



MISSISSAUGA FIRST NATION

*Community Approval Law*

Enacted	01/09/2019
Community Meeting	10/29/2018
3 <sup>rd</sup> Reading	07/09/2019
2 <sup>nd</sup> Reading	08/08/2018
1 <sup>st</sup> Reading	07/31/2018
Reviewed/Revised, Chi-Naakinagewin Manager	01/04/2018
Reviewed/Revised, Chi-Naakinagewin Committee	16/05/2016
First Draft	05/02/2016

# Contents

I. PREAMBLE .....	3
II. INTENTION .....	3
III. DEFINITIONS.....	3
IV. CHIEF & COUNCIL RESPONSIBILITIES.....	6
V. VOTERS LIST.....	6
Preparation and Posting of Voters List .....	7
Revisions to Voters List .....	7
Additions to Voters List.....	8
Voting Where Name is Not on the Voters Lists.....	8
VI. VOTING OFFICER.....	8
Responsibility.....	8
Service Contract .....	8
Qualifications .....	9
Responsibilities .....	10
VII. NOTIFICATION.....	10
Notice of Vote .....	10
Information to Members.....	11
Available Documents .....	11
Outreach .....	11
Preliminary Ratification Procedure.....	12
VIII. VOTING METHODS .....	12
On- Line Ballots .....	12
Mail-In Ballots .....	13
In-Person .....	14
IX. RATIFICATION DAY.....	14
Orderly Voting .....	18
X. RESULTS .....	19
Rejected Ballots.....	20
XI. PROCEDURAL AMENDMENTS .....	21
XII. APPEALS.....	21
XIII. CERTIFICATION .....	22
XIV. COMING INTO FORCE.....	23
FORM 1: CHIEF & COUNCIL RESOLUTION.....	24
FORM 2: BALLOT .....	25
FORM 3: APPOINTMENT OF ASSISTANT .....	26
FORM 4: NOTICE OF VOTE.....	27
FORM 5: VOTING LIST WITHDRAWAL DECLARATION.....	28
FORM 6: DECLARATION OF ELIGIBLE VOTER, MAIL-IN BALLOTS .....	29

FORM 7: DECLARATION OF VOTING OFFICER, MAIL-IN BALLOTS ..... 30  
FORM 8: STATEMENT OF WITNESS, MAIL-IN BALLOTS ..... 31  
FORM 9: DECLARATION OF VOTING OFFICER, ON-LINE BALLOTS ..... 32  
FORM 10: STATEMENT OF WITNESS, ON-LINE BALLOTS..... 33  
FORM 11: DECLARATION OF VOTING OFFICER, IN-PERSON BALLOTS ..... 34  
FORM 12: STATEMENT OF WITNESS, IN-PERSON BALLOTS ..... 35  
FORM 13: OBJECTIONS ..... 36  
FORM 14: VOTING OFFICER CERTIFICATION ..... 37  
FORM 15: GUARANTOR DECLARATION FORM ..... 38

## I. PREAMBLE

**Whereas** the Mississauga First Nation have the inherent right given by the Creator to enact any law necessary in order to protect and preserve our Anishinaabe culture, to protect our lands, our language, customs, traditions and practices;

**Whereas** we the citizens of Mississauga First Nation exercise our inherent aboriginal and treaty rights to govern ourselves through enacting our own laws through our own *Misswezahging Constitution*, duly ratified March 15, 2015;

**Whereas** the Chief & Council of Mississauga First Nation deems it advisable and in the best interests of Mississauga First Nation to enact a Law by which Mississauga First Nation will operate all community ratifications.

## II. INTENTION

1. The purpose of this law is to consolidate community decision-making processes.
2. Any reference to a ratification procedure in any Law, Law, by-law, act, agreement, policy or proposal will be superseded by the *Community Approval Law*.

## III. DEFINITIONS

1. In this document:

**Appeals Board** means the body appointed by Chief & Council to review and make decisions concerning community vote appeals in accordance with [Part XII](#) of this Law;

**Ballot Question** means the question asked of the eligible voters in the Vote ([Form 2](#));

**Chief & Council** means the body composed of those persons elected pursuant to the *Misswezahging Constitution* and the *Election Law*;

<b>Corrupt or Fraudulent Practice</b>	includes, but is not limited to, direct or indirect bribery, or providing a financial or material incentive to a Member in exchange for a vote;
<b>Assistant</b>	means a person selected to assist the Ratification during the ratification process;
<b>Designated Public Locations</b>	<ul style="list-style-type: none"> <li>a) Dreamcatcher Complex;</li> <li>b) Official MFN website (www.mississauga.com);</li> <li>c) Daycare Centre;</li> <li>d) Education Centre;</li> <li>e) Red Pine Lodge;</li> <li>f) Sports Complex;</li> <li>g) Mississauga Women’s Shelter;</li> <li>h) Any additional locations as deemed prudent.</li> </ul>
<b>Eligible Voter</b>	<p>means a person who:</p> <ul style="list-style-type: none"> <li>a) is a member of Mississauga First Nation; and,</li> <li>b) is eighteen (18) years or older on Ratification Day;</li> </ul>
<b>Forms</b>	Forms appended for use with this <i>Community Approval Law</i> have been developed to meet the basic requirements of the described actions and should only be modified by adding, not removing, detail;
<b>Language</b>	Words in the singular include the plural and words in the plural include words in the singular, unless the context demands otherwise;
<b>Mail-in Ballot</b>	means a ballot mailed or delivered in accordance with <a href="#">Part VII</a> of the <i>Community Approval Law</i> ;
<b>Member</b>	means a person whose name appears on the Mississauga First Nation Band Membership List on Ratification Day;
<b>Mississauga First Nation</b>	means the Mississauga First Nation, also commonly referred to as Mississagi, Misswezahging, Mississauga #8, Mississauga

	Reserve, Mississauga Indian Band, Mississauga River Band of Indians or any other commonly referred to names;
<b>Misswezahging Constitution</b>	means the supreme law under which all other laws can be created and that we the citizens of Misswezahging have our inherent Indigenous and treaty rights to govern ourselves and our traditional territory;
<b>On-Line Ballot</b>	means a ballot delivered in accordance with <a href="#">Part VII</a> of the <i>Community Approval Law</i> ;
<b>OneFeather</b>	Contracted online voting and membership management service;
<b>Polling Station</b>	means a building, hall, or room which is selected to be the site for voting to take place;
<b>Proposed Document</b>	means the Law, Act, Legislation, Agreement, Consultation, or any possible written matter that is to be voted on by Mississauga First Nation members;
<b>Ratification</b>	means a general Mississauga First Nation vote held pursuant to the provisions of this <i>Community Approval Law</i> ;
<b>Ratification Day</b>	means the day set for holding the Vote;
<b>Voting Officer</b>	means a person, appointed by Chief & Council before each ratification, who has been authorized to conduct the ratification under this Law or means the person whom is contracted by the Council to conduct the ratification vote;
<b>Time</b>	When calculating time, a reference to a number of days between two events is calculated by excluding the day on which the first event occurs and including the day on which the second event occurs;
<b>Valid Photo Identification</b>	means a form of identification which contains the name and photograph of the bearer, through such identification as, but not limited to: <ul style="list-style-type: none"> <li>a) A driver's license;</li> </ul>

- b) A health card;
- c) A Certificate of Indian Status card; or
- d) A passport.

#### **IV. CHIEF & COUNCIL RESPONSIBILITIES**

2. Chief & Council shall pass a BCR, in the manner of [Form 1](#) attached to this Law, to:
  - (a) order that the Community Vote be held to determine if the community approves the Proposed Document;
  - (b) confirm the wording of the Ballot Question;
  - (c) confirm the Voting Officer;
  - (d) confirm the list of voters;
  - (e) set the Ratification Day, with sufficient advance notice so that the Voting Officer can comply with all of the requirements of this procedure; and
  - (f) appoint three (3) citizens as an appeal board.

#### **V. VOTERS LIST**

3. The List of Eligible Voters for any vote must be confirmed by a BCR.
4. At least fifty-two (52) consecutive days before the day on which a ratification is to be held, the Membership Clerk shall provide to the Voting Officer:
  - (a) The names of all Members;
  - (b) The Band membership numbers of all Members set forth in subsection (a);
  - (c) The dates of birth of all Members set forth in subsection (a);

- (d) The last known addresses, if any, of all Members that are not an Ordinary Resident on Mississauga First Nation;
  - (e) The last known e-mail addresses, if any, of all Members of Mississauga First Nation;
  - (f) A copy of completed Declaration of Voting List Withdrawal for any band members.
5. In relation to this Law, and with the exception of providing the address of Members to the Voting Officer in accordance with [Part VII](#) of this Law, the Membership Clerk shall not disclose the addresses to any Member or Proponent.
  6. To fulfill the requirements of [Part VII](#) of this Law, all Members are responsible for providing the Membership Clerk with their current addresses. For greater certainty, Mississauga First Nation assumes no responsibility where a Member fails to provide his or her accurate address.
  7. To be eligible to vote online, each Eligible Voter is responsible for registering with One Feather Mobile Technologies Limited. Instructions will be mailed out at the beginning of every voting event.

### ***Preparation and Posting of Voters List***

8. A minimum of forty-eight (48) consecutive days before the day of the ratification vote, the Voting Officer shall prepare and post a voters list containing the names of all of the Members in alphabetical order. The voters list shall be posted in Mississauga First Nation at the Designated Public Locations;
9. On request by a Member, the Voting Officer shall confirm whether their name is on the voters list.
10. The Voting Officer shall remove names of those members who have completed the voluntary withdrawal form. ([FORM 5](#))

### ***Revisions to Voters List***

11. The Voting Officer shall revise the voters list upon presentation of documentary evidence which demonstrates that:



- (a) The name of a Member has been omitted from the voters list;
- (b) The name of a Member is incorrectly set out in the voters list; or
- (c) The name of a person not qualified to vote is included in the voters list.

### ***Additions to Voters List***

12. A Member may, no later than two (2) consecutive days prior to the date of the ratification vote, demonstrate that their name has been omitted from or incorrectly set out in the voters list by presenting in writing to the Voting Officer evidence that the Member:
- (a) Is entitled to have his or her name entered on the voters list; and
  - (b) Will be at least eighteen (18) years of age on the date on which the ratification is to be held.

### ***Voting Where Name is Not on the Voters Lists***

13. A person whose name does not appear on the voters list shall be entitled to vote on the day of the Ratification vote if, to the Voting Officer's satisfaction, he or she presents documentary proof to the Voting Officer demonstrating his or her qualifications as an eligible voter.

## **VI. VOTING OFFICER**

### ***Responsibility***

14. The Chief & Council shall be responsible for selecting a Voting Officer through a tendering process that shall conclude a minimum of fifty-five (55) consecutive days before Ratification Day.

### ***Service Contract***

15. Upon the selection of a Voting Officer through a tendering process in accordance with [Section 12](#) of this Law. the Chief &

Council and the Voting Officer shall enter into a contract for services in which the contract shall include, but not be limited to, the following provisions:

- (a) The Voting Officer's full name and address;
- (b) The responsibilities of the Voting Officer;
- (c) The remuneration of the Voting Officer;
- (d) The term of the contract for services;
- (e) The date of the ratification;
- (f) The type of ratification that is to be conducted, including the Proposed Document
- (g) That the ratification shall be conducted in accordance with this Law;
- (h) The participation of the Voting Officer in any ratification appeal; and
- (i) Any special instructions.

### ***Qualifications***

16. The Voting Officer must be a person who:

- (a) Is not a Member of Mississauga First Nation;
- (b) Does not have immediate Family that are Members of Mississauga First Nation;
- (c) Does not have a Conflict of Interest as defined herein;
- (d) Is at least twenty-one (21) years of age; and
- (e) Has experience in the conduct of ratifications or has received appropriate training;
- (f) Be able to provide a clear check from the Canadian Police Information Centre (CPIC).

## ***Responsibilities***

17. The Voting Officer is responsible for overseeing the conduct of the Vote and by his or her appointment by BCR has the powers necessary for this function.
18. The Voting Officer will be required to use the One Feather online voting system to manage the election;
  - a) Therefore, the Voting Officer must have access to a laptop kept secured and internet services;
19. The Voting Officer may appoint assistants and interpreters as he/she deems necessary. Upon the appointment of an assistant, the Voting Officer and each assistant must execute an “Appointment of Assistant” agreement ([Form 3](#)).
20. The Voting Officer may delegate any of his/her duties set out in the *Community Approval Law* to the assistant(s), except for the initialing of ballots, and the opening and deposit of mail-in ballots in the mail-in ballot box, the counting of ballots, or where this procedure demands his or her declaration, certification or affidavit to confirm that the procedure was followed.
21. The Voting Officer shall establish a Vote file and place in this file, copies of all forms required under this procedure associated with the Vote. The file shall remain open until such time as the appeal period has expired. The file shall then be closed and kept by Chief & Council at the Mississauga First Nation Dreamcatcher Complex.
22. If the Voting Officer is unable to perform his/her functions because of sickness or other reason, the functions shall be transferred to the Assistant Voting Officer appointed under section 21 above, or such other person as appointed by BCR.

## **VII. NOTIFICATION**

### ***Notice of Vote***

23. The Voting Officer shall, without undue delay, post a “Notice of Vote” ([Form 4](#)) at least twenty-eight (28) days prior to the

Ratification Day in the Designated Public Locations on Mississauga First Nation where it can be read by membership. The “Notice of Vote” will contain the following information:

- (a) the date, place and time of the Vote;
- (b) the Ballot Question;
- (c) instructions for obtaining copies of the matter under consideration;
- (d) the name of the Voting Officer and his/her office address and telephone number; and,
- (e) how to register for online voting.

### ***Information to Members***

- 24. The Voting Officer will send, at least twenty-eight (28) days prior to Ratification Day, in one or more packages, the following to each eligible voter at their last known address:
  - (a) a copy of the “Notice of Vote”;
  - (b) a copy of the Proposed Document;

### ***Available Documents***

- 25. Any member may, on request, obtain a copy of the Proposed Document from Receptionist or the Voting Officer.
- 26. The Receptionist shall ensure that sufficient copies of the Proposed Document and this *Community Approval Law* are available at the Mississauga First Nation Administration Complex and are made available to the Voting Officer.
- 27. The Proposed Document must be posted on the Mississauga First Nation website.

### ***Outreach***

- 28. For the purpose of ensuring that eligible voters are fully informed prior to casting their votes on the Ballot Question, the following practices may be deployed depending upon the circumstances of the Ballot Question:
  - (a) Door to door visits at the homes of eligible voters

- (b) Scheduled local information sessions
- (c) Live stream of information sessions to membership
- (d) Urban information sessions for off-reserve membership

***Preliminary Ratification Procedure***

29. The Voting Officer will:

- (a) establish the voting station or stations;
- (b) prepare sufficient copies of ballots, which will be uniform in size, appearance, quality and weight;
- (c) prepare sufficient copies of the ballot envelopes, Declarations of Eligible Voter ([Form 5](#)) and return envelopes;
- (d) prepare sufficient copies of the voting instructions;
- (e) obtain a sufficient number of ballot boxes;
- (f) provide a space for voting at the voting station so an eligible voter can mark the ballot free from observation and maintain their privacy;
- (g) provide a sufficient number of permanent marking instruments for marking the ballot;
- (h) provide all other equipment as necessary to establish and equip the voting location;
- (i) ensure that samples of the Ballot Question are posted or available for examination by eligible voters at the voting station.

**VIII. VOTING METHODS**

***On- Line Ballots***

30. Any eligible voter may cast an online ballot.

31. Instructions on how to register and vote online will be included in the mail-out voting package;
32. To cast an online ballot, an eligible voter must:
  - (a) Register with One Feather voting services to receive log-in information
    - i. using your band number and birth date;
    - ii. using your email and password create a profile;
  - (b) mark the ballot by clicking either in the box marked “YES” or in the box marked “NO”;

### ***Mail-In Ballots***

33. Any eligible voter may cast a mail-in ballot.
34. At least twenty-eight (28) days before Ratification Day, the Voting Officer will send, to every off-reserve eligible voter for whom a last known address provided by the First Nation, a package consisting of a pre-folded initialed ballot, a prepaid return envelope pre-addressed to the Voting Officer, a secrecy envelope marked “Ballot”, an on-line voting password, declaration form, and voting instructions.
35. Mail-in Ballot packages may be given to Eligible Voters on-reserve who make a request for such a package.
36. To cast a mail-in ballot, an eligible voter must:
  - (a) mark the ballot by placing a cross (X) or any other mark that clearly indicates the eligible voter’s choice either in the box marked “YES” or in the box marked “NO”;
  - (b) enclose and seal the ballot inside the secrecy envelope marked “Ballot”;
  - (c) complete the declaration form and have it witnessed by someone over the age of 18;

- (d) enclose the completed declaration form and the sealed ballot envelope in the prepaid return envelope;
  - (e) mail or deliver the sealed return envelope to the Voting Officer;
  - (f) to be counted, a mail-in ballot must be received by the Voting Officer by the opening of the polls on Ratification Day.
37. The Voting Officer is personally responsible for the safe-keeping of the mail-in ballots and will ensure that they remain sealed when not in use and are not opened until such time as the ballots are deposited in the Ballot Box at the opening of the Vote on Ratification Day.

### ***In-Person***

38. A member may cast a ballot in-person on Ratification Day, so long as they have not placed a vote in any other method outlined above in “On-Line Ballots”, or “Mail-in Ballots”.

## **IX. RATIFICATION DAY**

### **Before Opening the Polls**

39. The Voting Officer will:
- (a) execute the “Declaration of Voting Officer, Mail-In Ballots” ([Form 8](#)); and
  - (b) ensure that a witness who is also an eligible voter completes the Statement of Witness Form, On-Line Ballots ([Form 9](#)).
40. The Voting Officer will track eligible voters using the One Feather online election management system during the day. Electors may only vote once, and once they have voted using any method their name shall be marked as having ‘voted’ and will be ineligible to vote again.
41. The Voting Officer will:

- (a) execute the “Declaration of Voting Officer, Mail In Ballots” ([Form 6](#)); and,
  - (b) ensure that a witness who is also an eligible voter completes the Statement of Witness Form, Mail In Ballots ([Form 7](#)).
- 42. Before the opening of the polls on Ratification Day, the Voting Officer, in the presence of the witness who witness the sealing of the ballot box, and any other eligible voters who may be present, will:
  - (a) open the ballot box for mail-in ballots;
  - (b) open the mail-in envelopes and confirm the Declaration of Eligible Voter Form;
  - (c) check the List of Eligible Voters to ensure that the voter has not already voted and then place a line through the name of the eligible voter on that list. If the voter has already voted the ballot shall be rejected;
  - (d) open the ballot envelopes and confirm the authenticity of the ballot by checking the affixed initials;
  - (e) count the number of mail-in ballots; and,
  - (f) deposit each ballot, without opening or showing it, in a Ballot Box.

### **Opening the Poll**

- 43. The poll shall be kept open from 9:00 am until 7:00 pm on the Ratification Day.
- 44. All voting at the polls will be by secret ballot only.
- 45. At the polling station, the Voting Officer will:
  - (a) open each ballot box and ask an eligible voter to witness that each ballot box is empty before any ballot is placed in it;



- (b) properly seal the ballot box and place his/her signature on the seal in front of the witness (witness must be an eligible voter), and ask the witness to place his/her signature on the seal;
  - (c) keep the ballot box in view of the public for the reception of the ballots;
  - (d) execute a “Declaration of Voting Officer, In-Person” ([Form 10](#)); and,
  - (e) have a witness, an eligible voter, complete the “Statement of Witness, In-Person Ballots Form” ([Form 11](#)).
- 46. When a person at a poll requests to vote, the Voting Officer will:
  - (a) ensure that the person is an eligible voter;
  - (b) check the List of Eligible Voters to ensure that the person has not already voted; and,
  - (c) if the eligible voter has not already voted, provide the eligible voter with a pre-folded ballot, on the back of which are affixed the initials of the Voting Officer so that the initials can be seen when the ballot is folded.
- 47. Any person who is a member of Mississauga First Nation over the age of 18 years, but whose name does not appear on the List of Eligible Voters, may present identification and evidence of membership to be verified by the Voting Officer. If the Voting Officer is satisfied that the person is eligible to vote pursuant to this *Community Approval Law*, the person shall be added to the eligible voters list and allowed to vote at the polling station.
- 48. The Voting Officer will place, on the List of Eligible Voters, a line through the name of every eligible voter receiving a ballot at a poll.
- 49. The Voting Officer will explain the method of voting upon request.

50. An eligible voter may request special assistance from the Voting Officer at a poll if the eligible voter declares that he/she:
- (a) is not able to read;
  - (b) is incapacitated by blindness or other physical cause; or;
  - (c) requires assistance for any other reason;
  - (d) The Voting Officer will, on request and in view of a witness of the eligible voter's choice, provide special assistance to an eligible voter at a poll by marking his/her ballot in secret as directed by the eligible voter and immediately folding and depositing it into the ballot box;
  - (e) The Voting Officer will, after providing special assistance to an eligible voter, make an entry on the List of Eligible Voters opposite the name of the eligible voter indicating that the ballot was marked by the Voting Officer at the request of the eligible voter, the witness' name and the reason for the eligible voter's request.
51. Except for an eligible voter requiring special assistance, every eligible 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" or any other mark that clearly indicates the eligible voter's choice either in the box marked "YES" or in the box marked "NO";
  - (c) fold the ballot concealing the mark and to expose the initials of the Voting Officer; and, immediately give the folded ballot to the Voting Officer.
52. Upon receiving a marked ballot, the Voting Officer, without unfolding it, will:
- (a) verify his/her initials; and,

(b) deposit the ballot in the ballot box.

53. An eligible voter at a poll who receives a spoiled or improperly printed ballot, or who accidentally spoils his/her ballot when marking it, is entitled to receive another ballot from the Voting Officer after returning the original ballot. The returned ballot will be recorded as spoiled.
54. 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. The Voting Officer will make an entry on the List of Eligible Voters stating that the eligible voter left the designated voting area without delivering the ballot and the ballot will be recorded as rejected.
55. Eligible voters will be able to vote online until the close of polls on ratification day.
56. Eligible voters can hand deliver mail-in ballots on ratification day until the close of polls.
57. At the time set for closing the poll, the Voting Officer will declare the poll closed and entry will be denied to the voting station until all remaining eligible voters at the voting station have voted.

### ***Orderly Voting***

58. Chief & Council, with the assistance of the Voting Officer, will ensure that peace and good order are maintained at the voting station.
59. 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 as provided for in [Section 48](#).
60. The Voting Officer shall note upon the Eligible Voters List any irregularities in connection with voting.
61. An eligible voter who is present and available to vote at a poll before the closing time will be entitled to vote.
62. During the vote, no person at, or within 20 feet of the polling station, shall:

- (a) interfere or attempt to interfere with an eligible voter when he/she is voting or they will be removed;
- (b) obtain or attempt to obtain information as to how an eligible voter is about to vote or has voted at a poll or they will be removed;
- (c) mark a ballot in a way that identifies the eligible voter; or,
- (d) mark the ballot envelope for a mail-in ballot in a way that indicates how the ballot was cast.

## **X. RESULTS**

63. After the mail-in ballots and on-line ballots have been deposited in a ballot box, the Voting Officer, in the presence of any other eligible voters who may be present, will:
- (a) examine all ballots contained in the ballot boxes;
  - (b) reject any ballots required by [Section 65](#);
  - (c) determine and count the number of spoiled ballots;
  - (d) subject to recount or appeal, take note of any objections on the Objections Form ([Form 11](#)) made by an eligible voter to any of the ballots found in the ballot box, decide any questions arising out of an objection, have the Voting Officer sign to acknowledge the objection and place the corresponding number on the back of the ballot with the word “allowed” or “disallowed” with his/her initials;
  - (e) count the number of ballots marked “YES”, the number marked “NO” and the number of rejected ballots and add the results to the online voting management system; and,

- (f) declare the results of the vote as a percentage of the total number of votes cast.
- 64. The Voting Officer will then, within 24 hours of the final count, execute three copies of the “Certification by Voting Officer” ([Form 14](#)): one copy to be posted the Designated Public Locations, one copy sent to the Director of Operations and one copy to be kept with the voting file.
- 65. In the event of a tie vote, the following applies:
  - (a) a recount may be held by the Voting Officer within 24 hours of the Vote;
  - (b) the results of the recount shall be final, subject to appeal; and,
  - (c) if the vote is still tied after the recount, it will be declared by the Voting Officer that the Proposed Document was not approved by the community.
- 66. Declare the Proposed Document approved by the community if fifty percent (50%) plus one (+1) vote “YES”.
  - a) For greater certainty, there shall be no minimum threshold of participation required to validate a vote.
- 67. The Voting Officer will seal in separate envelopes: the identification envelopes, spoiled ballots, rejected ballots, ballots cast in favour, ballots cast against and any unused ballots. The Voting Officer and Assistant will then affix his/her signature to the seals and will retain the separate envelopes for at least sixty (60) days.
- 68. After sixty (60) days from the Ratification Day, the contents of the separate envelopes, as set out in [Section 63](#), may be destroyed.

### ***Rejected Ballots***

- 69. A cast ballot will be rejected if it:
  - (a) was not supplied by the Voting Officer;
  - (b) was not marked as either “YES” or “NO”;

- (c) was marked as both “YES” and “NO”; or,
  - (d) has any writing or mark which identifies the eligible voter.
- 70. A ballot marked with something other than with an “X” in a box, will not be rejected if:
  - (a) the mark does not identify the eligible voter; or,
  - (b) the intent of the eligible voter is clear in the opinion of the Voting Officer.

## **XI. PROCEDURAL AMENDMENTS**

- 71. In order to give effect to and carry out the objectives and purpose of the Community Vote, the Voting Officer and the Chief or Council designate of Mississauga First Nation may agree on a departure from the procedural requirements of this *Community Approval Law* if they deem it necessary and believe it will not result in any substantive change.
- 72. The Voting Officer will state in writing the nature and basis of such departure and make a copy of the statement publicly available.

## **XII. APPEALS**

- 73. An Eligible Voter may file an appeal to the Appeals Board if the person has reasonable grounds for believing that:
  - (a) there was a violation of this *Community Approval Law* or an irregularity in that process; and,
  - (b) the final result of the Vote might have been different but for the violation or irregularity.
- 74. The Appeal Board shall consist of 3 (three) citizens appointed by Council and is bestowed with the duty and authority to determine the appeal under [Section 73](#).

75. The request for an appeal must be submitted in writing within 30 days of the vote and must also:
- (a) identify the name, address and any telephone number of the objector;
  - (b) summarize the grounds for the appeal; and,
  - (c) be accompanied by a statutory declaration setting out the grounds for the appeal.
76. The Voting Officer may participate in the Appeal at his/her own discretion, or as directed by the Appeal Board, and if the material submitted by the Appellant is not sufficient to decide the validity or the grounds of the appeal, conduct such further investigation as he or she deems necessary.
77. Subject to [Section 74](#), the Appeal Board may dispose of an appeal by allowing it and calling another vote.
78. The Appeal Board will dismiss the appeal if the Board is of the opinion that:
- (a) there was neither a violation of this *Community Approval Law* nor any irregularity in that process: or,
  - (b) there was a violation or an irregularity, but the final result of the Vote was not affected by it.

### **XIII. CERTIFICATION**

79. If the legislation before the community is approved, upon receipt of the Voting Officer Certification and thirty (30) days have passed without an appeal, Chief and Council shall sign four (4) copies of the Law.

#### **XIV. COMING INTO FORCE**

80. This Law will come into force on April 1<sup>st</sup>, 2018 after it has been made law under the process outlined in the *Misswezahging Constitution*.



## FORM 1: CHIEF & COUNCIL RESOLUTION

### Commencement of Vote

The Chief and Council of Mississauga First Nation, pursuant to the *Community Approval Law*, do hereby resolve to;

- (1) Confirm \_\_\_\_\_ as the Voting Officer;
- (2) Confirm the List of Voters, as attached hereto as Exhibit “A”;
- (3) Direct that a Vote to determine if the community approves of the \_\_\_\_\_ be held in accordance with the *Community Approval Law*;
- (4) Confirm the Ballot Question in the form attached as Form 1; and,
- (5) Set the Ratification Day to be the Day, Month, Year;
- (6) Set the On-Line voting period to be Day, Month, Year open until Day, Month, Year at noon at which time the on-line vote is closed;
- (7) That three (3) citizens will be appointed as an appeals board if and when needed;
- (8) This \_\_ day of Month, Year.

## FORM 2: BALLOT

Do you approve:

[The Proposed Document], dated Day, Month, Year.

**Mark this Ballot by placing an "X" in one of the following boxes:**

**YES**

**NO**

**FORM 3: APPOINTMENT OF ASSISTANT**

[Date]

**Voting Officer**

I, \_\_\_\_\_, Voting Officer, appoint  
\_\_\_\_\_ to act as my assistant in carrying out my  
duties in accordance with the *Community Approval Law*.

**Assistant Voting Officer**

I, \_\_\_\_\_ agree to act as an assistant to the Voting  
Officer for the purpose of the [Proposed Document] Vote and promise to carry out all assigned  
duties to the best of my abilities and in accordance with the *Community Approval Law*.

## FORM 4: NOTICE OF VOTE

**TO: MEMBERS of Mississauga First Nation**

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**TAKE NOTICE** that a Vote will be held pursuant to the *Community Approval Law* on \_\_\_\_\_, 20\_\_, in order to determine if eligible voters approve the [Proposed Document];

The following question will be asked of the Mississauga First Nation eligible voters by ballot:

“Do you approve:  
**[The Proposed Document] dated Day, Month, Year?**”

The Vote will take place on the Day, Month, Year, from 9:00 a.m. until 7:00 p.m. at: Mississauga Dream Catcher Complex.

On-Line Voting will close Day, Month, Year, at 12:00 pm (noon).

Mail-In Ballots will be accepted until close of Polls Day, Month, Year, at 7:00 p.m.

Copies of the **[Proposed Document]** and the *Community Approval Law* may be obtained from the Voting Officer or the Receptionist, at 64 Park Road, Dreamcatcher Administration Complex, who can be reached at 705-356-1621 ext. 2238.

**AND FURTHER TAKE NOTICE** that all Mississauga First Nation members 18 years of age or over as of the date of the Vote are eligible to vote by mail-in ballot, online ballot or in person. To get a mail-in ballot, or an online password, the following individuals can be contacted

\_\_\_\_\_, Voting Officer, (*address and phone number*) or  
\_\_\_\_\_, Assistant Voting Officer, (*address and phone number*).

**DATED** at , this \_\_\_ day of Month, Year.

Voting Officer Signature  
Voting Officer Name

**FORM 5: VOTING LIST WITHRAVAL DECLARATION**

Name \_\_\_\_\_

Birthdate \_\_\_\_\_

Band Number \_\_\_\_\_

1. I, \_\_\_\_\_, wish to withdraw my name from the official voting list for Mississauga First Nation.
2. I do not wish to participate in any current or future ratification votes.
3. I acknowledge that this does not apply to any election processes.
4. If, at any time, I wish to participate in a Community Vote, I need only notify the Voting Officer. This declaration will be cancelled at that time.

**I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under Oath. I understand that it is an offence to make a false statement in this Declaration.**

Signature of MFN Member \_\_\_\_\_ Date \_\_\_\_\_

**DECLARATION OF WITNESS**

I, \_\_\_\_\_, (please print your name) verify that the above statement was declared to me on the date below.

Signature of Witness \_\_\_\_\_ Date \_\_\_\_\_

Address of Witness: \_\_\_\_\_

**FORM 6: DECLARATION OF ELIGIBLE VOTER, MAIL-IN BALLOTS**

*Must accompany Mail-in ballot*

In the matter of the Vote being held on Day, Month, Year;

I, \_\_\_\_\_ (please print your name) solemnly declare that

(1) I am a member of the Mississauga First Nation and my Band number is 200 \_\_\_\_\_.

(If you do not know your band registry number, please provide your birthdate); \_\_\_\_\_.

(2) I will have reached the full age of 18 years of age, or more, as of the date of this Vote, and I do not know of any reason why I would be disqualified from voting in this Vote.

**I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under Oath. I understand that it is an offence to make a false statement in this Declaration.**

Signature of Eligible Voter \_\_\_\_\_ Date \_\_\_\_\_

**DECLARATION OF WITNESS**

I, \_\_\_\_\_, (please print your name) verify that the above statement was declared to me on the date below.

Signature of Witness \_\_\_\_\_ Date \_\_\_\_\_

Address of Witness: \_\_\_\_\_

**FORM 7: DECLARATION OF VOTING OFFICER, MAIL-IN BALLOTS**  
**(Mail-in Ballots)**

IN THE TRADITIONAL TERRITORIES OF THE MISSWEZAHGING

I, \_\_\_\_\_, Voting Officer for Mississauga First Nation in the Traditional Territory of the Misswezahging, DO SOLEMNLY MAKE OATH AND SAY AS FOLLOWS:

- (1) I was personally responsible for receiving all Mississauga First Nation mail-in ballots when eligible voters of Mississauga First Nation voted concerning the [Proposed Document].
- (2) In preparation for depositing mail-in ballots, I opened ballot box #2.
- (3) I saw that the ballot box was empty and I asked an eligible voter who was present to witness that the box was empty.
- (4) I then properly sealed the empty ballot box, in front of the witness who was present, and prepared it for the reception of ballots.
- (5) I personally deposited all mail-in ballots received at my office in ballot box #1 without opening the secrecy envelope, and kept the ballot box sealed when not in my custody until the ballots were counted.
- (6) I make this affidavit in fulfillment of my role as Voting Officer and for no improper purpose.

Sworn before me at )  
The Traditional Territory )  
of the Misswezahging, )  
in the Province of Ontario, )  
this \_\_\_\_\_, 20\_\_ . )  
\_\_\_\_\_) )  
*A Commissioner, etc.* )

\_\_\_\_\_) )  
*Voting Officer*

**FORM 8: STATEMENT OF WITNESS, MAIL-IN BALLOTS**  
**(Mail-in Ballots)**

[Date]

I, \_\_\_\_\_ was personally present at the Mississauga First Nation on the Day, Month, Year. when the Voting Officer deposited the secrecy envelopes containing the mail-in ballots in ballot box #2; and,

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

Signature of Witness \_\_\_\_\_ Date \_\_\_\_\_



**FORM 9: DECLARATION OF VOTING OFFICER, ON-LINE BALLOTS**  
**(On-line Ballots)**

IN THE TRADITIONAL TERRITORIES OF THE MISSWEZAHGING

I, \_\_\_\_\_, Voting Officer for Mississauga First Nation in the Traditional Territory of the Misswezahging, DO SOLEMNLY MAKE OATH AND SAY AS FOLLOWS:

- (1) I was personally responsible for receiving all Mississauga First Nation on-line ballots when eligible voters of Mississauga First Nation voted concerning the [Proposed Document].
- (2) In preparation for depositing on-line ballots, I opened ballot box #1.
- (3) I saw that the ballot box was empty and I asked an eligible voter who was present to witness that the box was empty.
- (4) I then properly sealed the empty ballot box, in front of the witness who was present, and prepared it for the reception of ballots.
- (5) I personally printed and deposited all on-line ballots received at my office in ballot box #1 without opening the secrecy envelope, and kept the ballot box sealed when not in my custody until the ballots were counted.
- (6) I make this affidavit in fulfillment of my role as Voting Officer and for no improper purpose.

Sworn before me at	)	
The Traditional Territory	)	
of the Misswezahging,	)	)
in the Province of Ontario,	)	
this _____, 20____.	)	
_____	)	_____
<i>A Commissioner, etc.</i>	)	<i>Voting Officer</i>

**FORM 10: STATEMENT OF WITNESS, ON-LINE BALLOTS**  
**(On-line Ballots)**

[Date]

I, \_\_\_\_\_ was personally present at the Mississauga First Nation on the Day, Month, Year. when the Voting Officer deposited the on-line ballots in ballot box #1; and,

- (1) I am an Eligible Voter.
- (2) I witnessed that ballot box #1 was empty before any secrecy envelopes containing on-line ballots were deposited.
- (3) I witnessed the Voting Officer seal the ballot box and sign the seal.
- (4) I signed the seal, as requested by the Voting Officer.

Signature of Witness \_\_\_\_\_ Date \_\_\_\_\_

**FORM 11: DECLARATION OF VOTING OFFICER, IN-PERSON  
BALLOTS**

**(In-Person Ballots)**

IN THE TRADITIONAL TERRITORIES OF THE MISSWEZAHGING

I, \_\_\_\_\_, Voting Officer for Mississauga First Nation in the Traditional Territory of the Misswezahging, DO SOLEMNLY DECLARE THAT:

- (1) I was personally present at Mississauga First Nation on the Day, Month, Year when eligible voters of Mississauga First Nation voted concerning the [Proposed Document] .
- (2) Immediately before the Vote began, I opened ballot box #3 .
- (3) I saw that the ballot box was empty and I asked an eligible voter who was present to witness that the box was empty.
- (4) I then properly sealed the ballot box, in front of the witness who was 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.

---

Sworn before me at	)	
The Traditional Territory	)	
of the Misswezahging,	)	)
in the Province of Ontario,	)	
this _____,20__.	)	
_____	)	_____
<i>A Commissioner, etc.</i>	)	<i>Voting Officer</i>

**FORM 12: STATEMENT OF WITNESS, IN-PERSON BALLOTS**  
**(In-Person Ballots)**

Date \_\_\_\_\_

I, \_\_\_\_\_ was personally present at Mississauga First Nation on the Day, Month, Year. when the Eligible Voters of Mississauga First Nation voted concerning the [Proposed Document], and;

- (1) I am an Eligible Voter.
- (2) I witnessed that ballot box #3 was empty before any votes were cast in the Vote.
- (3) I witnessed the Voting Officer seal the ballot box and sign the seal.
- (4) I signed the seal, as requested by the Voting Officer.

Signature of Witness \_\_\_\_\_ Date \_\_\_\_\_

**FORM 13: OBJECTIONS**

	<b>Objection</b>	<b>Acknowledgment (R.O. Signature)</b>

**FORM 14: VOTING OFFICER CERTIFICATION**

**IN THE TRADITIONAL TERRITORIES OF THE MISSWEZAHGING**

I, \_\_\_\_\_, Voting Officer for Mississauga First Nation in the Traditional Territory of the Misswezahging, DO SOLEMNLY DECLARE THAT:

- (1) I was present at Mississauga First Nation on the day \_\_\_\_ of Month, Year when eligible voters of Mississauga First Nation voted concerning the approval of the [Proposed Document].
- (2) A true copy of the Notice of Vote is attached as "Exhibit 1" to this declaration.
- (3) In accordance with Section 6.1 of the **Community Approval Law**, the Notice of Vote was posted at least 28 days prior to Ratification Day.
- (4) The **Community Approval Law**, including the handling of on-line ballots, mail-in ballots and the counting of results, was conducted in accordance with Sections VII to VIII of the **Community Approval Law**.
- (5) The names of eligible voters appeared on the List of Eligible Voters.
- (6) The results of the Community Vote are as follows:
  - a. mail-in ballots were cast in the Vote in accordance with Subsections 34-38 and 42-43 of the **Community Approval Law**;
  - b. on-line ballots were cast in the Vote in accordance with Subsections 30-33 and 40-41 of the **Community Approval Law**;
  - c. regular ballots were cast in the Vote in accordance with Section VIII of the **Community Approval Law**;
  - d. ballots were spoiled;
    - i. ballots were rejected in accordance with Subsection 68 of the **Community Approval Law**;
  - e. ballots were marked "YES" for the Question, which is \_\_\_\_% of the ballots cast; and,
  - f. ballots were marked "NO" for the Question which is \_\_\_\_\_% of the ballots cast.

**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.

[Voting Officer]

Sworn before me at	)	
The Traditional Territory	)	
of the Misswezahging,	)	
in the Province of Ontario,	)	
this _____, 20__.	)	
_____	)	
<i>A Commissioner, etc.</i>	)	<i>Voting Officer</i>

**FORM 15: GUARANTOR DECLARATION FORM**

In accordance with the *Community Approval Law*, I, \_\_\_\_\_, the undersigned, do hereby declare that I can attest to the identify of \_\_\_\_\_, and that he/she is an eligible voter of Mississauga First Nation.

\_\_\_\_\_  
Guarantor's Signature

\_\_\_\_\_  
Guarantor's Band Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Voting Officer

\_\_\_\_\_  
Date

**Identification Verified**