, but not limited to:

- (a) severe inclement weather;
- (b) death of a community member;
- (c) natural disasters such as fire, earthquake, tornado, tsunami, or
- (d) other disasters such as explosion, power failure, act of sabotage

- the Ratification Officer may, in his or her sole discretion, make a formal decision to postpone the Voting Day(s) or add an additional Voting Day(s).
- 13.2 Immediately upon the close of the polls on the last Voting Day, the Ratification Officer may, in his or her sole discretion, make a formal decision that an additional day for voting shall be held where less than 25% of the Eligible Voters actually voted by the close of the polls on the last Voting Day, as a direct consequence of, but not limited to:
- (a) severe inclement weather;
 - (b) death of a community Member;
 - (c) natural disasters such as fire, earthquake, tornado, or
 - (d) other disasters such as explosion, power failure, act of sabotage.
- 13.3 If an additional vote is conducted under clause 13.1 or 13.2, all Voting Day(s) ballot boxes will be sealed at the close of the polls on the last Voting Day and will remain sealed until the close of the polls of the last additional Voting Day, at which time all the ballot boxes will be counted at the same time.
- 13.4 The Ratification Officer shall ensure that the Electronic Voting Platform remains active and available until the additional day for voting.
- 13.5 Within 24 hours of the decision under clause 13.1 and 13.2, the Ratification Officer shall formally advise the Verifier and Council in writing of his or her decision to postpone the Voting Day(s) or to add an additional Voting Day(s).
- 13.6 The Ratification Officer and Council shall, within 2 days of receiving the Ratification Officer's written decision under clause 13.5, set a new date for the Voting Day(s) or set a date for an additional day(s) for voting and the polls shall be open from 8:00 am to 8:00 pm on the additional day(s). The new date for Voting Day(s) or additional Voting Day(s) shall not be more than 20 days after the original date of the first Voting Day.
- 13.7 Within two (2) days of the Ratification Officer and Council setting the new date for the Voting Day(s) or additional Voting Day(s) under clause 13.6, the Ratification Officer shall post a Notice of Re-scheduled Vote or Notice of Additional Day(s) for Voting in public places where it can be read by the Members, declaring the reason for a new Voting Day(s) or an additional Voting Day(s), the number of Eligible Voters who voted by the last Voting Day(s), the date of the additional day(s) for voting and shall notify all Eligible Voters by mail, hand delivery service or e-mail.
- 13.8 Only Eligible Voters who did not vote by the close of polls on the last Voting Day shall be entitled to vote on the additional day for voting.
- 13.9 Eligible Voters may register up to the close of polls on the additional day for voting.
-

- 13.10 Eligible Voters may register and vote up until the close of the electronic/telephone polls.
- 13.11 Voting on the additional day provided for in this section may be accomplished by extending the receipt of mail-in ballots up to the close of the polls on the additional day for voting.
- 13.12 Only mail-in ballots and electronic ballots duly received by the close of the polls on the additional day or re-scheduled day of voting shall be deemed valid.
- 13.13 In the event that an additional day(s) for voting is scheduled, the counting of ballots in accordance with section 17 and 22 shall occur after the close of polls on the last additional day for voting.
- 13.14 In the event that an additional day(s) for voting is scheduled, the period of days under sections 24 and 25 shall be calculated from the additional day for voting.

14. ELECTRONIC VOTING / TELEPHONE VOTING

- 14.1 Each Eligible Voter may choose to cast a vote by Electronic/Telephone Voting, rather than voting in person or by mail-in ballot.
- 14.2 No proxy voter shall be used at any time.
- 14.3 Electronic/Telephone Voting shall begin at the hour and date specified in the Notice of Vote.
- 14.4 In the event that an additional day for voting is established under section 13, the Electronic/Telephone Voting shall re-open and close at the hours and dates specified by the Ratification Officer.
- 14.5 The Ratification Officer shall, at least 40 days before the Official Voting Day, send to each Eligible Voter at their last known address or e-mail address, a Voter Information Package that includes an invitation to vote by the Electronic Voting Methods, a unique VAC, instructions for internet and/or automated telephone voting, and procedures for registration and voting information.
- 14.6 Each Eligible Voter wishing to cast a ballot using Electronic/Telephone Voting, shall register through the Electronic/Telephone Voting website prior to casting an electronic/telephone ballot.
- 14.7 The electronic/telephone ballot shall contain the same Ballot Question as the mail-in ballots and the Regular Ballots.
- 14.8 Telephone voting can only be done either through a touch tone telephone or cellular telephone, voting cannot be completed by using a rotary telephone.
- 14.9 To cast an electronic/telephone ballot, a Registered Voter:

- (a) shall click the link in the e-mail invitation, or enter the website address provided which shall automatically load the Electronic Voting website, or call the designated telephone number;
 - (b) shall enter their unique VIN;
 - (c) shall confirm their Band Registry Number;
 - (d) shall declare their intent to vote electronically or by telephone and digitally sign;
 - (e) shall make the selection between YES or NO;
 - (f) shall be provided with the option to change or confirm their selection;
 - (g) shall submit the final electronic/telephone ballot; and
 - (h) shall be provided with confirmation that their electronic/telephone ballot has been cast.
- 14.10 Upon submission of the final electronic/telephone ballot, no changes can be made.
- 14.11 An Eligible Voter shall be limited to only one vote through the use of a unique VIN and should not be permitted to cast an additional ballot by mail or in person.
- 14.12 The Electronic/Telephone Voting Platform shall:
- (a) record the name of the Eligible Voter on the List of Eligible Voters as having registered electronically or by telephone;
 - (b) confirm that the Registered Voter has not previously voted;
 - (c) record on the List of Eligible Voters that the Registered Voter cast an electronic/telephone ballot and the date and time the electronic/telephone ballot was received;
 - (d) put the electronic/telephone ballot cast by a Registered Voter into the electronic/telephone ballot box; and
 - (e) shall send an e-mail notification to the Verifier and Ratification Officer to confirm the Eligible Voter has cast their electronic/telephone ballot.
- 14.13 An Eligible Voter may register and vote online just before the close of the electronic/telephone polls.
- 14.14 Once a Registered Voter has voted electronically or by telephone, they cannot vote again electronically, by telephone or otherwise, and shall be restricted from doing so again.

14.15 Where the Ratification Officer is notified of an incomplete electronic registration or vote, the Ratification Officer shall contact the Eligible Voter immediately with alternative voting solutions, including Mail-in Ballot or voting in person.

15. ELECTRONIC VOTING PLATFORM PROTOCOL

15.1 MMFN has authorized the use of Electronic/Telephone Voting, with the use of an Electronic/Telephone Voting Platform service offered by an independent third party service provider.

15.2 All Eligible Voters can exercise their right to cast a ballot with full confidence that the following principles are assured:

- (a) the secrecy and confidentiality of individual votes is paramount;
- (b) the Ratification Vote shall be fair and non-biased;
- (c) the Ratification Vote shall be accessible to all Eligible Voters;
- (d) the integrity of the Ratification Process shall be maintained throughout the Ratification Vote;
- (e) certainty that the results of the election reflect the votes cast; and
- (f) Eligible Voters shall be treated fairly and consistently.

15.3 At a minimum the Electronic/Telephone Voting Platform shall meet the threshold of verification and due diligence for mail-in ballots.

15.4 The Electronic/Telephone Voting Platform shall be populated with a List of Eligible Voters at least 70 days prior to the opening of the electronic/telephone polls.

15.5 The List of Eligible Voters shall be maintained by the Ratification Officer and shared with the Electronic/Telephone Voting Platform service provider.

15.6 Once an Eligible Voter casts an electronic/telephone ballot, their name shall be automatically recorded on the List of Eligible Voters as having cast their electronic/telephone ballot indicating the date, time and location of the vote.

15.7 The Electronic/Telephone Voting Platform service provider shall be able to:

- (a) provide reports upon request by the Ratification Officer;
- (b) view, issue and cancel unique VINs.

15.8 Individual voting results shall remain secret at all times, shall not be revealed and shall be

encrypted in such a way that it can never be revealed.

- 15.9 Automated e-mail notifications shall be generated in real-time to the Eligible Voter, Ratification Officer, and Verifier upon voting completion using the Electronic/Telephone Voting Platform.
- 15.10 Detailed activity reports shall be generated by the service provider and available to the Ratification Officer and Verifier upon request and an inventory of all reports shall be maintained and accessible on the Electronic/Telephone Voting Platform.
- 15.11 After the close of the polls on the last Voting Day, the Ratification Officer shall access the Electronic/Telephone Voting results page summarizing the vote results cast electronically, and a final listing of all Registered Voters voting electronically or by telephone will be sent to the Ratification Officer by the Electronic/Telephone Voting Platform.
- 15.12 Following the limitations of this Ratification Process and prescribed time frame, all electronic/telephone data shall be deleted and wiped.
- 15.13 At the official close of Electronic/Telephone Voting, the option to vote electronically or by telephone is removed as an option from the Electronic/Telephone Voting Platform.
- 15.14 Any Registered Voter who is in the electronic/telephone polling station, or in the process of voting when the poll is closing, shall receive a notification that they have 5 minutes to complete their vote or their vote shall be suspended and not count.
- 15.15 If a Registered Voter violates the time limitation, they are in effect ejected from the vote sequence and the poll is closed.
- 15.16 After the close of polls on the last Vote Day, the Ratification Officer shall cause the Electronic/Telephone Voting Platform to seal the electronic/telephone ballot box, and the results shall be sent to the Ratification Officer.
- 15.17 In the event that an additional day for voting is established under section 13, the Ratification Officer shall ensure that the Electronic Voting Platform remains active and the Alternative Voting Method shall re-open and close at the hours and dates specified by the Ratification Officer.

16 MAIL-IN BALLOTS

- 16.1 A Registered Voter may cast a mail-in ballot.
- 16.2 At least 40 days prior to the first Voting Day, the Ratification Officer will provide a pre-folded and initialed ballot in Form 1, a Voter Registration Form in Form 8, an identification envelope in Form 9, a secrecy envelope, a prepaid return envelope and voting instructions to each Eligible Voter.

- 16.3 To cast a mail-in ballot, a Registered Voter will:
- (a) mark the ballot by placing a cross (“X”) in the box marked “YES” or in the box marked “NO”;
 - (b) enclose and seal the ballot in the secrecy envelope;
 - (c) enclose and seal the secrecy envelope in the identification envelope;
 - (d) sign the outside of the identification envelope;
 - (e) enclose and seal the identification envelope in the prepaid mailing envelope; and
 - (f) deliver the sealed mailing envelope to the Ratification Officer or an Assistant Ratification Officer.
- 16.4 A mail-in ballot may be delivered to the Ratification Officer by mail, courier or hand delivered to the Ratification Officer or Assistant Ratification Officer.
- 16.5 A mail-in ballot must be received by the Ratification Officer no later than the close of the polls on the last Voting Day.
- 16.6 After the Ratification Officer has received a mail-in ballot, the Ratification Officer will:
- (a) confirm that the sender of the mail-in ballot has Registered in accordance with clauses 3.3 and 3.5;
 - (b) attach the voter registration document to the mail-in ballot package;
 - (c) record the date when the mail-in ballot package was received;
 - (d) confirm that no other mail-in ballot package has been received from the Registered Voter; and,
 - (e) store the mail-in ballot package in a secure location until the last Voting Day.
- 16.7 The Ratification Officer is personally responsible for the safekeeping of mail-in ballot packages until such time as the packages are opened, verified and deposited in a mail-in ballot box in accordance with clause 16.9.
- 16.8 The Ratification Officer will, after the last mail delivery on the last Voting Day and prior to the close of the polls on that day, retrieve any mail-in ballot packages from the mail.
- 16.9 After retrieving any mail-in ballot packages in accordance with clause 16.8 and prior to the close of the polls on the last Voting Day, the Ratification Officer will in the presence of two or more Registered Voters who will act as witnesses:
-

- (a) open a ballot box to be used only for the mail-in ballots;
- (b) request the two or more Registered Voters to witness that the ballot box is empty;
- (c) place his or her signature on the seal;
- (d) ask the witnesses to place their signatures on the seal;
- (e) forthwith seal the ballot box;
- (f) in the presence of the witnesses, open each mail-in ballot package;
- (g) verify that the signature that appears on the identification envelope is the same as the signature that appears on the voter registration document;
- (h) check the List of Registered Voters to ensure that the Registered Voter has not previously voted by mail-in ballot or in person;
- (i) if the Registered Voter has not already voted, deposit the mail-in ballot in its unopened secrecy envelope into the ballot box; and
- (j) place a line through the name of the Registered Voter on the List of Registered Voters.

17 REJECTION OF MAIL-IN BALLOTS

17.1 Whereas:

- (a) a Registered Voter has previously voted in person or by mail-in ballot or by Electronic Voting;
- (b) a voter is not a Registered Voter;
- (c) the signature that appears on the identification envelope is not the same as the signature that appears on the voter registration document; or,
- (d) the identification envelope is not signed;

the Ratification Officer will reject the mail-in ballot and note the reason for the rejection on the List of Registered Voters and on the unopened mail-in ballot envelope, and will forthwith place the unopened mail-in ballot envelope into a suitable envelope retained for that purpose.

17.2 The Ratification Officer will:

- (a) execute a Declaration of Ratification Officer in Form 10; and
- (b) ensure that each witness executes a Statement of Witness in Form 11 and 11A.

18 COUNTING OF ELECTRONIC BALLOTS

- 18.1 After the close of the polls the Verifier and Ratification Officer shall add the Electronic/Telephone Voting results to the results of the physical polls and mail-in ballots, and shall make a declaration certifying the recorded number of electronic/telephone votes in Forms 12 and 13.

19 VOTING PROCEDURES AT THE POLLS ON VOTING DAY

- 19.1 The polls will be open from 8 a.m. until 8 p.m. on each Voting Day and the Ratification Officer, or Assistant Ratification Officer will be present at all times while the polls are open. Any reference in this section to the Ratification Officer, except for reference to the Ratification Officer's initials, includes any Assistant Ratification Officer.
- 19.2 All voting at the polls will be by secret ballot.
- 19.3 The Ratification Officer is responsible for determining whether a person is an Eligible Voter and a Registered Voter.
- 19.4 At each poll, the Ratification Officer will:
- (a) before the first vote is cast, open the ballot box and request a Registered Voter to witness that the ballot box is empty;
 - (b) thereupon seal the ballot box and place his or her signature on the seal in front of the witness, and ask the witness to place his or her signature on the seal;
 - (c) keep the ballot box in view for reception of ballots;
 - (d) execute a Declaration of Ratification Officer in Form 10; and
 - (e) ensure that each witness executes a Statement of Witness in Form 11.
- 19.5 When a person at a poll requests to vote, the Ratification Officer will:
- (a) ensure that the person is a Registered Voter;
 - (b) check the List of Registered Voters to ensure that the person has not already voted, either in person or by mail-in ballot or Electronic/Telephone Voting; and,
 - (c) provide the Registered Voter with a ballot, on the back of which are affixed the

Ratification Officer's initials so that the initials can be seen when the ballot is folded.

- 19.6 The Ratification Officer will place, on the List of Registered Voters, a line through the name of every Registered Voter receiving a ballot at a poll.
- 19.7 The Ratification Officer will explain the method of voting upon request.
- 19.8 If the Ratification Officer determines that the name of a Registered Voter has been omitted, incorrectly set out or incorrectly included on the List of Registered Voters, he or she will, in his or her sole discretion, make the necessary revision and such revision will be final.
- 19.9 A Registered Voter may request special assistance from the Ratification Officer at the polls.
- 19.10 The Ratification Officer will, on request and in the presence of a witness acceptable to the Registered Voter and the Ratification Officer, provide special assistance to a Registered Voter at the polls by marking a ballot in secret as directed by the Registered Voter and immediately folding and depositing the ballot into the ballot box.
- 19.11 The Ratification Officer, after providing special assistance to a Registered Voter, will make an entry on the List of Registered Voters opposite the name of the Registered Voter indicating:
- (a) that the ballot was marked by the Ratification Officer at the request of the Registered Voter;
 - (b) the reason for the Registered Voter's request; and
 - (c) the name of the witness.
- 19.12 Except for a Registered Voter requiring special assistance, every Registered Voter receiving a ballot at a poll will:
- (a) proceed immediately to a designated voting area;
 - (b) mark the ballot by placing a cross ("X") in the box marked "YES" or in the box marked "NO";
 - (c) fold the ballot so as to conceal the mark and expose the initials of the Ratification Officer;
 - (d) immediately give the folded ballot to the Ratification Officer.
- 19.13 Upon receiving a marked ballot, the Ratification Officer, without unfolding it, will:

- (a) verify his or her initials;
- (b) remove the perforated strip, if any; and
- (c) deposit the ballot into the ballot box.

19.14 A Registered Voter at a poll who receives a spoiled or improperly printed ballot, or who accidentally spoils his or her ballot when marking it, is entitled to receive another ballot from the Ratification Officer after returning the original ballot.

19.15 The Ratification Officer will record a ballot returned in accordance with clause 18.14 as spoiled.

19.16 A Registered Voter at a poll who receives a ballot and does not return it to the Ratification Officer will forfeit the right to vote and the Ratification Officer will make an entry on the List of Registered Voters stating that the Registered Voter left the poll without delivering the ballot and will record the ballot as cancelled.

19.17 At the time set for closing the polls, the Ratification Officer will declare the polls closed, and entry will be denied to the polls, but all remaining Registered Voters in the polls at that time are entitled to remain until they have voted.

20 ORDERLY VOTING

20.1 Council, with the assistance of the Ratification Officer, will ensure that peace and good order are maintained at the polls.

20.2 The Ratification Officer will allow only one Registered Voter at a time into a designated voting area, except for a Registered Voter receiving special assistance.

20.3 A Registered Voter who is present and available to vote at a poll before the closing time will be entitled to vote.

20.4 No person will:

- (f) interfere or attempt to interfere with a Registered Voter when the Registered Voter is voting;
- (g) obtain or attempt to obtain information as to how a Registered Voter is about to vote or has voted;
- (h) mark a ballot in a way that identifies the Registered Voter; or
- (i) mark the secrecy envelope for a mail-in ballot in a way that indicates how the

ballot was cast.

21 REJECTED BALLOTS

21.1 A cast ballot will be rejected if it:

- (j) was not supplied by the Ratification Officer or assistant Ratification Officer;
- (k) was not marked as either “YES” or “NO”;
- (l) was marked as both “YES” and “NO”;
- (m) was marked outside a box marked “YES” or “NO” such that the Ratification Officer cannot reasonably discern the intent of the Registered Voter; or
- (n) has any writing or mark which can identify the Registered Voter.

21.2 A ballot marked with anything other than a cross (“X”), or marked with anything other than a blue or black pen, will not be rejected if:

- (a) the mark is in a box;
- (b) the mark does not identify the Registered Voter; and
- (c) in the opinion of the Ratification Officer, the intent of the Registered Voter is clear.

22 OPENING MAIL-IN BALLOTS

22.1 After the close of the polls on the last Voting Day, the Ratification Officer, in the presence of the Verifier and any Registered Voters who may be present, will:

- (o) open the ballot box for mail-in ballots;
- (p) open the secrecy envelope and confirm the authenticity of the ballot by checking the affixed initials; and
- (q) deposit each ballot, without opening or showing it, in a ballot box used at the polls.

23 COUNTING OF BALLOTS

23.1 After the close of a poll other than the poll at which the Ratification Officer is presiding, the assistant Ratification Officer presiding at that poll, with the Verifier or Assistant Verifier who will act as a witness, will:

- (a) seal the ballot box at that poll such that no further ballots may be deposited in that ballot box;
 - (b) initial the seal; and
 - (c) forthwith transport the sealed ballot box to the Ratification Officer at the poll at which he or she is presiding.
- 23.2 After the mail-in ballots have been deposited in a ballot box and after all ballot boxes have been received from the polls, the Ratification Officer, in the presence of the Verifier and any Registered Voter who may be present, will:
- (a) count the number of spoiled ballots;
 - (b) examine all ballots contained in the ballot boxes;
 - (c) reject any ballots as required under clauses 16.10 and 20.1; and
 - (d) count the number of ballots marked “YES”, the number of ballots marked “NO” and the number of rejected ballots.
- 23.3 When the results of the Ratification Vote have been determined, the Ratification Officer will execute a Certification by Ratification Officer in Form 14.
- 23.4 The Ratification Officer will seal in separate envelopes the spoiled ballots, the rejected ballots, the ballots cast in favor and the ballots cast against and will thereupon:
- (a) affix his or her signature to the seals; and
 - (b) request the Verifier to affix his/her signature to the seals.
- 23.5 The Ratification Officer will retain the separate envelopes for at least 60 days in his or her secure possession, and may unless otherwise instructed by Council in writing thereafter destroy the ballots cast and the spoiled ballots.

24 PROCEDURAL AMENDMENTS

- 24.1 In order to give effect to and carry out the objectives and purpose of the Ratification Vote, the Ratification Officer, Council or its designate and the Verifier may agree upon a variation of the procedural requirements of this Ratification Process if they:
- (d) deem it necessary to do so; and
 - (e) reasonably believe the variation will not result in any substantive change to those procedural requirements.

24.2 The Verifier will state in writing the nature and basis of a variation under clause 23.1 and make a copy of the statement publicly available.

24.3 The Ratification Officer or Verifier may modify a form appended to this Ratification Process to add or update, but not remove, material detail.

25 OBJECTIONS

25.1 An Eligible Voter or the representative of Canada appointed under clause 8.2 of the Framework Agreement may file an objection with the Verifier if the Eligible Voter or representative has reasonable grounds for believing that:

- (f) there was a violation of, or irregularity in, this Ratification Process; and
- (g) the final result of the Ratification Vote might have been different but for the violation or irregularity.

25.2 An objection must be received by the Verifier within five days of the last Voting Day or in accordance with clause 13.14.

25.3 An objection must be in writing and must:

- (a) identify the name, address and telephone number of the Eligible Voter or representative of Canada making the objection;
- (b) summarize the grounds for the objection; and
- (h) be accompanied by a statutory declaration setting out the grounds for the objection.

25.4 The Verifier may, if the material provided under clause 24.3 is insufficient to decide the validity of the objection, conduct such further investigations as he deems necessary.

25.5 If an objection is filed under this Part in accordance with clauses 24.2 and 24.3, the Verifier will, within 10 days of the last Voting Day or in accordance with clause 13.14, determine whether the objection is valid.

25.6 If the Verifier determines the objection is valid, he may allow the objection and call another Ratification Vote.

25.7 If the Verifier determines that:

- (a) there was neither a violation of, nor an irregularity in, this Ratification Process; or
- (b) there was a violation of, or an irregularity in, this Ratification Process but the final result of the Ratification Vote was not affected,

the Verifier will dismiss the objection.

26 REPORT BY VERIFIER

26.1 Within 15 days of the last Voting Day or in accordance with clause 13.15, the Verifier will send a written report in Form 15 on the conduct of the Ratification Vote to the MMFN and the Minister of AANDC.

27 CERTIFICATION OF LAND CODE

27.1 The Land Code and the Individual Agreement will be approved if:

- (i) a majority of the registered Eligible Voters who register to vote, vote in favour; and
- (j) the total number of “yes” votes is at least 25 % plus 1 of the total number of all Eligible Voters.

27.2 If the Land Code and the Individual Agreement are approved by the Registered Voters under clause 26.1, Council will as soon as practicable after receiving the report of the Verifier under clause 25.1, pass a resolution in Form 16 and send a copy of the approved Land Code and a declaration of the results of the vote to the Verifier.

27.3 Upon receiving the Land Code and the resolution in Form 16 from Council, the Verifier will certify the Land Code and forward a commissioned copy of Form 17 together with a copy of the certified Land Code to the MMFN, the Minister of AANDC and the Chair of the Lands Advisory Board.

**Form 1 – Ballot Question
Ratification Process**

BALLOT QUESTION

Do you approve:

- **The *Madawaska Maliseet First Nation Land Code*, dated for reference _____; and**
- **The *Individual Agreement between Madawaska Maliseet First Nation and Her Majesty the Queen in right of Canada?***

EXPLANATION

A “**YES**” vote means that Madawaska Maliseet First Nation will manage its own reserve lands under the Madawaska Maliseet First Nation *Land Code*.

A “**NO**” vote means that Madawaska Maliseet First Nation lands will continue to be managed by the Aboriginal Affairs and Northern Development Canada under the *Indian Act*.

YES

NO

Mark this Ballot by placing a Cross (**✕**) in one of the above boxes.

**Form 2 – First Nation Council Resolution
(Information to Verifier)
Ratification Process**

**FIRST NATION COUNCIL RESOLUTION
(Information to Verifier)**

The Council of Madawaska Maliseet First Nation, in accordance with the clause 8.3 of the Framework Agreement on First Nation Land Management and clause 4 of the Madawaska Maliseet First Nation *Community Ratification Process*, do hereby resolve to submit the following information to the verifier, in quadruplicate:

1. the proposed Madawaska Maliseet First Nation *Land Code* dated for reference _____;
2. the initial List of Voters who, according to the records of Madawaska Maliseet First Nation, would be eligible to vote on whether to approve the proposed Madawaska Maliseet First Nation *Land Code*; and
3. the proposed Madawaska Maliseet First Nation *Community Ratification Process*, dated for reference _____.

Dated at _____, in the Province of New Brunswick on the ____ day of _____, 2015.

Chief Patricia Bernard

Councillor Diane Pelletier

Councillor Donna Wallace-Bourgeault

(* A quorum for Madawaska Maliseet First Nation consists of 2 Council members)

**Form 3 – Confirmation By Verifier
(Land Code and IA Ratification Process)**

CONFIRMATION BY VERIFIER

(Land Code and Individual Agreement Ratification Process)

CANADA)
)
PROVINCE OF New Brunswick)

I, Jennifer Copage, of Indian Brook First Nation, in the Province of Nova Scotia DO SOLEMNLY DECLARE THAT:

1. I was appointed as the Verifier for Madawaska Maliseet First Nation by the Madawaska Maliseet First Nation on the 2nd day of February 2015 and by Canada on the 5th day of March 2015 for the purpose of verifying the community approval of their Land Code and their Individual Agreement, in accordance with the *Framework Agreement on First Nation Land Management* and the *First Nations Land Management Act*.
2. In accordance with clause 8.3 of the Framework Agreement, I received the following information from *Madawaska Maliseet First Nation* on _____, 201_:
 - (a) a copy of the *Madawaska Maliseet First Nation Land Code*;
 - (b) a list of the names of every Member of Madawaska Maliseet First Nation who, according to the records of the Madawaska Maliseet First Nation at that time, would be eligible to vote on whether to approve the Land Code and the Individual Agreement; and
 - (c) a detailed description of the community approval process that Madawaska Maliseet First Nation proposes to use.
3. A true copy of the Land Code, entitled the Madawaska Maliseet First Nation *Land Code*, dated for reference _____, 201_ is attached as Exhibit “1” to this Declaration.
4. A true copy of the community approval process, entitled Madawaska Maliseet First Nation *Community Ratification Process*, dated for reference _____, 201_ is attached as Exhibit “2” to this Declaration.
5. In accordance with clause 8.4 of the Framework Agreement and section 8 of the Act, I reviewed the Madawaska Maliseet First Nation *Land Code* and the Madawaska Maliseet First Nation *Community Ratification Process* to decide whether:

- (a) the Madawaska Maliseet First Nation *Land Code* conforms with the requirements of clause 5 of the Framework Agreement and section 6 of the Act; and
 - (b) the *Madawaska Maliseet First Nation Community Ratification Process* conforms with clause 7 of the Framework Agreement and section 8 of the Act.
6. In accordance with clause 8.8 of the Framework Agreement and section 8.1(a) of the Act, *the Madawaska Maliseet First Nation Land Code and the Madawaska Maliseet First Nation Community Ratification Process* are hereby *confirmed/not confirmed* as being consistent with the Framework Agreement.
7. My reasons for not confirming *the Madawaska Maliseet First Nation Land Code* or *Madawaska Maliseet First Nation Community Ratification Process* are as follows:

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the)
 _____ of _____,)
 in the Province of New Brunswick, this)
 _____ day of _____, 201_.)
)
)
 _____)
 A Commissioner for Taking Oaths in and)
 for the Province of New Brunswick.)

Jennifer Copage, Verifier

**Form 4
Ratification Process**

**FIRST NATION COUNCIL RESOLUTION
(Commencement of Vote)**

The Council of Madawaska Maliseet First Nation, in accordance with the Framework Agreement on First Nation Land Management and section 6 of the Madawaska Maliseet First Nation Community Ratification Process, do hereby resolve to:

1. Confirm _____ as the Ratification Officer;
2. Confirm the List of Eligible Voters;
3. Authorize the use of Electronic Voting Methods, internet and/or automated telephone voting, with the use of an Electronic Voting Platform service offered by _____, an independent service provider, _____;
4. Confirm the text of the Madawaska Maliseet First Nation Community Ratification Process, as confirmed by the Verifier and dated for reference _____, 201__;
5. Confirm the text of the Madawaska Maliseet First Nation Land Code, as confirmed by the Verifier and dated for reference _____, 201__;
6. Hold a Ratification Vote to determine if the community approves the Ratification Documents in accordance with the Madawaska Maliseet First Nation Community Ratification Process;
7. Confirm the Ballot Question in the form attached as Annex #1;
8. Set the Advance Voting Day(s) to be ____ day(s) of _____, 201__; and
9. Set the Official Voting Day to be the ___ day of _____, 201__.

Dated at Madawaska Maliseet First Nation, Province of _____ on the ___ day of _____, 201__.

Chief Patricia Bernard

Councillor Diane Pelletier

Councillor Donna Wallace-Bourgeault

(* A quorum for Madawaska Maliseet First Nation consists of 2 Council members)

**Form 5
Ratification Process**

FIRST NATION COUNCIL RESOLUTION
(Approval of Individual Agreement for Vote)

The Council of *Madawaska Maliseet First Nation* in accordance with the *Framework Agreement on First Nation Land Management* and section 6 of the *Madawaska Maliseet First Nation Community Ratification Process*, do hereby resolve to confirm the text of the Individual Agreement, dated for reference _____, 201__, which includes a process for amendment;

Dated at Madawaska Maliseet First Nation, Province of New Brunswick on the ___ day of _____, 201__.

Chief Patricia Bernard

Councillor Diane Pelletier

Councillor Donna Wallace-Bourgeault

(* A quorum for Madawaska Maliseet First Nation consists of 2 Council members)

**Form 6 – Appointment of Ratification Officer
Ratification Process**

APPOINTMENT OF RATIFICATION OFFICER

Date

I, _____, agree to act as Ratification Officer for the Ratification Vote to determine if the Eligible Voters of the Madawaska Maliseet First Nation approve the Ratification Documents, and shall discharge my duties in accordance with the Madawaska Maliseet First Nation *Community Ratification Process* and the requirements of confidentiality.

Ratification Officer

**Form 6A – Appointment of an Assistant Ratification Officer
Ratification Process**

APPOINTMENT OF AN ASSISTANT RATIFICATION OFFICER

Date

I, _____, Ratification Officer, appoint _____ to act as my assistant in carrying out my duties in accordance with the *Madawaska Maliseet First Nation Community Ratification Process* for the purpose of the Ratification Vote.

Ratification Officer

I, _____ agree to act as an assistant to the Ratification Officer for the purpose of the Ratification Vote and promise to carry out all assigned duties to the best of my abilities and in accordance with the *Madawaska Maliseet First Nation Community Ratification Process* and the requirements of confidentiality.

Assistant Ratification Officer

Form 7 – Notice of Community Ratification Vote

Ratification Process

**NOTICE OF Madawaska Maliseet First Nation
COMMUNITY RATIFICATION VOTE**

Notice is hereby given that the Madawaska Maliseet First Nation has called a Vote in accordance with the Madawaska Maliseet First Nation Community Ratification Process on the matter of determining if Registered Voters approve the Madawaska Maliseet First Nation Land Code and Individual Agreement.

The following question will be asked of the Registered Voters of Madawaska Maliseet First Nation by Ballot:

"Do you approve the Madawaska Maliseet First Nation Land Code dated for reference _____ and the *Individual Agreement with Her Majesty the Queen in Right of Canada?*"

**ELECTRONIC POLLS OPEN 8:00 AM on
ELECTRONIC POLLS CLOSE 8:00 AM on
REGULAR POLLS OPEN 8:00 AM on
REGULAR POLLS CLOSE 8:00 PM on**

RATIFICATION VOTE LOCATION AND TIMES

LOCATION
8:00 AM to 8:00 PM

Copies of the Background Documents, the Ratification Documents and Ratification Process may be obtained from **Lands Officer**, at the Madawaska Maliseet First Nation Administration Office, 1771 Main St. Madawaska Maliseet First Nation, NB E7C 1W9

AND FURTHER TAKE NOTICE that all Members of the Madawaska Maliseet First Nation , 18 years of age and older as of the date of the last official Voting Day of the _____ of _____, 2016 are eligible to vote, **PROVIDED THAT SUCH MEMBERS MUST COMPLETE A VOTER REGISTRATION DOCUMENT TO BE PLACED ON THE LIST OF REGISTERED VOTERS.** Voter registration documents will be sent to all Eligible Voters whose address is on record with the Madawaska Maliseet First Nation. **VOTER REGISTRATION** documents are also available from _____, Ratification Officer at the website and contact information appearing below.

Please Note: Any Registered Voter may vote in person, by Mail-in Ballot or electronically. If an Eligible Voter has not received a Voter Registration Document by _____ please contact _____, Ratification Officer so that the necessary form can be provided to you. Eligible Voters may also obtain a Voter Registration Document at the Vote locations as indicated above.

Dated at _____, Province of New Brunswick this _____ day of _____, 20____.

Ratification Officer: _____
For more information please contact _____, Ratification Officer
Ph/Txt: _____ Fax: _____ Email: _____

_____, New Brunswick Website: _____

**Form 8 – Voter
Registration Document
Ratification Process**

Voter Registration Document

To Vote in the Madawaska Maliseet First Nation Ratification Vote

If you choose the option to vote electronically, and complete your registration electronically you are deemed to have registered and are not required to complete and return Form 8 or Form 9

I, _____, am registering as a Registered Voter and:

<p>(Check one only)</p> <p><input type="checkbox"/> I will be able to attend a polling station in person</p> <p><input type="checkbox"/> I will be voting by mail-in ballot.</p> <p><input type="checkbox"/> I will be voting electronically via the internet</p>	
--	--

<p>My mailing address is:</p> <p>Number: _____ Street: _____</p> <p>City/Town: _____</p> <p>Province/State: _____</p> <p>Country: _____ Postal/Zip: _____</p>	<p>My phone number is:</p> <p>Home #: (_____) _____ - _____</p> <p>Mobile #: (_____) _____ - _____</p> <p>Messages #: (_____) _____ - _____</p> <p>Email: _____</p>
---	---

<p>I confirm that I am at least 18 years of age, or will be 18 years of age by _____, 2016 and I am a Member of the Madawaska Maliseet First Nation, and that:</p> <p>My Band Member Number is _____ and my Date of Birth is _____;</p> <p>And that I have signed this Voter Registration Form, together with a witness to my signature.</p>	
<p>_____ Signature of Eligible Voter</p>	<p>_____ Date</p>
<p>_____ Signature of Witness</p>	<p>_____ Print Name of Witness</p>

<p>For Ratification Officer's Use Only</p>	
<p>This is to certify that this Eligible Voter has been registered and his or her full name, band number and date of birth have been placed on the List of Registered Voters.</p> <p>_____</p> <p>_____</p>	

Date

Ratification Officer.

**Form 9 – Identification Envelope
Ratification Process**

IDENTIFICATION ENVELOPE

If you choose the option to vote electronically, and complete your registration electronically you are deemed to have registered and are not required to complete and return Form 8 or Form 9

IDENTIFICATION ENVELOPE

Madawaska Maliseet First Nation
RATIFICATION VOTE

PLEASE ENCLOSE ONE SECRECY ENVELOPE CONTAINING ONE BALLOT

Full Name of Registered Voter: _____
(Please print your name)

I confirm that this envelope contains only my ballot, which is sealed inside a secrecy envelope.

Signature of Registered Voter

**NOTE: Do not enclose the green Registration Form
inside the Identification Envelope.**

**Form 10 – Declaration of Ratification Officer (Mail-in Ballots)
Ratification Process**

**DECLARATION OF RATIFICATION OFFICER
(Mail-in Ballots)**

CANADA)
)
Province of _____)

I, _____, Ratification Officer, of _____, in the Province of New Brunswick, DO SOLEMNLY DECLARE THAT:

1. I was personally responsible for receiving all mail-in ballots at Madawaska Maliseet First Nation when Registered Voters of Madawaska Maliseet First Nation voted in a Ratification Vote concerning the Ratification Documents.
2. In preparation for depositing mail-in ballots and receiving electronic votes, I opened ballot box number #__.
3. I saw that the ballot box was empty and I asked Registered Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of the Registered Voters who were present, and prepared it for the reception of ballot papers.
5. I personally deposited all of the mail-in ballots received by me into ballot box # _____ without opening the secrecy envelope, and kept the ballot box sealed when not in my custody until the ballots were counted.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the Province of _____)
_____, this _____ day of _____,)
201_.) _____)
) Ratification Officer)
)

A Commissioner for Oaths in and for the
Province of New Brunswick

**Form 10A – Declaration of Ratification Officer – Electronic Votes
Ratification Process**

DECLARATION OF RATIFICATION OFFICER
(Electronic Votes)

CANADA)
)
Province of _____)

I, _____, Ratification Officer, of _____, in the Province of New Brunswick, DO SOLEMNLY DECLARE THAT:

- 1. I was personally responsible for receiving all *electronic votes* at Madawaska Maliseet First Nation when the Registered Voters of Madawaska Maliseet First Nation voted electronically in the Ratification Vote concerning the Ratification Documents.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the Province of _____)
_____, this _____ day of _____,)
201_.) _____)
) Ratification Officer)

A Commissioner for Oaths in and for the Province of New Brunswick

**Form 11 – Statement of Witness (Deposit of Mail-In Ballots)
Ratification Process**

**STATEMENT OF WITNESS
(Deposit of Mail-In Ballots)**

Date

I, _____ was personally present at _____ on the ____ day of _____, 20__ when the Ratification Officer deposited the secrecy envelopes containing the mail-in ballots in ballot box #____; and

1. I am a Registered Voter.
2. I witnessed that ballot box #__ was empty before any secrecy envelopes containing mail-in ballots were deposited.
3. I witnessed the Ratification Officer seal the ballot box and sign the seal.
4. I signed the seal, as requested by the Ratification Officer.

Witness

**Form 11A- Statement of Witness (Opening of Mail-In Ballots)
Ratification Process**

**STATEMENT OF WITNESS
(Opening of Mail-In Ballots)**

Date

I, _____ was personally present at _____ on the ___ day of _____, 20___ when the Ratification Officer opened the mail-in ballot packages; and:

1. I am a Registered Voter.
2. The mail-in ballot packages were unopened immediately prior to the time the Ratification Officer opened them.
3. The Ratification Officer confirmed that the signatures that appeared on the identification envelopes were the same as the signatures that appeared on the voter registration documents.
4. The Ratification Officer checked the List of Registered Voters and ensured that the Registered Voter whose name appeared on the mail-in ballot package had not previously voted in person or by mail-in ballot.
5. The Ratification Officer placed a line through the name of each Registered Voter on the List of Registered Voters when she deposited the secrecy envelope of that Registered Voter in the separate ballot box kept for that purpose.

Witness

**Form 12 – Declaration of Ratification Officer (Regular Polls)
Ratification Process**

**DECLARATION OF RATIFICATION OFFICER
(Regular Polls)**

CANADA)
)
Province of _____)

I, _____, Ratification Officer, of _____, in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I was personally present at _____ on the ___ day of _____, 20__ when Registered Voters of Madawaska Maliseet First Nation voted in a Ratification Vote concerning the Ratification Documents.
2. Immediately before the Ratification Vote began, I opened ballot box number # ____.
3. I saw that the ballot box was empty and I asked Registered Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of those persons who were present, and kept it in view for the reception of ballot papers.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the Province of _____)
_____, this _____ day of _____)
20__ .)
) _____)
_____) Ratification Officer)
Province of New Brunswick.

**Form 13 – Statement of Witness (Regular Polls)
Ratification Process**

**STATEMENT OF WITNESS
(Regular Polls)**

Date

I, _____, was personally present at the polling place at _____ on the ____ day of _____, 20__ when Registered Voters of Madawaska Maliseet First Nation were to vote in a Ratification Vote concerning the Ratification Documents, and

1. I am a Registered Voter.
2. I witnessed that the ballot box #__ was empty before any votes were cast in the Ratification Vote.
3. I witnessed the Ratification Officer seal the ballot box and sign the seal.
4. I signed the seal, as requested by the Ratification Officer.

Witness

**Form 14 (Certification by Ratification Officer – Conclusion of Vote)
Ratification Process**

CERTIFICATION BY RATIFICATION OFFICER
(Conclusion of Vote)

CANADA)
)
Province of New Brunswick)

I, _____, Ratification Officer for Madawaska Maliseet First Nation in the Province of New Brunswick, DO SOLEMNLY DECLARE THAT:

1. I was present at _____ on the _____ days of _____, 20__ when Registered Voters of Madawaska Maliseet First Nation voted concerning approval of *the Madawaska Maliseet First Nation Land Code* and Individual Agreement in accordance with *the Madawaska Maliseet First Nation Community Ratification Process*.
2. A true copy of the Notice of Vote is attached as Exhibit “1” to this Declaration.
3. In accordance with clause 8.1 of the *Madawaska Maliseet First Nation Community Ratification Process* I posted the Notice of Vote at least 30 days prior to the first Voting Day.
4. The voting procedure, including the handling of mail-in ballots and the counting of results, was conducted in accordance with sections 13 to 22, inclusive, of the *Madawaska Maliseet First Nation Community Ratification Process*.
5. The names of _____ Eligible Voters appeared on the List of Voters.
6. The number of Eligible Voters who registered was _____ and their names were entered on the List of Registered Voters.
7. The number of Registered Voters who constituted a majority was _____.
8. The number of Eligible Voters who constituted the minimum percentage required for approval under clause 7.4 of the *Framework Agreement on First Nation Land Management* and section 12(2) of the *First Nations Land Management Act* was _____.
9. The results of the Ratification Vote are as follows:
 - (a) _____ mail-in ballots were cast in the Ratification Vote in accordance with clauses 13 and 16 of the *Madawaska Maliseet First Nation Community Ratification*

Process;

- (b) _____regular ballots were cast in the Ratification Vote in accordance with clauses 13, 18 and 19 of the *Madawaska Maliseet First Nation Community Ratification Process*;
- (c) _____electronic ballots were cast in the Ratification Vote in accordance with clauses 13, 14, 15 and _____ of the *Madawaska Maliseet First Nation Community Ratification Process*;
- (d) _____spoiled ballots were marked as spoiled as provided in clause 18.15 of the *Madawaska Maliseet First Nation Community Ratification Process*;
- (e) _____rejected ballots were rejected in accordance with clause 16.10 of the *Madawaska Maliseet First Nation Community Ratification Process* and not opened or deposited into the ballot box;
- (f) _____ballots were cancelled in accordance with clause 18.16 of the *Madawaska Maliseet First Nation Community Ratification Process*;
- (g) _____improper ballots were rejected in accordance with clause 20.1 of the *Madawaska Maliseet First Nation Community Ratification Process*;
- (h) _____ballots in favour of the Ballot Question were marked “YES” and counted;
- (i) _____ballots against the Ballot Question were marked “NO” and counted.

10. Based on the need to meet or exceed the number of Registered Voters in item 7, the number of Eligible Voters in item 8, above, and the number of YES ballots in favour of the Ballot Question, the Ratification Documents were *approved/not approved* by the Registered Voters.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the _____)
Province of _____, this _____)
day of _____ 201_ .)
_____)
_____) Ratification Officer
_____)

A Commissioner for Oaths in and for the Province of New Brunswick.

Form 15 – Report by Verifier (Conclusion of Vote)
Ratification Process

REPORT BY VERIFIER
(Conclusion of Vote)

CANADA)
Province of New Brunswick)

I, Jennifer Copage of Indian Brook First Nation, in the Province of Nova Scotia, DO SOLEMNLY
DECLARE THAT:

1. I was present at _____ on the _____ days of _____, 201_ when Registered Voters voted concerning approval of *the Madawaska Maliseet First Nation Land Code* and their Individual Agreement in accordance with *the Madawaska Maliseet First Nation Community Ratification Process*.
2. A copy of the Notice of Vote is attached as Exhibit "1" to this Declaration.
3. In accordance with clause 8.1 of the *Madawaska Maliseet First Nation Community Ratification Process*, the Ratification Officer posted the Notice of Vote at least 40 days prior to the Voting Day.
4. In accordance with clause 8.2 of the *Madawaska Maliseet First Nation Community Ratification Process*, I arranged for the Notice of Vote to be published in the _____ at least 28 days prior to the first Voting Day.
5. In accordance with clause 9.2 of the *Madawaska Maliseet First Nation Community Ratification Process*, a copy of the Notice of Vote and the documents listed in clause 9.1 were sent to each person on the List of Voters at their last known address at least 40 days prior to the first Voting Day.
6. In accordance with clauses 9.3 and 9.4 of the *Madawaska Maliseet First Nation Community Ratification Process*, door-to-door visits, community information meetings and telephone contacts were made in the community.
7. In accordance with clause 10.1 of the *Madawaska Maliseet First Nation Community Ratification Process*, the information package was sent to the Department of Aboriginal Affairs Northern Development Canada at least 40 days prior to the first Voting Day, also mailed out to each person on the Department’s List of Interest Holders.
8. The names of _____ Eligible Voters appeared on the List of Voters.
9. The number of Eligible Voters who registered was _____ and their names were entered on the List of Registered Voters.
10. The number of Registered Voters who constituted a majority was _____.
11. The number of Eligible Voters who constituted the minimum percentage required for approval under clause 7.4 of the *Framework Agreement on First Nation Land Management* and section 12(2) of the *First Nations Land Management Act* was _____.
12. The results of the Ratification Vote are as follows:

- (a) _____ mail-in ballots were cast in the Ratification Vote in accordance with clauses 13 and 16 of the *Madawaska Maliseet First Nation Community Ratification Process*;
 - (b) _____ regular ballots were cast in the Ratification Vote in accordance with clauses 13, 18 and 19 of the *Madawaska Maliseet First Nation Community Ratification Process*;
 - (c) _____ electronic ballots were cast in the Ratification Vote in accordance with clauses 13, 14, 15 and _____ of the *Madawaska Maliseet First Nation Community Ratification Process*;
 - (d) _____ ballots were spoiled as provided in clause 18.15 of the *Madawaska Maliseet First Nation Community Ratification Process*;
 - (e) _____ ballots were rejected in accordance with clause 16.10 of the *Madawaska Maliseet First Nation Community Ratification Process* and not opened or deposited into the ballot box;
 - (f) _____ ballots were cancelled in accordance with clause 18.16 of the *Madawaska Maliseet First Nation Community Ratification Process*;
 - (g) _____ improper ballots were rejected in accordance with clause 20.1 of the *Madawaska Maliseet First Nation Community Ratification Process*;
 - (h) _____ ballots were marked “YES” for the Question; and
 - (i) _____ ballots were marked “NO” for the Question.
13. Based on the need to meet or exceed the number of Registered Voters in item 10, and the number Eligible Voters in item 11, above, the Ratification Documents were *approved/not approved* by the Registered Voters.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the)
Province of New Brunswick, this _____)
day of _____ 201_.)
_____)
A Commissioner for Oaths in and for the)
Province of New Brunswick.)

Jennifer Copage, Verifier

Form 16 – First Nation Council Resolution (Submission to Verifier at Conclusion of Vote) Ratification Process

FIRST NATION COUNCIL RESOLUTION
(Submission to Verifier at Conclusion of Vote)

Whereas the *Madawaska Maliseet First Nation Land Code* and the Individual Agreement were submitted to a Ratification Vote at Madawaska Maliseet First Nation on the _____ days of _____, 20__;

And Whereas the Verifier has reported that the Ratification Vote was conducted in accordance with the *Madawaska Maliseet First Nation Community Ratification Process* confirmed by the Verifier;

And Whereas the Registered Voters approved these documents at the Ratification Vote held on the ___ day of _____, 20__ ;

Now therefore the Council of, Madawaska Maliseet First Nation in accordance with the *Framework Agreement on First Nation Land Management* and clause 6.2 of the *Madawaska Maliseet First Nation Community Ratification Process*, do hereby resolve to send to the Verifier the approved *Madawaska Maliseet First Nation Land Code*, attached hereto as Annex #1, for certification by the Verifier.

Dated at _____, Province of New Brunswick this _____ day of _____, 201_.

Chief Patricia Bernard

Councillor Diane Pelletier

Councillor Donna Wallace-Bourgeault

(* A quorum for Madawaska Maliseet First Nation consists of 2 Council members)

**Form 17 – Certification of Land Code
Ratification Process**

CERTIFICATION OF LAND CODE

Whereas the *Madawaska Maliseet First Nation Land Code* and the Individual Agreement were submitted to a Ratification Vote at Madawaska Maliseet First Nation on the _____ days of _____, 20__ ;

And Whereas I have reported that the Ratification Vote was conducted in accordance with the *Madawaska Maliseet First Nation Community Ratification Process* confirmed by me as the Verifier;

And Whereas the *Madawaska Maliseet First Nation Land Code* and the Individual Agreement were approved by the Registered Voters at the Ratification Vote on the day of _____, 20__ ;

Therefore, I hereby certify the *Madawaska Maliseet First Nation Land Code*, attached as Annex #1 hereto.

Dated at _____ this _____ day of _____, 201__.

Jennifer Copage, Verifier