

# CHIPEWYAN PRAIRIE FIRST NATION ELECTION AMENDMENT RATIFICATION VOTING GUIDELINES

## 1.0 DEFINITIONS

1.1 In these Voting Guidelines:

- a. “**Council**” means the Chief and Councillors elected pursuant to this Code and empowered to act as the governing body of the First Nation;
- b. “**First Nation**” means the Chipewyan Prairie First Nation;
- c. “**Membership List**” means a list maintained by the First Nation in accordance with the membership code of the First Nation or such other laws then in force respecting membership of the First Nation in which the name and date of birth of every member of the First Nation is recorded;
- d. “**Ratification Officer**” means a person who is designated by the Council to oversee the conduct of the Ratification Vote and, with respect to anything the Ratification Officer is permitted or required to do by these guidelines, includes an assistant delegated to perform that duty by the Ratification Officer;
- e. “**Ratification Vote**” means the vote to approve the proposed amendments to the First Nation’s election code held in accordance with these Voting Guidelines;
- f. “**Voter**” means a person whose name is entered on the First Nation’s Membership List and is the full age of (18) years old on the date of the Ratification Vote;
- g. “**Voters List**” means a list provided by the First Nation to the Ratification Officer at least 25 days before the Voting Day containing the names, in alphabetical order, of all of the Voters; and
- h. “**Voting Day**” means the day set for holding the Ratification Vote; and
- i. “**Voting Station**” means a building, hall, or room in which voting takes place.

1.2 Where there is a reference to a number of days between two events, in calculating that number of days, the day on which the first event happens is excluded and the day on which the second event happens is included.

## 2.0 APPOINTMENT OF ASSISTANT

The Ratification Officer may appoint an assistant and may delegate any of their duties set out in these Voting Guidelines to the assistant except those duties set out in Article 9.0.

### **3.0 NOTICE OF RATIFICATION VOTE**

- 3.1 The Ratification Officer will post a notice of ratification vote (the “**Notice of Ratification Vote**”) at least 25 days prior to the Voting Day.
- 3.2 The Ratification Officer will post the Notice of Ratification Vote on the First Nation’s website.
- 3.3 The Notice of Ratification Vote will contain the following information:
  - (i) the date, place, and hours of the Ratification Vote;
  - (ii) the name of the Ratification Officer and their telephone number;  
and
  - (iii) the procedure for verifying if a Voter’s name is on the Voters List.
- 3.4 The Ratification Officer will, upon request, provide a complete copy of these Voting Guidelines to any Voter.

### **4.0 VOTERS LIST AND REVISIONS**

- 4.1 The Ratification Officer will ensure that they have received the Voters List from the First Nation at least 25 days prior to the Voting Day.
- 4.2 A Voter may apply to the Ratification Officer before the Voting Day to have the Voters List revised if such Voter believes that the name of a Voter has been omitted from the Voters List.
- 4.3 A Voter may, up to and including the Voting Day, apply to the Ratification Officer to have their name added to the Voters List.
- 4.4 Upon receiving an application under sections 4.2 or 4.3 the Ratification Officer will advise the First Nation’s membership clerk who will be solely responsible for considering the merits of the application and for making any updates to the Voters List.
- 4.5 A person is eligible to have their name included on the Voters List if they are a Voter as defined in these Voting Guidelines. If a person’s name is not on the Voters List they are not entitled to vote.

### **5.0 PRELIMINARY PROCEDURES**

- 5.1 The Ratification Officer will:
  - 5.1.1 prepare sufficient copies of the ballot that are uniform in size, appearance, quality and weight;

- 5.1.2 obtain a ballot box;
- 5.1.3 obtain a voting booth for the voting station(s) where the Voter can mark the ballot free from observation;
- 5.1.4 provide a sufficient number of pens or pencils for marking the ballots;

## **6.0 VOTING PROCEDURES**

- 6.1 The polls will be open from 10:00 a.m. until 7:00 p.m. on the Voting Day.
- 6.2 All voting will be by secret ballot only.
- 6.3 Prior to any vote being cast, the Ratification Officer will:
  - 6.3.1 open the ballot box and ask a Voter to witness that the ballot box is empty;
  - 6.3.2 properly seal the ballot box and place their signature on the seal in front of the witness, and ask the witness to place their signature on the seal;
  - 6.3.3 place the ballot box in view for the reception of the ballots; and
  - 6.3.4 ensure that the witness executes a "Statement of Witness" in the form attached as Appendix "A".
- 6.4 If requested to do so by the Electoral Officer, each person requesting a ballot shall present identification to the Electoral Officer verifying their age and name.
- 6.5 The Ratification Officer, after being satisfied that a person is a Voter, will:
  - 6.5.1 affix their initials on the back of a ballot so that the initials can be seen when the ballot is folded; and
  - 6.5.2 provide the Voter with the ballot.
- 6.6 The Ratification Officer will place on the Voters List a line through the name of every Voter receiving a ballot.
- 6.7 The Ratification Officer will explain the voting procedures upon request.
- 6.8 If requested by a Voter who:
  - (i) is not able to read;
  - (ii) is incapacitated by blindness or other physical cause; or

(iii) requires assistance for any other reason;

the Ratification Officer will assist that Voter by marking their ballot as directed by the Voter, and the Ratification Officer will immediately fold and deposit it into the ballot box on behalf of that Voter.

6.9 In the circumstances described in section 6.8, the Ratification Officer, after assisting the Voter, will make an entry on the Voters List opposite the name of the Voter indicating that the ballot was marked by the Ratification Officer at the request and on behalf of the Voter.

6.10 Except as provided in section 6.9, every Voter receiving a ballot will:

6.10.1 proceed immediately to a voting booth;

6.10.2 mark the ballot by placing a cross ("X"), check mark ("✓") or other non-self-identifying mark, either in the box marked "YES" or in the box marked "NO" to clearly indicate the Voter's response to the ballot question;

6.10.3 fold the ballot to conceal the mark and to expose the initials of the Ratification Officer; and

6.10.4 immediately give the folded ballot to the Ratification Officer who, without unfolding it, will:

(i) verify their initials; and

(ii) deposit the ballot into the ballot box.

6.11 A Voter who receives a spoiled or improperly printed ballot, or who accidentally spoils their ballot when marking it, will, upon request and upon returning it to the Ratification Officer, be entitled to receive another ballot. The returned ballot will be recorded as spoiled.

6.12 A Voter who receives a ballot and does not return it to the Ratification Officer will be counted as having voted. The Ratification Officer will make an entry on the Voters List stating that the Voter left the voting booth without delivering the ballot.

6.13 At the time set for closing the poll, the Ratification Officer will declare the poll closed, deny entry into the Voting Station(s), and allow those Voters in the Voting Station(s) at that time to vote.

## **7.0 ORDERLY VOTING**

7.1 No person will interfere or attempt to interfere with a Voter when they are voting, nor will a person obtain or attempt to obtain information as to how

a Voter is about to vote or has voted.

- 7.2 The Ratification Officer will ensure that peace and good order are maintained at the voting station(s).
- 7.3 The Ratification Officer will allow only one Voter at a time into a voting booth.
- 7.4 A Voter who is inside the Voting Station(s) before the set closing time will be entitled to vote.

## **8.0 COUNTING OF RESULTS**

- 8.1 After the close of the poll on the Voting Day, the Ratification Officer, in the presence of at least one witness, will:
  - 8.1.1 count the number of spoiled ballots in accordance with section 6.11;
  - 8.1.2 show the witness that the ballot box is sealed and signed;
  - 8.1.3 open the ballot box;
  - 8.1.4 remove all of the ballots from the ballot box so that they may be counted;
  - 8.1.5 ensure that the witness executes a "Statement of Witness" in the form attached as Appendix "A";
  - 8.1.6 examine all ballots contained in the ballot box and confirm that they each contain the Ratification Officer's initials;
  - 8.1.7 reject all ballots that:
    - (i) have not been initialed by the Ratification Officer;
    - (ii) have not been marked as either "YES" or "NO";
    - (iii) have been marked as both "YES" and "NO"; or
    - (iv) have any writing or mark which can identify the Voter;
  - 8.1.8 not reject ballots marked other than with a cross ("X") check mark ("✓") or other mark if the mark does not constitute identification of the Voter and if the intent of the Voter is clear; and
  - 8.1.9 count the number of ballots marked "YES", marked "NO" and the number of rejected ballots.

- 8.2 When the result of the Ratification Vote has been determined, the Ratification Officer will execute the "Certification by Ratification Officer" in the form attached as Appendix "B".
- 8.3 The Ratification Officer will separately seal in envelopes 1) the ballots cast and counted, 2) the ballots cast and rejected, and 3) the spoiled ballots. The Ratification Officer will then affix their signature to the seals and will retain custody or arrange custody of the sealed ballot boxes.
- 8.4 Six months following the Voting Date, the Ratification Officer will destroy the ballots unless ordered by the First Nation's Council or by a Court not to do so.

## 9.0 PROCEDURAL AMENDMENTS

- 9.1 In order to give effect to and carry out the objectives and purpose of the Ratification Vote, the Ratification Officer may agree on a departure from the procedural requirements of these Voting Guidelines where they deem it necessary or desirable to do so and where they believe it will not result in any substantive change.

## 10.0 OBJECTIONS

- 10.1 A Voter who voted and has reasonable grounds for believing that:

- 10.1.1 there was a violation of these Voting Guidelines that affected the results of the Ratification Vote; or

- 10.1.2 there was corrupt practice that affected the results of the Ratification Vote;

may, within five days from the Voting Day, file an objection by emailing the Ratification Officer at **pandjoe@gmail.com** or personal delivery to the First Nation's Band Administration office including:

- (i) notice of their objection; and

- (ii) a sworn declaration setting out the grounds and indicating the evidentiary basis for the objection.

- 10.2 Where an objection is filed under section 10.1, the Council will determine 1) whether the notice discloses the grounds for objection set out in section 10.1; and 2) whether there is a reasonable prospect that the objection will succeed.

- 10.2.1 In the event that the notice does not disclose the grounds for objection set out in 10.1 and/or has no reasonable chance of success, the Council shall dismiss the objection immediately, and notify the objector of its decision.

10.2.2 In the event that the notice does disclose the grounds for objection set out in 10.1 and there is a reasonable prospect that the objection will succeed, the Council shall forward a copy of the objection to the Ratification Officer within five days of receiving it.

For greater certainty, the Council shall determine that an objection has no reasonable chance of success if the grounds, as they are set out in the objection, would not have affected the results of the Ratification Vote.

10.3 The Ratification Officer will, within five days of receiving the objection, forward to the Council a sworn declaration containing answers to the particulars stated in the Voter's declaration.

10.4 Subject to section 10.5 the Council may dispose of an objection by allowing it and calling another vote.

10.5 Where the Council is of the opinion that the grounds of the objection

(i) are not established; or

(ii) do not affect the results of the Ratification Vote

the Council will dismiss the objection, and notify the objector of its decision.

## **11.0 SECOND VOTE**

11.1 If a second vote is required, these guidelines will apply to that vote with any necessary modification.

## APPENDIX "A"

### STATEMENT OF WITNESS

\_\_\_\_\_  
Date

I, \_\_\_\_\_, was personally present at \_\_\_\_\_ on \_\_\_\_\_, 2022 when Voters of the Chipewyan Prairie First Nation voted in a Ratification Vote concerning proposed amendments to Chipewyan Prairie First Nation's election code, and:

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

\_\_\_\_\_  
Witness' Signature



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 \_\_\_\_\_  
\_\_\_\_\_, in the Province of  
Alberta, this \_\_\_ day of  
\_\_\_\_\_, 2022.

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\_\_\_\_\_  
Ratification Officer

\_\_\_\_\_  
A Commissioner for Taking Oaths for the  
Province of Alberta

