

Nipissing First Nation
Community Vote Procedures

1. Purpose:

The Nipissing First Nation "Community Vote Procedures" are established to facilitate a community vote on any matter requiring same. The Nipissing First Nation Council approved these procedures on 5th day of November, 1999.

2. Definitions:

"community vote" means a vote of eligible voters held to decide a specific question after a notice of vote has been publicly posted for a minimum (30) thirty days and where a (50%) fifty per cent plus (1) one majority of those in attendance carries the vote.

"eligible voter" means a member of the Nipissing First Nation who has attained the age of eighteen years by or on the date of the vote.

"member" means a person whose name appears on a Nipissing First Nation membership list administered under either a Nipissing First Nation Membership Code or the *Indian Act*.

3. Process:

The Nipissing First Nation Council will appoint a qualified Electoral Officer to preside over the vote.

4. Electoral Officer

It is the responsibility of the Electoral Officer to preside over and manage the community vote which shall be held by secret ballot.

(a) The Electoral Officer will be responsible for the design and development of ballots, notices, report forms/formats, voting directions and any other printed materials necessary to efficiently manage the voting process.

(b) For assistance in the vote, the Electoral Officer:

(i) will appoint, direct and supervise one Deputy Electoral Officer for the polling place on vote day.

- (ii) will automatically, upon appointing Deputy Electoral Officer(s), confer on the Deputy Electoral Officer equivalent authority to the Electoral Officer.
- (c) The Electoral Officer shall develop a Voters' List that contains the names, in alphabetical order, of all eligible voters and post in one or more conspicuous places in the community.

5. Vote

In order to prepare for and manage the vote, the Electoral Officer:

- (a) shall prepare a Notice of Vote and cause the notice to be published and circulated in the community and posted in one or more conspicuous places in the community. At a minimum that notice shall include:
 - (i) the location(s), date and time on which the vote will be held,
 - (ii) the criteria for being an eligible voter,
 - (iii) the questions(s) on which an eligible voter may vote,
 - (iv) the location of voters' lists where one would check to ensure he/she is included if he/she is an eligible voter, and
 - (v) the name, location, hours and telephone number where the Electoral Officer or Deputy Electoral Officer may be contacted.
- (b) shall, up to the close of polls on vote day, review a request by an eligible voter to have the Voters' List amended and if satisfied that the list should be corrected or amended, shall make the necessary corrections when:
 - (i) an eligible voter's name has been omitted or is incorrectly set out therein, or
 - (ii) the name of a person not qualified to vote is included therein.

- (c) shall prepare sufficient ballot papers for the vote which:
 - (i) contain the question(s) on which an eligible voter may vote, and
 - (ii) have been designed in such a manner to ensure that a mark on a ballot does not show through to the unmarked side.
- (d) shall secure and make available one ballot box for the polling place.
- (e) shall, before the polling place is open, cause to be available sufficient folded ballot papers that he/she has initialed for validity, materials for marking the ballot papers, and a sufficient number of directions for voting as may be required for each.
- (f) shall provide compartment(s) at the polling place where eligible voters can mark their ballot papers free from observation.
- (g) shall arrange for constable availability to maintain order at the polling place.
- (h) shall keep the polling place open from 9:00 a.m. local time to 8:00 p.m. local time on vote day, or as established by the Electoral Officer on directions received from the elected Council, but in no case shall the polls be open less than (10) ten hours.
- (i) shall, immediately before the commencement of the balloting at the poll, open the ballot box and call such persons as may be present to witness that the ballot box is empty; lock and properly seal the ballot box affixing his/her initials to the seal and place in view for the reception of the ballots.
- (j) shall ensure the seal is not broken nor the ballot box unlocked during the time allotted for any voting.
- (k) shall ensure a Commissioner of Oaths is accessible at the polling place.

6. Voting and Counting Ballots

It is intended where appropriate in this section that Electoral Officer shall be deemed to include Deputy-Electoral Officer.

At the poll, eligible voters will vote in person and may be required to confirm his/her identity to the Electoral Officer using photo identification in order to receive a ballot on which to register his/her vote.

- (a) Any person representing himself/herself to be an eligible voter asked to confirm his/her identification and being unable to do so will be required to swear and sign an oath that he/she is the person he/she claims to be.
- (b) The Electoral Officer, when requested to do so, shall explain the method of voting to an eligible voter.
- (c) The Electoral Officer, once satisfied as to the true identity of the eligible voter, shall provide the eligible voter with a ballot, draw a line through the appropriate name on the master Voters' List and add any necessary comment beside the name as well.
- (d) Each eligible voter receiving a folded ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark his/her ballot by placing a cross (x) or check mark (✓) in the box that identifies his/her choice of option(s).
- (e) Voting
 - (i) While any eligible voter is in the compartment for the purpose of marking his/her ballot paper, no other person shall, except as provided in subsection (ii) below, be allowed in the same compartment or be in any position from which he/she can see the manner in which such eligible voter marks his/her ballot.
 - (ii) The Electoral Officer, at the request of any eligible voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed in subsection (i) above, shall assist such eligible voter and place

such ballot in the ballot box.

- (iii) In the case of (ii) above, the Electoral Officer shall write next to the eligible voter's name on the Voters' list the fact that the ballot paper was marked by him/her at the request of the eligible voter and why.
- (iv) Any eligible voter who has inadvertently dealt with his/her ballot paper in such a manner that it cannot be used shall, upon returning it to the Electoral Officer or his/her Deputy be entitled to replace the ballot paper and the Electoral Officer or his/her Deputy shall thereupon write the word "canceled" on the spoiled ballot paper and preserve it.
- (f) Each eligible voter or the Electoral Officer in the case of Section 6(e)(ii) above, upon leaving the voting compartment after having properly refolded the ballot paper so the Electoral Officer's initials are showing, shall proceed directly to where the ballot paper is to be placed in the ballot box.
- (g) Any eligible voter who has received a ballot paper and who leaves the polling place without delivering the ballot paper to the Electoral Officer in the manner specified or, if after receiving the ballot paper refuses to vote, he/she shall forfeit his/her right to vote.
- (h) The Electoral Officer will, without unfolding the ballot paper and in full view of the eligible voter, verify that the validation initials are on the ballot paper and at once deposit the ballot paper into the ballot box.
- (i) Immediately after the close of the poll, the Electoral Officer shall in full view of those present, open the ballot box. The Electoral Officer shall examine the ballot papers keeping a count of the votes. The Electoral Officer shall reject all ballot papers:
 - (i) that are not validated with an appropriate initial, or

- (ii) upon which anything appears by which the voter can be identified.

and where ballot papers are rejected, the Electoral Officer shall mark that ballot paper with the word "rejected" and his/her initials and keep a separate count and place them in an envelope marked "rejected".

- (j) At the end of the count on vote day, the Electoral Officer shall confirm the count for each question as well as the number of rejected ballot papers.
- (k) When the total from (j) is known the Electoral Officer will announce the chosen option for each question.
- (l) After the public announcement, the Electoral Officer will make and sign a temporary written statement of the number of votes given to each option and the number of ballot papers rejected and post at in the polling place.
- (m) The Electoral Officer will place all ballot papers and Master Voters' Lists into one ballot box or other secure box, lock and seal the box and deliver the box to the First Nation Office for placement in the safe.
- (n) Within two days of the vote, the Electoral Officer shall cause a formal, signed report of the results of the vote to be published and circulated in the community and he/she shall also post copies in some conspicuous places. A copy of the formal report shall also be forwarded to Chief and Council and one copy filed in the First Nation Office.

7. Disposition of Ballot Papers

Six weeks after the vote, the Electoral Officer shall destroy the ballot papers in the presence of (2) two witnesses who shall sign a declaration that they witnessed the destruction of the ballot papers, unless a notice of appeal has been received. Where a notice of appeal has been received, ballot papers must not be destroyed until the appeal procedure is complete.

8. Recount

- (a) A recount will be held only if:
 - (i) any eligible voter who voted requests a recount of one or more particular questions in writing not later than (14) fourteen days after the vote, and
 - (ii) if the number of votes separating the options on the particular question(s) requested for recount is (5) five votes or less.
- (b) The Electoral Officer will perform the recount.
- (c) The Electoral Officer may appoint an assistant to help at a recount.
- (d) If there is a request for a recount that meets the criteria of (a)(i) and (a)(ii) above, the Electoral Officer will publicly perform and make a record of the recount which shall be no later than (4) four days after the request has been received.
- (e) The Electoral Officer shall retrieve, from the First Nation safe, all ballots and documents relating to the vote and securely deliver them to the place of the recount.
- (f) The eligible voter who requested a recount must attend the recount and have full view of the ballots as they are counted.
- (g) Eligible voters who voted may attend and witness the recount.
- (h) Upon completion of the recount, the Electoral Officer shall announce the results to those present in the proceedings and the results will be final.
- (i) Upon completion of the recount, the Electoral Officer shall return the documents to the First Nation safe.

- (j) The Electoral Officer shall prepare and sign a formal written report certifying the results of the recount, provide a copy of the report to the First Nation for filing and cause a copy of the report to be published in the community newsletter.

9. Vote Appeals

- (a) Up to and including (30) thirty days after a vote, any eligible voter who voted may submit a written appeal of the results of the vote by registered mail to the Electoral Officer with a copy to the Nipissing First Nation Appeals Board.
- (b) The particulars, detailed in the written appeal, shall show reasonable grounds for appeal which will include one or more of the following:
 - (i) a person or persons having voted who were not eligible to vote and that the vote or votes cast by those ineligible persons could have made a difference in the vote results and/or
 - (ii) the secrecy guaranteed of the process was compromised and/or
 - (iii) any other grounds that are deemed by the Nipissing First Nation Appeals Board as compromising a fair vote process.
- (c) The Electoral Officer may, within (14) fourteen days of receiving an appeal conduct such investigation into the matter as he/she deems necessary and in such manner as he/she deems expedient in order to approve or deny the appeal.
- (d) The Electoral Officer shall, within (21) twenty-one days of receiving an appeal, make a decision on the appeal and provide the appellant and the Nipissing First Nation Appeals Board with a formal written report on the findings and decision.
- (e) The Nipissing First Nation Appeals Board shall, within (7) days of receipt of the report referred to in subsection (e), review the report:

- (i) and publish a short summary of agreement with the findings on the appeal in the community newsletter, or
 - (ii) indicate through the community newsletter that it shall, within another (14) fourteen days, conduct such further investigation into the matter as it deems necessary and in such manner as it deems expedient in order to be satisfied that the appeal has had a full and objective review and publish the findings and decision.
- (f) The findings and decision from (e)(i) or (e)(ii) above by the Nipissing First Nation Appeal Board published in the community newsletter will be final.

10. PENALTIES

A person who violates any of the provisions of these Procedures may be liable to penalties as may be defined by the Nipissing First Nation Council from time to time.

11. AMENDMENTS, AUGMENTATIONS AND REPEALS

Nipissing First Nation Community Vote Process may be amended, augmented and repealed by way of a community vote.