



**Madawaska Maliseet First Nation**  
**LAND CODE REGULATION #1**  
**(Land Law Consultation & Enactment Regulations)**

- in accordance with -

*Madawaska Maliseet First Nation Land Code*  
and the *Framework Agreement on First Nation Land Management*

**July 1, 2019**



**TABLE OF CONTENTS**

	<b>Page</b>
<b>AUTHORITY</b>	1
<b>PART 1: TITLE &amp; PURPOSE</b>	1
s.1 Title & Purpose	1
<b>PART 2: DEFINITIONS &amp; INTERPRETATION</b>	1
s.2 Definitions	1
s.3 Interpretation	3
<b>PART 3: PROPOSAL OF A LAND LAW MATTER</b>	3
s.4 Proposal of a Lands Guideline, Policy, Regulation, or Law	3
<b>PART 4: LAND LAW SUBJECT MATTER</b>	4
s.5 Land Law Matters Enacted by Quorum of Council	4
s.6 Land Law Matters Requiring a Meeting of Members	4
s.7 Land Law Matters Requiring Community Approval	5
s.8 Land Law Matters Requiring a Ratification Vote	5
<b>PART 5: NOTIFICATION &amp; CONSULTATION PROCEDURES</b>	5
s.9 Purpose	5
s.10 Notification and Review by Lands Committee & Lands Department	6
s.11 Notification of Members of a Proposed Land Law or Regulation	6
s.12 Notification of Members of a Meeting of Members or Community Approval	6
s.13 Notification of Members of a Ratification Vote	7
s.14 Notification of Members of an Enacted Land Law or Regulation	7
s.15 Notification of Members of a Land Law Matter Policy or Guideline	8
s.16 Notification for Receiving Comments, Amendments	8
s.17 Procedure for Meeting of Members	8
s.18 Notification & Consultation of Third-Parties	9
s.19 Recording Minutes of Consultation Meetings	9
<b>PART 6: COMMUNITY APPROVAL PROCEDURE</b>	9
s.20 Community Approval Methods	9
s.21 Participation & Quorum	9
s.22 General Procedures for Community Approval	10
s.23 Procedure for Community Approval by Establishing Polling Locations	12
s.24 Procedure for Community Approval by Show of Hands	15
s.25 Procedure for Community Approval by Mail-In Ballot	15
s.26 Procedure for Community Approval by Electronic/Telephone Voting	17
<b>PART 7: PROCEDURES FOR AMENDMENTS PRIOR TO ENACTMENT</b>	19
s.27 Review of Objections, Recommendations, and Requests for Amendment	19
<b>PART 8: PROCEDURE FOR ENACTMENT BY COUNCIL</b>	19
s.28 Preliminary Steps	19
s.29 Enactment Procedure	20
s.30 Conflicts of Interest	21
<b>PART 9: DISPUTE RESOLUTION</b>	21
s.31 Dispute Resolution	21
<b>PART 10: COMMENCEMENT</b>	21
s.32 Commencement	21



**TABLE OF CONTENTS**  
**(Continued)**

<b>COMMUNITY APPROVAL VOTE FORMS</b>		<b>Page</b>
Form 1	Oath of Office for Voting Officer	22
Form 2	Appointment of an Assistant Voting Officer	23
Form 3	Band Council Resolution Commencing Vote	24
Form 4	Notice of Vote	25
Form 5	Ballot Question	26
Form 6	Directions for Voting	27
Form 7	Vote Tally	28
Form 8	Declaration of Voting Officer	29
Form 9	Statement of Witness	30
Form 10	Voting Officer's Report	31
Form 11	Certification by Voting Office	32
Form 12	Community Approval Band Council Resolution	33



## AUTHORITY

Pursuant to section 24.2 of the *Madawaska Maliseet First Nation Land Code*, the following regulation is enacted to set out the procedure for developing and implementing land laws.

### PART 1 TITLE & PURPOSE

#### 1. Title and Purpose

- 1.1 The title of this Regulation is *Madawaska Maliseet First Nation Land Code Regulation No 1*. This Regulation may be referred to as the *Madawaska Maliseet First Nation Land Law Consultation and Enactment Regulations*.
- 1.2 The purpose of this Regulation is to set out the principles and procedures by which Madawaska Maliseet First Nation will approve of its proposed Land Laws in accordance with the *Madawaska Maliseet First Nation Land Code*.

### PART 2 DEFINITIONS & INTERPRETATION

#### 2. Definitions

- 2.1 The following definitions apply in this Regulation:
  - (a) “Council” means the Chief and Council of the Madawaska Maliseet First Nation;
  - (b) “Electronic/Telephone Voting” means casting a ballot via the internet or telephone;
  - (c) “Electronic/Telephone Voting Platform” means a process by which a Member may vote via a telephone and or web-based platform;
  - (d) “Eligible Voter” means, in respect of Land matters under the *Land Code*, a Member of Madawaska Maliseet First Nation who has attained the age of eighteen (18) years of age on the day of the vote, or in the absence of a vote, the day of the Resolution;
  - (e) “*Framework Agreement*” means the *Framework Agreement on First Nation Land Management* entered into between Canada and the signatory First Nations on February 12, 1996, and amended to include the Madawaska Maliseet First Nation on March 3, 2014;
  - (f) “Guidelines” refers to directing procedures for policies;
  - (g) “Identification Envelope” refers to the envelope that identifies an Eligible Voter



with their printed and signed name, containing a mail-in ballot;

- (h) “Interest”, in relation to Madawaska Maliseet First Nation Land, means any Interest, right, or estate of any nature in or to that Land, including a certificate of possession, certificate of entitlement, lease, easement, right of way, servitude, or profit à prendre, but does not include title to that Land;
- (i) “Land” means any Madawaska Maliseet First Nation reserve Land that is subject to the *Land Code*;
- (j) “*Land Code*” means the *Madawaska Maliseet First Nation Land Code*, which sets out the basic provisions regarding the exercise of the Madawaska Maliseet First Nation’s rights and powers over its Land;
- (k) “Land Law” means a law, including, but not limited to, Regulations, standards, restricted to Madawaska Maliseet First Nation Land, enacted pursuant to the *Land Code*;
- (l) “Lands Committee” means the Lands Committee established pursuant to the *Land Code*;
- (m) “Lands Department” means the Lands administration branch of the Madawaska Maliseet First Nation;
- (n) “Licence” in relation to Madawaska Maliseet First Nation Land, means any right of use or occupation of the land, other than an Interest in the Land;
- (o) “List of Voters” means the list of Eligible Voters prepared in accordance with section 22.1 of this Regulation;
- (p) “Madawaska Maliseet First Nation” means the Madawaska Maliseet First Nation and its Members;
- (q) “Meeting of Members” means a meeting under Part 3 of the *Land Code* (“Community Meetings and Approvals”) to which Members are invited to attend;
- (r) “Member” means a person whose name appears, or is entitled to appear, on the Madawaska Maliseet First Nation Band Membership List;
- (s) “Policy”, in relation to Land Law matters, means guiding procedures and or protocols for administering a Law or Regulation;
- (t) “Regulation” means regulations made pursuant to a Land Law;
- (u) “Resolution” means a duly executed Band Council Resolution;



- (v) “Third-Party” means any party which holds an Interest in Madawaska Maliseet First Nation Land other than Madawaska Maliseet First Nation and its Members;
- (w) “Voting Day” means the date set for holding a community approval vote and the singular; and
- (x) “Voting Officer” means the person appointed by Council under section 22.3(a) of this Regulation.

### **3. Interpretation**

- 3.1 When calculating time, all references to a period of days means consecutive days and not business days.
- 3.2 Unless it is otherwise clear from the context, whenever the singular is used, it will include the plural, and the use of the plural includes the singular.
- 3.3 Unless it is otherwise clear from the context, the use of the word “including” means “including, but not limited to,” and the use of the word “includes” means “includes, but is not limited to.”
- 3.4 For greater certainty, the language of the *Land Code* and the *Guide to Best Practices for Land Governance* may be used to clarify the meaning of any provision in this Regulation, if the meaning of that provision is not otherwise clear in English or French.
- 3.5 A reference to a law includes every amendment to it, every Regulation made under it, and any law enacted in substitution for it or in replacement of it.
- 3.6 If there is an inconsistency or conflict between this Regulation and the *Land Code*, the *Land Code* shall prevail to the extent of the inconsistency or conflict.

## **PART 3 PROPOSAL OF A LAND LAW MATTER**

### **4. Proposal of a Lands Guideline, Policy, Regulation, or Law**

- 4.1 In accordance with section 8.1 of the *Land Code* (Introduction of Laws), a Lands Guideline, Policy, Regulation, or Law may be introduced at a duly convened meeting of Council by:
  - (a) the Chief or a Councillor;
  - (b) any Eligible Voter; or
  - (c) the representative of the Lands Committee, or other body or authority composed of Members, that may be authorized by Council to do so.
- 4.2 In accordance with section 8.2 of the *Land Code* (Rationalization of Proposed Land



Law), the proponent of a Lands Guideline, Policy, Regulation, or Law must submit to Council a written explanation for the reason for the proposed Land Law matter.

#### **PART 4 LAND LAW SUBJECT MATTER**

##### **5. Land Law Matters Enacted by Quorum of Council**

5.1 In accordance with section 7 of the *Land Code* (“Law-Making Powers”), Council, by a quorum of Council, may enact a proposed Lands Guideline, Policy, Regulation, and or Law not described in sections 14.1 (Community Meeting of Members), 15.1 (Community Approval) and 16.1 (Ratification Votes) of the *Land Code*. The proposed Land Law matter must be for a regulatory instrument such as a Policy, Guideline, Regulation, Law, Rule, Standard, or Code in any matter necessary or ancillary to the making of Land Laws including:

- (a) Regulation, control, and prohibition of zoning, Land use, subdivision control, and Land development;
- (b) the creation, regulation, and prohibition of Interests and Licences in relation to Land;
- (c) environmental assessment and protection;
- (d) provision of local services in relation to Land, and the imposition of equitable user charges;
- (e) enforcement of Land Laws; and
- (f) provision of services for the resolution, outside the courts, of disputes in relation to Land.

5.2 For greater certainty, notwithstanding section 7 of the *Land Code* (“Law-Making Powers”), any proposed Land Law or other matter described in sections 14.1 (Community Meetings), 15.1 (Community Approval), and 16.1 (Community Approval by Ratification Vote) of the *Land Code* cannot be enacted by quorum of Council without following the procedures contained in Part 3 of the *Land Code* (“Community Approvals and Meetings”).

5.3 In accordance with section 8.6 of the *Land Code* (Urgent Matters), Council may enact a Lands Guideline, Policy, Regulation, and or Law without the preliminary steps ordinarily required, if Council is of the opinion that the Lands Guideline, Policy, Regulation, and or Law is needed urgently for public health, safety, or to protect the Land or Members. However, such a law expires one hundred and twenty (120) days after its enactment unless re-enacted in accordance with the requisite preliminary steps.

##### **6. Land Law Matters Requiring a Meeting of Members**

6.1 In accordance with section 14.1 of the *Land Code* (Community Meetings), Council shall hold a Meeting of Members prior to the enactment of any Land Law or other enumerated matter with respect to:



- (a) declaring Land or an Interest to be subject to the *Land Code*;
- (b) enacting a Land Law respecting a community plan or subdivision plan;
- (c) any development affecting a heritage site or an environmentally sensitive property;
- (d) enacting a Land Law respecting environmental assessment and protection;
- (e) enacting a Land Law respecting the transfer and assignment of rights and Interests in Madawaska Maliseet First Nation Land;
- (f) enacting a Land Law respecting matrimonial real property on reserve;
- (g) enacting a Land Law respecting the rate and criteria for the payment of fees or rent for Madawaska Maliseet First Nation Land;
- (h) enacting a Land Law respecting the rights and procedures on community expropriation; and
- (i) respecting any other matter, Land Law, or class of law that Council, by Resolution, declares to be subject to section 14.1 of the *Land Code*.

## 7. Land Law Matters Requiring Community Approval

7.1 In accordance with section 15.1 of the *Land Code* (Community Approval), Council shall obtain community approval prior to the enactment of any Land Law or other enumerated matter with respect to:

- (a) any master Land use plan;
- (b) any grant or disposition of any non-renewable natural resources on any Land exceeding a term of five (5) years;
- (c) any deletion of a heritage site;
- (d) any voluntary exchange of Land referred to in section 18 of the *Land Code* (“Voluntary Land Exchanges and Protections”); and
- (e) any other matter, Land Law, or class of law that Council, by Resolution, declares to be subject to section 15.1 of the *Land Code*.

## 8. Land Law Matters Requiring a Ratification Vote

8.1 In accordance with section 16 of the *Land Code* (“Ratification Votes”), community approval by ratification vote shall be obtained for an amendment to the *Land Code*.

8.2 For greater certainty, in accordance with section 16.2(b) of the *Land Code* (Exceptions), community approval by ratification vote is not required for revisions to the *Land Code* made pursuant to section 43 (“Revisions to Land Code”) of the *Land Code*.

## PART 5 NOTIFICATION & CONSULTATION PROCEDURES

### 9. Purpose

9.1 The intent of this part is to ensure that all interested parties are provided with an





opportunity to communicate regarding the enactment of Land Law matters in order to maintain and strengthen the relationships between the parties.

- 9.2 The purpose of these rules is to minimize any adverse impacts which may arise from the Land Law enactment process by facilitating a process by which the interests of Members and Third-Parties are acknowledged, and an opportunity given to address any concerns which may arise.

## **10. Notification and Review by Lands Committee & Lands Department**

- 10.1 In accordance with section 8.3 of the *Land Code* (Lands Committee Review), the Lands Committee and Lands Department shall be given *reasonable time* from the date a Land Law matter is proposed in accordance with section 4 of this Regulation (“Proposal of a Lands Guideline, Policy, Regulation, or Law”) to make recommendations on the proposed Lands Guideline, Policy, Regulation, or Law prior to enactment by Council and or the calling of a Meeting of Members, community approval, or ratification vote.

- 10.2 The Lands Committee and or the Lands Department may waive their respective review period set out in section 10.1 of this Regulation if a Land Law matter is recommended by the Lands Committee.

## **11. Notification of Members of a Proposed Land Law or Regulation**

- 11.1 In accordance with section 8.5 of the *Land Code* (Tabling and Posting of Proposed Land Laws), Members shall be notified of a proposed Land Law or Regulation prior to the duly convened meeting of Council at which the proposed Land Law or Regulation will be enacted by:

- (a) posting notice of the proposed Land Law or Regulation in a public place, such as an area of the administrative office of the Madawaska Maliseet First Nation, accessible to Members at least fourteen (14) days prior to enactment;
- (b) publishing notice of the proposed Land Law or Regulation online on Madawaska Maliseet First Nation’s website and social media channels as soon as practicable, preferably for at least fourteen (14) days; and
- (c) any additional methods as Council may consider appropriate in the circumstances.

- 11.2 For greater certainty, where a Meeting of Members or community approval is held, the minimum fourteen (14) day notification period shall only come into effect after the Meeting of Members or community approval.

- 11.3 Where practically possible, a draft copy of the proposed Land Law or Regulation shall be made available to Members at least seven (7) days prior to the meeting of Council at which the proposed Land Law or Regulation will be enacted.



## 12. Notification of Members of a Meeting of Members or Community Approval

12.1 In accordance with section 13 of the *Land Code* (“Meeting of Members and Community Approval Procedure”), Council shall give written notice of the Meeting of Members or community approval that:

- (a) calls for a Meeting of Members or declares the method of community approval;
- (b) specifies the date, time, and place of the Meeting of Members or community approval;
- (c) contains a brief description of the matters to be discussed and decided on at the meeting or community approval; and
- (d) contains the name(s) and telephone number(s) of a contact person.

12.2 In accordance with section 13.2 of the *Land Code* (Manner of Notice), notice shall be given to Members at least forty-two (42) days before the Meeting of Members or community approval, by:

- (a) posting the notice in public places on the reserve;
- (b) delivering the notice to on-reserve Members and taking reasonable steps to locate and inform Members who reside on and off-reserve;
- (c) posting the notice online on Madawaska Maliseet First Nation’s website and social media channels;
- (d) publishing the notice in the community newsletter such as *The Drumbeat*; and
- (e) any additional methods Council considers appropriate in the circumstances.

## 13. Notification of Members of a Ratification Vote

13.1 Members shall be notified of a ratification vote in accordance with the *Madawaska Maliseet First Nation Community Ratification Process* pursuant to section 16.3 of the *Land Code* (Ratification Process).

## 14. Notification of Members of an Enacted Land Law or Regulation

14.1 In accordance with section 9.1 of the *Land Code* (Publication), an enacted Land Law or Regulation shall be published as soon as practicable after enactment by:

- (a) recording in the minutes of the Council meeting at which it was enacted;
- (b) posting a copy of the Land Law or Regulation in an area of the administrative office of the Madawaska Maliseet First Nation accessible to Members for thirty (30) days;
- (c) publishing online on Madawaska Maliseet First Nation’s website and social media channels, notification of and or a copy of the enacted Land Law or Regulation, preferably for at least thirty (30) days;
- (d) publication in the next issue of the community newsletter such as *The Drumbeat*; and
- (e) any additional methods Council considers appropriate in the circumstances.

**15. Notification of Members of a Land Law Matter Policy or Guideline**

15.1 Members shall be notified of a proposed and or enacted Land Law Policy or Guideline, by any such method Council considers appropriate in the circumstances.

**16. Notification for Receiving Comments, Amendments**

16.1 Members shall be notified of the deadline date set for receiving comments and or requests for amendments to a proposed Land Law or Regulation by any method Council considers appropriate in the circumstances.

16.2 Members shall be given at least seven (7) days to submit comments and or requests for amendments on a finalized draft copy of the proposed Land Law or Regulation prior to enactment.

16.3 If the proposed Land Law or Regulation is substantially amended, Members shall be given notice of the amended proposed Land Law or Regulation in accordance with section 11 of this Regulation (“Notification of Members of a Proposed Land Law or Regulation”).

16.4 For greater certainty, minor revisions such as renumbering, the addition or deletion of references, reconciling minor inconsistencies, and correcting grammatical and typographical errors are generally not considered substantial amendments.

**17. Procedure for Meeting of Members**

17.1 In accordance with sections 11.1 (Participation of Members) and 13.4 (Who May Attend) of the *Land Code*, every Member is entitled to attend and participate in the Meeting of Members. In accordance with section 13.4 of the *Land Code* (Who May Attend), non-Members may attend and or participate in a Meeting of Members with permission of Council.

17.2 In accordance with section 14.2 of the *Land Code* (Quorum and Participation), no quorum of Council or minimum level of community participation is required at a Meeting of Members.

17.3 In accordance with section 13.3 of the *Land Code* (Informed Decisions), Council may schedule more than one Meeting of Members as may be necessary to ensure that Members are well informed.

17.4 For greater certainty, a Meeting of Members may be held prior to a community approval and or ratification vote process.

**18. Notification & Consultation of Third-Parties**

- 18.1 Council shall notify any known Third-Parties potentially affected by a proposed Lands Guideline, Policy, Regulation, or Law by any method Council considers appropriate in the circumstances, preferably at the same time and in the same manner as Members.
- 18.2 Where Council considers appropriate, a consultation meeting shall be held to allow the Third-Parties an explanation of the Land Law matter proposed and to consider suggestions and recommendations for any changes to the Land Law matter that the Third-Party may want to be brought before Council for review and possible amendment.
- 18.3 Any known Third-Parties potentially affected by an enacted Land Law or Regulation shall be notified. Notification of enacted Land Laws and or Regulations shall be made in writing in a manner Council considers appropriate in the circumstances. Land Law Guidelines and or Policies shall be communicated to interested Third-Parties by any such method Council considers appropriate in the circumstances.
- 18.4 No voting rights are contemplated nor confirmed to any Third-Party under the *Land Code*, or this Regulation. The consultation and review by Third-Parties is extended to ensure there is meaningful representation, review, and consultation on any Land Law matter affecting a known Third-Party Interest.

**19. Recording Minutes of Consultation Meetings**

- 19.1 The Lands Department shall ensure minutes are recorded for all notification and consultation meetings, including any Meeting of Members and Third-Party consultation meetings. Recorded minutes shall be deposited in the register of central records at the administrative offices of the Madawaska Maliseet First Nation.

**PART 6  
COMMUNITY APPROVAL PROCEDURE****20. Community Approval Methods**

- 20.1 In accordance with section 15.3 of the *Land Code* (Community Approval Methods), community approval shall be obtained by one or more of the following methods:
- (a) establishing polling locations;
  - (b) show of hands;
  - (c) mail-in ballot;
  - (d) alternative voting methods, such as Electronic/Telephone Voting; or
  - (e) any other method outlined in voting policies.

**21. Participation & Quorum**

- 21.1 In accordance with section 12 of the *Land Code* (“Participation of Eligible Voters”),



every Eligible Voter is entitled to participate in community approvals.

- 21.2 In accordance with section 15.4 of the *Land Code* (Quorum), in order to obtain a quorum for community approval, at least five percent (5%) of Eligible Voters shall participate;
- 21.3 In accordance with section 15.5 of the *Land Code* (Approval by Majority), a matter shall be considered approved if a majority of fifty percent plus one (50%+1) of participating Eligible Voters vote to approve the matter;
- 21.4 In accordance with section 15.6 of the *Land Code* (Second Community Approval Vote), if a quorum was not obtained at a first community approval, a second community approval may be called without any quorum requirement;
- 21.5 In accordance with section 15.7 of the *Land Code* (Approval by Majority), a matter shall be considered approved at a second community approval vote if a majority of fifty percent plus one (50%+1) of participating Eligible Voters vote to approve the matter.

## **22. General Procedures for Community Approval**

- 22.1 Eligible Voters shall be registered in a List of Voters which contains the full name, band registry number, birth date, and address of each Eligible Voter. The Voting Officer shall confirm with the Indian Registry Administrator to determine if a person is an Eligible Voter. For greater certainty, the final List of Eligible Voters is confirmed in accordance with section 15.4 of the *Madawaska Maliseet First Nation Community Ratification Process*.
- 22.2 No proxy vote shall be used at any time.
- 22.3 Council shall pass a Resolution which:
  - (a) appoints a Voting Officer, who shall be a person knowledgeable about overseeing voting processes and preferably who shall have no personal interest in the outcome of the vote;
  - (b) confirms the List of Voters;
  - (c) confirms the text of the proposed Lands Guidelines, Policy, Regulation, or Law;
  - (d) confirms the wording of the ballot question;
  - (e) confirms the method(s) of community approval in accordance with section 20 of this Regulation (“Community Approval Methods”); and
  - (f) sets the Voting Day(s).
- 22.4 Members shall be given notice of the vote in accordance with section 12 of this Regulation (Notification of Members of a Meeting of Members or Community Approval) and the notice given shall include:
  - (a) the date, place, and time of the vote;
  - (b) the method of the vote;



- (c) the ballot question;
  - (d) the criteria for being an Eligible Voter;
  - (e) instructions for obtaining background documents such as the *Land Code* and the proposed Land Law matter; and
  - (f) the name, office address, email address, and telephone number of the Voting Officer.
- 22.5 All community approval methods must use the same ballot question on each ballot.
- 22.6 In the event of a community emergency, tragedy, or disaster occurring within seven (7) days leading up to and including the first Voting Day or the first additional Voting Day, the Voting Officer may, at his or her sole discretion, make a formal decision in writing to Council that an additional day for voting shall be held, and the following procedure shall apply:
- (a) where applicable, the ballot box is sealed and remain sealed until the close of polls at the end of the additional voting period;
  - (b) Council shall set a date for a new Voting Day or additional Voting Day to be held no more than twenty (20) days after the original date of the first Voting Day;
  - (c) all ballots from all Voting Days will be counted at the same time; and
  - (d) 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
- 22.7 In addition to the information given under section 22.4 of this Regulation, Council may conduct, or cause to be conducted, up until the day before the first Voting Day:
- (a) visits to the homes of Eligible Voters;
  - (b) telephone contact with Eligible Voters;
  - (c) information meetings at the Madawaska Maliseet First Nation administrative offices and or other appropriate places; and
  - (d) such other information activities as may be deemed appropriate.
- 22.8 Notwithstanding section 22.7 of this Regulation, personal visits, texting, email, telephone, and or other contact by Council with an Eligible Voter on Voting Day is only permitted for purposes of assisting such Eligible Voter to vote and to respond to questions that Eligible Voters may ask.
- 22.9 No person will:
- (a) interfere or attempt to interfere with an Eligible Voter when the Eligible Voter is voting;
  - (b) obtain or attempt to obtain information as to how an Eligible Voter is about to vote or has voted;
  - (c) mark a ballot and or secrecy envelope in a way that identifies the Eligible Voter; or



- (d) marks the secrecy envelope for a mail-in ballot in a way that indicates how the ballot was cast.
- 22.10 Results of any community approval vote, including participation and quorum, shall be recorded and included in a Resolution which shall be deposited in the register of central records at the administrative offices of the Madawaska Maliseet First Nation.
- 22.11 The Voting Officer is responsible for overseeing the conduct of the vote and has all the powers necessary to carry about that responsibility including duly appointing one or more assistants to carry out his or her duties.
- 22.12 In order to give effect to and carry out the objectives and purpose of the community approval, the Voting Officer and Council may agree upon a variation of the procedural requirements of this community approval process if they:
- (a) deem it necessary to do so; and
  - (b) reasonably believe the variation will not result in any substantive changes to those procedural requirements.

### **23. Procedure for Community Approval by Establishing Polling Locations**

- 23.1 The Voting Officer, in consultation with Council, will be responsible for:
- (a) designating the polling places;
  - (b) preparing sufficient copies of ballots, which will be uniform in size, appearance, quality, and weight;
  - (c) preparing sufficient copies of the voting instructions;
  - (d) obtaining the ballot box;
  - (e) providing for a designated voting area at the polls such that a registered voter can mark a ballot free from observation;
  - (f) providing a sufficient number of blue or black ink pens for marking the ballot;
  - (g) ensuring that samples of the ballot question are posted or available for examination at the polls; and
  - (h) ensuring that a Commissioner of Oaths or Notary Public will be available as required.
- 23.2 Council, with the assistance of the Voting Officer, will ensure that peace and good order are maintained at the polls.
- 23.3 The polls will be open from 8:00 a.m. until 8:00 p.m. on each Voting Day and the Voting Officer will be present at all times while the polls are open.
- 23.4 All voting at the polls will be by secret ballot.
- 23.5 At each poll, the Voting Officer will:



- (a) before the first vote is cast, open the ballot box and request an Eligible 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; and
  - (c) keep the ballot box in view for reception of ballots.
- 23.6 When a person at a poll requests to vote, the Voting Officer will:
- (a) ensure that person is an Eligible Voter;
  - (b) check the List of Eligible Voters to ensure that the person has not already voted; and
  - (c) provide the registered voter with a ballot, on the back of which are affixed the Voting Officer's initials so that the initials can be seen when the ballot is folded.
- 23.7 The Voting Officer shall place, on the List of Eligible Voters, a line through the name of every Eligible Voter receiving a ballot at a poll.
- 23.8 The Voting Officer will explain the method of voting upon request.
- 23.9 If the Voting Officer determines that the name of an Eligible Voter has been omitted, incorrectly set out, or incorrectly included on the List of Eligible Voters, he or she will, in his or her sole discretion, make the necessary revision and such revision will be final.
- 23.10 An Eligible Voter may request special assistance from the Voting Officer at the polls.
- 23.11 The Voting Officer will, on request and in the presence of a witness acceptable to the Eligible Voter and the Voting Officer, provide special assistance to an Eligible Voter at the polls by marking a ballot in secret as directed by the Eligible Voter and immediately folding and depositing the ballot into the ballot box.
- 23.12 The Voting Officer, after providing special assistance to an Eligible Voter, will make an entry on the List of Eligible Voters opposite the name of the Eligible Voter indicating:
- (a) that the ballot was marked by the Voting Officer at the request of the Eligible Voter;
  - (b) the reason for the Eligible Voter's request; and
  - (c) the name of the witness.
- 23.13 Except for an Eligible Voter requiring special assistance, every Eligible Voter receiving a ballot will:
- (a) proceed immediately to a designated voting area;
  - (b) mark the ballot by placing a mark 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 Voting Officer;





- (d) immediately give the folded ballot to the Voting Officer.
- 23.14 The Voting Officer will allow only one Eligible Voter at a time into a designated voting area, except for an Eligible Voter receiving special assistance.
- 23.15 Upon receiving a marked ballot, the Voting 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.
- 23.16 An Eligible 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 Voting Officer after returning the original ballot.
- 23.17 The Voting Officer will record a ballot returned in accordance with section 23.16 of this Regulation as spoiled.
- 23.18 An Eligible Voter at a poll who receives a ballot and does not return it to the Voting Officer will forfeit the right to vote, and the Voting Officer will make an entry on the List of Eligible Voters stating that the Eligible Voter left the poll without delivering the ballot and will record the ballot as cancelled.
- 23.19 At the time set for closing the polls, the Voting Officer will declare the polls closed, and entry will be denied to the polls, but all remaining Eligible Voters in the polls at that time are entitled to remain until they have voted.
- 23.20 A cast ballot will be rejected if it:
- (a) was not supplied by the Voting Officer;
  - (b) was not marked either "YES" or "NO";
  - (c) was marked as both "YES" and "NO";
  - (d) was marked outside a box marked "YES" or "NO" such that the Voting Officer cannot reasonably discern the intent of the Eligible Voter; or
  - (e) has any writing or mark which can identify the Eligible Voter.
- 23.21 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 Eligible Voter; and
  - (c) in the opinion of the Voting Officer, the intent of the Eligible Voter is clear.
- 23.22 After the close of a poll other than the poll at which the Voting Officer is presiding, a duly appointed representative of the Voting Officer, in the presence of any Eligible Voters who may be present, will:



- (a) seal the ballot box at that poll such that no further ballots may be deposited in the ballot box;
- (b) initial the seal; and
- (c) forthwith transport the sealed ballot box to the Voting Officer at the poll at which he or she is presiding.

23.23 After the ballot box has been received from the polls, the Voting Officer or Assistant Voting Officers, in the presence of any Eligible Voters who may be present, will:

- (a) count the number of spoiled ballots;
- (b) examine all ballots contained in the ballot box;
- (c) reject any ballots as required under section 23.20 of this Regulation;
- (d) count the number of ballots marked “YES”, the number of ballots marked “NO” and the number of rejected ballots.

23.24 The Voting Officer will seal in separate envelopes the spoiled ballots, the rejected ballots, the ballots cast in favour, and the ballots cast against and will thereupon affix his or her signature to the seals.

23.25 The Voting Officer will retain the separate envelopes for at least sixty (60) days in his or her secure possession and may, unless otherwise directed by Council in writing, thereafter destroy the ballots cast and the spoiled ballots.

#### **24. Procedure for Community Approval by Show of Hands**

24.1 Community approval by a show of hands shall be conducted at a Meeting of Members by any such procedure as Council may consider appropriate in the circumstances.

24.2 For greater certainty, community approval by a show of hands shall be conducted in a manner that is fair, transparent, and accessible.

24.3 Show of hands will generally only be used for relatively minor matters or where a second community approval is held in accordance with section 21.4 of this Regulation.

#### **25. Procedure for Community Approval by Mail-In Ballot**

25.1 The Voting Officer, in consultation with Council, will be responsible for:

- (a) preparing sufficient copies of voter registration information;
- (b) preparing sufficient copies of mail-in ballots, which will be uniform in size, appearance, quality, and weight;
- (c) preparing sufficient copies of the voting instructions; and
- (d) preparing sufficient copies of identification, secrecy, and prepaid return envelopes.

25.2 The Voting Officer will be responsible for renting a mailbox in the United States and a



mailbox in Canada.

- 25.3 At least forty days (40) days prior to the first Voting Day, the Voting Officer will provide voter registration information, a ballot, an identification envelope, a secrecy envelope, a prepaid return envelope, and voting instructions to each Eligible Voter.
- 25.4 To cast a mail-in ballot, an Eligible Voter will:
- (a) mark the ballot by placing a mark 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) complete all required information on 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 Voting Officer.
- 25.5 A mail-in ballot may be delivered to the Voting Officer by mail, courier, or hand delivery. All mail-in ballots are to be kept in a locked box, in a secure location, until the close of the polls.
- 25.6 A mail-in ballot must be received by the Voting Officer no later than the close of the polls on the last Voting Day.
- 25.7 After the Voting Officer has received a mail-in ballot, the Voting Officer will, prior to the vote date:
- (a) record the date when the mail-in ballot package was received; and
  - (b) store the mail-in ballot in a locked box, in a secure location, until Voting Day.
- 25.8 The Voting Officer will, after the last mail delivery on the last Voting Day and prior to the close of polls on that day, retrieve any mail-in ballot packages from the mail and put in a locked box, in a secure location.
- 25.9 After the close of the polls on the last Voting Day, the Voting Officer will in the presence of two or more Eligible Voters who will act as witnesses:
- (a) open the locked box containing the mail-in ballots;
  - (b) in the presence of the witnesses, open each mail-in ballot package;
  - (c) check the List of Eligible Voters to ensure that the voter has not previously voted by mail-in ballot or in person;
  - (d) if the Eligible Voter has not already voted, remove the mail-in ballot from its secrecy envelope, without opening or showing it;
  - (e) open the secrecy envelope and confirm the authenticity of the ballot by checking the affixed initials;
  - (f) deposit the mail-in ballot in the ballot box; and



- (g) place a line through the name of the Eligible Voter on the List of Eligible Voters.

25.10 The Voting Officer will reject the mail-in ballot where:

- (a) an Eligible Voter has previously voted in person or by mail-in ballot or by Electronic/Telephone Voting;
- (b) a voter is not an Eligible Voter; or
- (c) the identification envelop is not completed.

25.11 Where a mail-in ballot is rejected, the Voting Officer shall note the reason(s) for the rejection on the List of Eligible 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.

25.12 All ballots will be counted and retained in accordance with sections 23.20 – 23.21 and 23.23 – 23.25 of this Regulation.

25.14 A mail-in ballot may be delivered in person to the Voting Officer or Lands Officer in the presence of a witness.

## **26. Procedure for Community Approval by Electronic/Telephone Voting**

26.1 An Electronic/Telephone Voting platform will be offered by an independent Third-Party service provider.

26.2 Electronic/Telephone Voting platform protocol will be in accordance with section 15 of the *Madawaska Maliseet First Nation Community Ratification Process* (“Electronic Voting Platform Protocol”).

26.3 Each Eligible Voter shall be provided with a voter information package containing:

- (a) instructions to receive a unique voter identification number;
- (b) instructions for Electronic/Telephone Voting;
- (c) procedures for registration; and
- (d) voting information.

26.4 Electronic/Telephone Voting shall begin and end at the hours and date(s) specified in the notice of the vote. For greater certainty, hours shall refer to the Atlantic Time Zone. To accommodate voters, the Voting Officer may establish different hours and dates for different voting options.

26.5 Notwithstanding section 26.4, where Electronic/Telephone Voting is held in advance of community approval by establishing polling locations, the Electronic/Telephone Voting shall close no later than one (1) hour before the regular polls open on the first Voting Day.



- 26.6 The Voting Officer shall, at least 40 days before the first Voting Day, send to each Eligible Voter at their last known address or email address, an invitation to vote by Electronic/Telephone Voting.
- 26.7 To cast an Electronic/Telephone ballot, an Eligible Voter shall:
- (a) click the link in the email invitation, or enter the website address provided which shall automatically lead to the Electronic Voting website, or call the designated telephone number;
  - (b) enter their unique voter identification number;
  - (c) confirm their band registry number;
  - (d) declare their intent to vote electronically or by telephone and digitally sign;
  - (e) make the selection between “YES” and “NO”;
  - (f) be provided with the option to change or confirm their selection;
  - (g) submit the final Electronic/Telephone ballot; and
  - (h) be provided with confirmation of their Electronic/Telephone ballot being cast.
- 26.8 Upon submission of the final Electronic/Telephone ballot, no changes can be made.
- 26.9 An Eligible Voter shall be limited to only one vote through the use of a unique voter identification number and will not be permitted to cast an additional ballot by any other means.
- 26.10 The Electronic/Telephone Voting platform shall:
- (a) confirm the voter is an Eligible Voter;
  - (b) confirm that the Eligible Voter has not previously voted; and
  - (c) record on a digital list the name of each Eligible Voter who cast an Electronic/Telephone ballot and the date and time the Electronic/Telephone ballot was received and send notification to the Voting Officer.
- 26.11 In accordance with section 26.10 of the Regulation, the Voting Officer shall, before the close of the Electronic Voting Platform place a line through the name of each Eligible Voter who casted an Electronic/Telephone ballot.
- 26.12 Within seventy-two (72) hours of the close of the Electronic/Telephone polls, the Voting Officer will be notified of any incomplete Electronic/Telephone Votes; the Voting Officer shall contact the Eligible Voter immediately with alternative voting solutions, including mail-in ballot or voting in person.
- 26.13 For greater certainty, an Electronic/Telephone ballot will take priority over a mail-in ballot or a ballot casted in person.



**PART 7  
PROCEDURES FOR AMENDMENTS PRIOR TO ENACTMENT**

- 27. Review of Objections, Recommendations, and Requests for Amendment**
- 27.1 The Lands Department shall report in writing all objections, recommendations, and requests for amendment to any Land Law or Regulation for review by Council and or the Lands Committee.
- 27.2 Council and the Lands Committee shall, at their discretion, direct any revisions to the draft Land Law or Regulation.
- 27.3 The final submission of the Land Law or Regulation shall be submitted to Council for recommendation and review.
- 27.4 Substantially amended Laws or Regulations are subject to re-notification in accordance with the procedures set out in Part 5 of this Regulation (Notification & Consultation Procedures).
- 27.5 For greater certainty, minor revisions which do not necessarily require re-notification include:
- (a) a reference to a clause in an Act or document which was amended and resulted in clause renumbering;
  - (b) a reference to an Act or document, or parts thereof, that have expired, been repealed, or suspended;
  - (c) changes required to reconcile seeming inconsistencies with other acts;
  - (d) minor improvements in the language as may be required to bring out more clearly the intention of the Madawaska Maliseet First Nation without changing the substance of the proposed Law or Regulation;
  - (e) correct editing, grammatical, or typographical errors.

**PART 8  
PROCEDURE FOR ENACTMENT BY COUNCIL**

- 28. Preliminary Steps**
- 28.1 In accordance with the *Land Code* and this Regulation, the procedure for the enactment of a Lands Guideline, Policy, Regulation, or Law is as follows:
- (a) the proposed Lands Guideline, Policy, Regulation, or Law is introduced in accordance with Part 3 of this Regulation (Proposal of a Land Law Matter);
  - (b) in accordance with section 8.4 of the *Land Code* (Procedure Upon Receipt of Proposed Land Law), upon receipt of a proposed Land Law matter, Council may:
    - (i) table the proposed Land Law for further review or for enactment;



- (ii) request that the proponent provide further information or attend before a future meeting of Council to speak to the proposed Land Law;
  - (iii) undertake or direct the preparation of a draft Land Law concerning matters raised in the proposed Land Law, for consideration by Council; or
  - (iv) reject the proposed Land Law. Council shall give reasons for the rejection of any proposed Land Law, and those reasons shall be recorded in the minutes of the meeting;
- (c) where Council elects to advance the proposed Land Law matter in accordance with section 29.1(b)(i) of this Regulation, Council shall table the proposed Land Law matter at a duly convened meeting of Council in accordance with section 8.5(a) of the *Land Code* (Tabling and Posting of Proposed Land Laws);
- (d) notification and consultation procedures are undertaken in accordance with Part 5 (Notification & Consultation Procedures), section 18 (“Notification & Consultation of Third-Parties”), and section 19 (“Recording Minutes of Consultation Meetings”) of this Regulation;
- (e) where required, a Meeting of Members is held in accordance with section 17 of this Regulation (“Procedures for Meeting of Members”);
- (f) where required, community approval is obtained in accordance with part 6 of this Regulation (Community Approval Procedure);
- (g) where required, a ratification vote is held in accordance with section 27 of this Regulation (“Procedure for Ratification Vote”);
- (h) any revisions or amendments to the Lands Guideline, Policy, Regulation, or Law, including those arising from the consultation and notification procedures, shall be made in accordance with Part 8 of this Regulation (Procedures for Amendments Prior to Enactment).

## 29. Enactment Procedure

- 29.1 A Lands Guideline, Policy, Regulation, or Law which has been executed according to the preliminary steps outlined in section 29 of this Regulation (“Preliminary Steps”) shall, in accordance with section 8.7 of the *Land Code* (Approval of Land Law) be enacted by Council by Resolution at a duly convened meeting of Council open to Members.
- 29.2 Notwithstanding section 30.1 of this Regulation, section 5.3 of this Regulation (Urgent Matters) outlines the conditions for the temporary enactment of an urgently required Lands Guidelines, Policy, Regulation, or Law without the required preliminary steps.
- 29.3 In accordance with section 8.8 of the *Land Code* (Certification of Land Laws), the original copy of the approved Land Law or Resolution shall be signed by a quorum of Council.
- 29.4 In accordance with section 8.9 of the *Land Code* (Land Laws Taking Effect), a Land Law or Resolution enacted by Council takes effect on the date of its enactment, or such a later date as specified in the Land Law.
- 29.5 In accordance with section 9.2 of the *Land Code* (Registry of Land Laws), the enacted



Land Law shall be deposited in the office of central records at the administrative offices of the Madawaska Maliseet First Nation and pursuant to the *First Nations Land Management Act*, deposited in the First Nations Land Registry.

**30. Conflicts of Interest**

- 30.1 If Council is unable to enact a Land Law or Resolution due to Council having a conflict of interest, or one or more Members of Council having a conflict of interest which precludes a quorum of Council, Council shall refer the matter for community approval in accordance with section 15 of the *Land Code* (“Community Approval”).
- 30.2 For greater certainty, Section 19 of the *Land Code* “Conflict of Interest or Appearance of Conflict of Interest” shall apply to this Regulation.

**PART 9  
DISPUTE RESOLUTION**

**31. Dispute Resolution**

- 31.1 The parties shall use best efforts to prevent disputes from arising and may consider the use of alternative dispute resolution processes, especially Indigenous dispute resolution, at the earliest possible stage of any conflict.
- 31.2 Notwithstanding section 32.1 of this Regulation, Part 8 of the *Land Code* (“Dispute Resolution”) shall apply to this Regulation.
- 31.3 For greater certainty, nothing in this part shall be construed to prevent a party to a dispute from, at any stage of dispute resolution, applying to have the dispute resolved in a court of competent jurisdiction.

**PART 10  
COMMENCEMENT**

**32. Commencement**

- 32.1 Pursuant to section 8 of the *Madawaska Maliseet First Nation Land Code*, this regulation shall take effect on the date that Council approves it by Resolution.





Form 1

**Madawaska Maliseet First Nation**  
***Land Code Regulation No 1***  
**OATH OF OFFICE FOR VOTING OFFICER**

Date: \_\_\_\_\_

I, \_\_\_\_\_, hereby accept the office of Voting Officer for the community approval vote to be held on \_\_\_\_\_, and agree to maintain confidentiality in my capacity as Community Approval Voting Officer.

In the capacity of Community Approval Voting Officer, I will do my utmost to serve Madawaska Maliseet First Nation and its Members with impartiality, integrity, and honesty.

I solemnly swear that I will carry out my responsibilities impartially, conscientiously, and to the best of my abilities.

\_\_\_\_\_  
Witness (Chief or Councillor)

\_\_\_\_\_  
Community Approval Voting Officer  
Madawaska Maliseet First Nation



Form 2

**Madawaska Maliseet First Nation**  
*Land Code Regulation No 1*

**APPOINTMENT OF AN ASSISTANT VOTING OFFICER**

Date: \_\_\_\_\_

I, \_\_\_\_\_, Madawaska Maliseet First Nation Community Approval Voting Officer, appoint \_\_\_\_\_ to act as my assistant in carrying out my duties in accordance with the *Madawaska Maliseet First Nation Land Code Regulation No 1* for the purpose of a community approval vote.

\_\_\_\_\_  
Community Approval Voting Officer  
Madawaska Maliseet First Nation

I, \_\_\_\_\_, agree to act as an assistant to the Madawaska Maliseet First Nation Community Approval Voting Officer for the purpose of this community approval vote and promise to carry out all assigned duties to the best of my abilities and in accordance with the *Madawaska Maliseet First Nation Land Code Regulation No 1*.

\_\_\_\_\_  
Assistant Community Approval Voting Officer  
Madawaska Maliseet First Nation



**Madawaska Maliseet First Nation**  
***Land Code Regulation No 1***

**BAND COUNCIL RESOLUTION COMMENCING VOTE**

The Chief and Council of Madawaska Maliseet First Nation, pursuant to the *Madawaska Maliseet First Nation Land Code Regulation No 1* and the *Madawaska Maliseet First Nation Land Code*, do hereby resolve to:

1. Confirm \_\_\_\_\_ as the Community Approval Voting Officer;
2. Follow *Madawaska Maliseet First Nation Land Code Regulation No 1*, dated for reference \_\_\_\_\_;
3. Approve the text of the *Madawaska Maliseet First Nation [LAW NAME & NO.]* for Member approval, as confirmed by the Community Approval Voting Officer and dated for reference \_\_\_\_\_;
4. Hold a community approval vote to determine if the Members approve of the [*LAW NAME & NO.*] in accordance with the *Madawaska Maliseet First Nation Land Code Regulation No 1*;
5. Confirm the ballot question attached as Form 5; and
6. Set the Voting Day to be \_\_\_\_\_.

Dated at Madawaska Maliseet First Nation on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
 Chief

\_\_\_\_\_  
 Councillor

\_\_\_\_\_  
 Councillor



Form 4

**Madawaska Maliseet First Nation  
Land Code Regulation No 1**

**NOTICE OF VOTE**

\_\_\_\_\_[DATE OF VOTE]\_\_\_\_\_

TO ALL  
MADAWASKA MALISEET FIRST NATION MEMBERSHIP

**TAKE NOTICE** that a community approval vote of a Land Law Matter will be held pursuant to the *Madawaska Maliseet First Nation Land Code Regulation No 1 (Consultation & Enactment)*, in order to determine if the Madawaska Maliseet First Nation Membership approves of the proposed [LAW NAME & NO., description if req.].

The following question will be asked of the Eligible Voters of Madawaska Maliseet First Nation by ballot:

**Do you approve of enacting  
[LAW NAME & NO, description if req.] dated for reference \_\_\_\_\_?**

EXPLANATION:

A “YES” vote means that the Eligible Voter approves of the proposed Madawaska Maliseet First Nation Land Law.

A “NO” vote means that the Eligible Voter does not approve of the proposed Madawaska Maliseet First Nation Land Law.

The community approval vote will take place on the \_\_\_\_\_ day of \_\_\_\_\_, from \_\_\_\_:\_\_\_\_ a.m./p.m. until \_\_\_\_:\_\_\_\_ a.m./p.m. at

[PLACE(S) OF VOTING]

Copies of the Lands Law Vote background documents may be obtained from:

Madawaska Maliseet First Nation Lands Office  
1771 rue Principale, Madawaska Maliseet First Nation, NB E7C 1W9  
Telephone: 506-739-9765

**AND FURTHER TAKE NOTICE** that Members of the Madawaska Maliseet First Nation 18 years of age or over (as of the date of the vote) are eligible to vote.

**DATED** at Madawaska Maliseet First Nation this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.



Form 5

**Madawaska Maliseet First Nation  
Land Code Regulation No 1**

**BALLOT QUESTION**

**BALLOT QUESTION**

**Do you approve of enacting  
[LAW NAME & NO, description if req.] dated for reference \_\_\_\_\_?**

**YES**

**NO**

Mark this Ballot by placing a mark, such as an "X" OR "✓"  
in one of the above boxes.



Form 6

**Madawaska Maliseet First Nation**  
***Land Code Regulation No 1***

**DIRECTIONS FOR VOTING**

1. Go into the polling booth.
2. Place an “X” or “✓” in the space provided on the ballot opposite the question.
3. If you make a mistake with your ballot, return it to the Voting Officer who will give you another ballot.
4. Do not place any other mark any place on the ballot.
5. Do not mark more than one answer.
6. When you are done, fold the ballot so that the initials of the Voting Officer or the Assistant Voting Officer can be seen (without showing how you voted), and hand the ballot to the Voting Officer or Assistant Voting Officer.



Form 7

**Madawaska Maliseet First Nation**  
**Land Code Regulation No 1**  
**VOTE TALLY**

**Instructions:** to be used by the Voting Officer or Assistant Voting Officers in the presence of any Eligible Voters who may be present to aid in counting ballots. When the Voting Officer unfolds a ballot and reveals which ballot choice is marked, he or she makes a cross or other mark in the appropriate square.

**“YES” Ballots**

	10
	20
	30
	40
	50
	60
	70
	80
	90
	100
	110
	120
	130
	140
	150
	160
	170
	180
	190
	200
	210
	220
	230
	240
	250
	260
	270
	280
	290
	300

**REJECTED Ballots**  
**“NO” Ballots**

	10
	20
	30
	40
	50
	60
	70
	80
	90
	100
	110
	120
	130
	140
	150

	10
	20
	30
	40
	50
	60
	70
	80
	90
	100
	110
	120
	130
	140
	150
	160
	170
	180
	190
	200
	210
	220
	230
	240
	250
	260
	270
	280
	290
	300

Counter’s Initials: \_\_\_\_\_

Date: \_\_\_\_\_



Form 8

**Madawaska Maliseet First Nation  
Land Code Regulation No 1**

**DECLARATION OF VOTING OFFICER**

I, \_\_\_\_\_, Madawaska Maliseet First Nation Community Approval Voting Officer, DO SOLEMNLY DECLARE THAT:

1. I was personally present at \_\_\_\_\_ on \_\_\_\_\_, when the Members of Madawaska Maliseet First Nation voted in a community approval vote concerning the proposed *Madawaska Maliseet First Nation [LAW NAME & NO.]*
2. Immediately before the opening of the polls on the date of the vote, I opened the ballot box.
3. I saw that the ballot box was empty, and I asked Eligible Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of these persons who were present, and kept it in view for the reception of ballots.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true.

\_\_\_\_\_  
Community Approval Voting Officer  
Madawaska Maliseet First Nation





Form 9

**Madawaska Maliseet First Nation  
Land Code Regulation No 1**

**STATEMENT OF WITNESS**

Date: \_\_\_\_\_

I, \_\_\_\_\_, was personally present at \_\_\_\_\_ on  
\_\_\_\_\_, when the polls were opened in a community approval vote  
concerning the proposed *Madawaska Maliseet First Nation* [*LAW NAME & NO.*], and

1. I am an Eligible Voter;
2. I witnessed that the ballot box was empty before any votes were cast in the community approval vote;
3. I witnessed the Community Approval Voting Officer seal the ballot box and sign the seal; and
4. I signed the seal, as requested by the Community Approval Voting Officer.

\_\_\_\_\_  
Witness



**Madawaska Maliseet First Nation**  
***Land Code Regulation No 1***  
**VOTING OFFICER'S REPORT**

- 1. Law for Enactment: [TITLE]
- 2. Date of Vote: [DATE]
- 3. Location of Vote: [LOCATION]
- 4. Time of Vote: [TIME]
- 5. Total Number of Electors: [#]
- 6. Number of Ballots Cast and Counted: [#]
- 7. Total Number of Votes Cast in Favour of the Law Enactment: [#]
- 8. Total Number of Votes Cast Against the Law Enactment: [#]
- 9. Total Number of Rejected Ballots: [#]
- 10. Total Number of Cancelled Ballots: [#]

11. The following result has been publicly declared:

*[LAW NAME & NO.] has [not] been approved by a majority of Eligible Voters present at a Community Approval called to make a decision on whether or not to enact the law.*

12. The [LAW NAME & NO.] is in force as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

13. I, \_\_\_\_\_, appointed to the position of Community Approval Voting Officer declare that the polling place was kept open between the hours of \_\_:\_\_ a.m/p.m. and \_\_:\_\_ a.m./p.m., that I have correctly counted the votes cast for each ballot, have performed all other duties required of me by the *Madawaska Maliseet First Nation Land Code Regulation No 1*, and that a copy of this report will be posted in at least one conspicuous place in Madawaska Maliseet First Nation.

\_\_\_\_\_  
 Community Approval Voting Office  
 Madawaska Maliseet First Nation



**Madawaska Maliseet First Nation  
Land Code Regulation No 1**

**CERTIFICATION BY VOTING OFFICER**

I, \_\_\_\_\_, Madawaska Maliseet First Nation Community Approval Voting Officer, DO SOLEMNLY DECLARE THAT:

1. I was present at Madawaska Maliseet First Nation on \_\_\_\_\_, when the Eligible Voters of Madawaska Maliseet First Nation held a community approval vote concerning the approval of the *Madawaska Maliseet First Nation* [LAW NAME & NO] in accordance with *Madawaska Maliseet First Nation Land Code Regulation No 1*.
2. The community approval voting procedure, including notice and the counting of results, was conducted in accordance with *Madawaska Maliseet First Nation Land Code Regulation No 1*.
3. The number of Eligible Voters on the Voter's List was \_\_\_\_\_.
4. The number of Eligible Voters who cast their vote was \_\_\_\_\_.
5. The number of Eligible Voters who constituted a majority was \_\_\_\_\_.
6. The number of Eligible Voters who constituted the \_\_\_% minimum percentage required for a quorum of Eligible Voters under section 15 of the *Madawaska Maliseet First Nation Land Code* was \_\_\_\_\_.
7. The results of the vote are as follows:
  - (a) \_\_\_\_\_ ballots were spoiled;
  - (b) \_\_\_\_\_ ballots were deemed rejected;
  - (c) \_\_\_\_\_ ballots were marked "YES" to the question; and
  - (d) \_\_\_\_\_ ballots were marked "NO" to the question
8. The *Madawaska Maliseet First Nation* [LAW NAME & NO] was [not] approved by the Madawaska Maliseet First Nation Eligible 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.

\_\_\_\_\_  
Community Approval Voting Officer  
Madawaska Maliseet First Nation



Form 12

**Madawaska Maliseet First Nation**  
*Land Code Regulation No 1*

**COMMUNITY APPROVAL BAND COUNCIL RESOLUTION**

**Whereas** the *Madawaska Maliseet First Nation* [LAW NAME & NO] was submitted to a community approval vote of the Eligible Voters of Madawaska Maliseet First Nation;

**Whereas** the Community Approval Voting Officer has reported that the community approval vote was conducted in accordance with the *Madawaska Maliseet First Nation Land Code Regulation No 1* and the *Madawaska Maliseet First Nation Land Code*;

**And Whereas** the *Madawaska Maliseet First Nation* [LAW NAME & NO] was approved by the Eligible Voters of the Madawaska Maliseet First Nation on \_\_\_\_\_;

**Now Therefore**, the Chief and Council of Madawaska Maliseet First Nation, pursuant to the *Madawaska Maliseet First Nation Land Code Regulation No 1* and the *Madawaska Maliseet First Nation Land Code*, do hereby declare and certify, the *Madawaska Maliseet First Nation* [LAW NAME & NO], a Land Law of Madawaska Maliseet First Nation and in full force.

Dated at Madawaska Maliseet First Nation on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Chief

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor



Madawaska Maliseet First Nation

**BAND COUNCIL RESOLUTION**

Department: Lands
File reference no.:

	Reserve
The Council of the Madawaska Maliseet First Nation New Brunswick	St. Basile Indian Reserve #10
Date of Duly Convened Meeting <u>08 / 08 / 19</u> D M Y	Account _____ \$ _____

**Whereas:** The Madawaska Maliseet First Nation enacted the *Madawaska Maliseet First Nation Land Code* on January 1, 2018; and

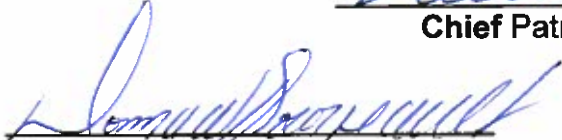
**Whereas:** pursuant to section 24.2 of the Land Code, the Lands Committee has recommended to Council the *Land Law Consultation and Enactment Regulations* (Land Code Regulation No. 1) for developing and implementing land laws; and

**Whereas:** the Lands Committee and Council has reviewed the Land Code Regulation No. 1.

**Therefore Be it Resolved That:** upon a motion duly made and passed at a duly convened Band Council meeting, the Council of the Madawaska Maliseet First Nation hereby approves the *Land Law Consultation and Enactment Regulations* (Land Code Regulation No. 1), dated July 1, 2019, in accordance with section 8 of the *Madawaska Maliseet First Nation Land Code*.

Quorum: 3

  
Chief Patricia Bernard

  
Councillor Donna Wallace-Bourgeault

  
Councillor Diane Pelletier