

CURVE LAKE FIRST NATION

COMMUNITY APPROVAL VOTE PROCESS

This document represents the procedures for the Membership of the Curve Lake First Nation to approve substantive decisions that affect the membership as a whole. This process is initiated by the Chief and Council of the Curve Lake First Nation and may be applied to any decision the leadership deems requires a formal community approval vote.

1.0 DEFINITIONS

In this Community Approval Vote process:

- 1.1 “ballot question(s)” means the question(s) asked of the voters in the Community Approval Vote, as set out in Schedule 1.
- 1.2 “First Nation” means the Curve Lake First Nation.
- 1.3 “information meeting” means a meeting at which Council and advisors of the First Nation will provide information concerning the proposed Community Approval Vote to members of the First Nation in attendance.
- 1.4 “list of voters” means either the preliminary First Nation list of voters or the revised First Nation list of voters, as the context requires.
- 1.5 “mail-in ballot” means a ballot delivered or mailed in accordance with Section 8.0.
- 1.6 “CAV Officer” means a person who is designated by the Council of the First Nation to oversee the conduct of the Community Approval Vote.
- 1.7 “Community Approval Vote” means a vote by the voters on the Ballot Question(s) conducted according to these Community Approval Vote processes.
- 1.8 “Voter” means a member of the First Nation who is 18 years of age or older on the voting day.
- 1.9 “Voting day” means the date set for the First Nation to hold the Community Approval Vote.
- 1.10 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 FIRST NATION COUNCIL RESOLUTION

2.1 By First Nation Council Resolution, the Council of the First Nation will resolve to:

- 2.1.1 designate a CAV Officer and order that the Community Approval Vote be taken by secret ballot;
- 2.1.2 approve the Notice of Community Approval Vote (Appendix B);
- 2.1.3 require that 50% + 1 of the eligible voters who vote will have voted in favour of the ballot question for the Community Approval Vote to be approved; and
- 2.1.4 recommend the acceptance of the Community Approval Vote to the members of the First Nation.

3.0 DESIGNATION OF COMMUNITY APPROVAL VOTE OFFICER AND APPOINTMENT OF ASSISTANT

- 3.1 The CAV Officer must be designated prior to posting the Notice of Community Approval Vote.
- 3.2 The CAV Officer may appoint assistant(s) and may delegate any of his or her duties set out in this Community Approval process to the assistant(s) except those duties set out in section 12.0. Upon the appointment of any assistant, the CAV Officer and assistant(s) will execute an "Appointment of an Assistant" in the form attached as Appendix "A".

4.0 NOTICE OF COMMUNITY APPROVAL VOTE

- 4.1 The CAV Officer will post a Notice of Vote substantially in the form attached as Appendix "B" at least 30 days prior to the voting day.
- 4.2 The CAV Officer will post the Notice of Vote in visible places in the First Nation where it can be read by the voters, on the First Nation website together with the preliminary list of voters.
- 4.3 The Notice of Vote will contain the following information:
 - (i) the date, place and time of any information meeting(s),
 - (ii) the date, place and hours of the Community Approval Vote,
 - (iii) the ballot question,
 - (iv) where to view or get a copy of the ballot question(s) and such other information as Council determines,
 - (v) the name of the CAV Officer, his or her office address, email address and telephone number, and
 - (vi) the procedure for requesting revisions to the list of voters.

- 4.4 The CAV Officer will, at least 30 days prior to the Voting Day:
- 4.4.1 mail or deliver to each voter on the list of voters for whom an off-reserve address has been provided by Council,
- (i) a copy of the Notice of Community Approval Vote, with the information described in s. 4.3;
 - (ii) a mail-in ballot, initialed on the back by the CAV Officer,
 - (iii) an outer, postage paid return envelope, pre-addressed to the CAV Officer,
 - (iv) a second, inner envelope marked “ballot” for insertion of the completed ballot,
 - (v) a voter declaration form,
 - (vi) a letter of instruction regarding voting by mail-in ballot, and
 - (vii) any other information concerning the Community Approval Vote as determined by the Council of the First Nation.
- 4.5 The CAV Officer shall maintain a separate list of voters confirming that a ballot has been provided to each voter to whom a mail-in ballot was mailed, delivered or otherwise provided, and keep a record of the date on which, and the addresses to which, each mail-in ballot was mailed or delivered.
- 4.6 A voter who has voted by a mail-in ballot is not entitled to vote in person at a polling place.
- 4.7 For greater certainty there will be no advance poll of voters unless specified.

5.0 LIST OF VOTERS AND REVISIONS

- 5.1 The CAV Officer, in consultation with the Council, will ensure that the preliminary list of voters is prepared from the membership list maintained by the First Nation.
- 5.2 A member of the First Nation may apply to the CAV Officer within ten days of posting of the list of voters attached to the Notice of Vote to have the list of voters revised if such member believes that:
- 5.2.1 the name of a voter has been omitted from the preliminary list of voters; or
 - 5.2.2 the name of a voter is incorrectly set out or should not be included on the list of voters.
- 5.3 A member of the First Nation may, up to and including the voting day, apply to the CAV Officer to have his or her name added to the list of voters if that member can provide:
- 5.3.1 adequate proof of identification, age and First Nation membership.
- 5.4 Where the CAV Officer is satisfied that a revision is necessary to the preliminary list of voters, he or she will make the revision and such revision will be final.

6.0 INFORMATION MEETING

- 6.1 The Council will set the date, place and time for an information meeting.
- 6.2 At least one information meeting will be held for the purpose of providing an opportunity for the Council to explain the ballot question and Community Approval Vote to members, with a view to ensuring that all voters are fully informed prior to casting their votes on the ballot question.
- 6.3 The information meeting will be held at least seven (7) days after posting the Notice of Community Approval Vote and at least fourteen (14) days prior to the voting day.
- 6.4 The information meeting will be open to all members of the First Nation.
- 6.5 The CAV Officer shall attend the information meeting to answer any questions on the voting procedure.

7.0 PRELIMINARY PROCEDURES

- 7.1 The CAV Officer, in consultation with the Council, will:
 - 7.1.1 designate the place of the voting station;
 - 7.1.2 prepare sufficient copies of the ballot question(s) which will be uniform in size, appearance, quality and weight;
 - 7.1.3 obtain a sufficient number of ballot boxes;
 - 7.1.4 provide a voting booth at the voting station where the voter can mark the ballot question free from observation;
 - 7.1.5 provide a sufficient number of pens or pencils for marking the ballot question;
 - 7.1.6 ensure that samples of the ballot question are posted or available for examination by voters at the voting station; and
 - 7.1.7 ensure that a commissioner for taking oaths or a notary public will be available as required.

8.0 VOTING BY MAIL-IN BALLOT

8.1 A voter who votes by mail-in ballot will:

8.1.1 mark the mail-in ballot by placing a cross (“X”), check mark or other mark, either in the box marked “YES” or in the box marked “NO”,

8.1.2 enclose and seal the ballot inside the secrecy envelope,

8.1.3 enclose and seal the secrecy envelope inside the identification envelope,

8.1.4 sign the outside of the identification envelope,

8.1.5 enclose and seal the identification envelope inside the prepaid mailing envelope; and

8.1.6 send the sealed mailing envelope to the Community Approval Vote Officer.

8.2 To be counted, a mail-in ballot must be received by the CAV Officer by the close of the polls on voting day.

8.3 Before depositing a mail-in ballot, the CAV Officer will, in the presence of two or more voters,

8.3.1 verify each identification envelope and that the sender is an eligible voter;

8.3.2 check the list of voters to ensure that the voter has not already voted and place a line through the name of the voter on that list;

8.3.3 record the date and time the mail-in ballot was received on the list of voters; and

8.3.4 deposit the mail-in ballot in its original unopened secrecy envelope in a separate ballot box kept for this purpose or, if the voter is not an eligible voter or has already voted, reject the ballot.

8.4 The CAV Officer is personally responsible for the safe-keeping of the mail-in ballot box and will ensure that this ballot box remains sealed when not in use and is not opened until such time as the ballots are deposited in the regular ballot box after the close of the polls on voting day.

9.0 VOTING PROCEDURES

- 9.1 The polls shall be kept open from 9:00 am until 5:00 pm on the voting day.
- 9.2 All voting will be by secret ballot only.
- 9.3 The CAV Officer will:
 - 9.3.1 open the ballot box and ask a voter to witness that the ballot box is empty before any vote is cast;
 - 9.3.2 properly 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;
 - 9.3.3 place the ballot box in view for the reception of the ballot papers;
 - 9.3.4 execute a “Declaration of CAV Officer” in the form attached as Appendix “C”; and
 - 9.3.5 ensure that the witness executes a “Statement of Witness” in the form attached as Appendix “D”.
- 9.4 The CAV Officer, after being satisfied that person is a voter, will:
 - 9.4.1 affix his or her initials on the back of the ballot so that the initials can be seen when the ballot is folded; and
 - 9.4.2 provide the voter with the ballot.
- 9.5 The CAV Officer will place, on the list of voters, a line through the name of every voter receiving a ballot.
- 9.6 The CAV Officer will explain the method of voting upon request.
- 9.7 If requested by a voter who:
 - 9.7.1 is not able to read;
 - 9.7.2 is incapacitated by blindness or other physical cause; or
 - 9.7.3 requires assistance for any other reason;the CAV Officer will assist that voter by marking his or her ballot as directed by the voter and the CAV Officer will immediately fold and deposit it into the ballot box.
- 9.8 In the circumstances described in section 9.7, the CAV Officer, after assisting the voter, will make an entry on the list of voters opposite the name of the voter indicating that the ballot was marked by the CAV Officer at the request of the voter and the reason for the voter’s request.

- 9.9 Except as provided in subsection 9.8, every voter receiving a ballot will:
- 9.9.1 proceed immediately to a voting booth;
 - 9.9.2 mark the ballot by placing a cross (“X”), check mark or other mark, either in the box marked “YES” or in the box marked “NO”;
 - 9.9.3 fold the ballot to conceal the mark and to expose the initials of the CAV Officer; and
 - 9.9.4 immediately give the folded ballot to the CAV Officer who, without unfolding it, will:
 - 9.9.4.1 verify his or her initials;
 - 9.9.4.2 tear off the perforated strip if any; and
 - 9.9.4.3 deposit the ballot into the ballot box.
- 9.10 A voter who receives a soiled or improperly printed ballot, or who accidentally spoils his or her ballot when marking it, will, upon returning it to the CAV Officer, be entitled to receive another ballot. The returned ballot will be recorded as spoiled.
- 9.11 A voter who receives a ballot and does not return it to the CAV Officer will forfeit the right to vote and will not be counted as having voted. The Community Approval Vote Officer will make an entry on the list of voters stating that the voter left the voting booth without delivering the ballot.
- 9.12 At the time set for closing the poll, the CAV Officer will declare the poll closed, and entry will be denied to the voting station until all remaining voters at the voting station at that time have voted.

10.0 ORDERLY VOTING

- 10.1 The Council, with the assistance of the CAV Officer will ensure that peace and good order are maintained at the voting station.
- 10.2 The CAV Officer will allow only one voter at a time into a voting booth.
- 10.3 A voter who is inside the voting station before the set closing time will be entitled to vote.
- 10.4 No person will interfere or attempt to interfere with a voter when he or she is voting, nor will a person obtain or attempt to obtain information as to how a voter is about to vote or has voted.

11.0 OPENING MAIL-IN BALLOTS

- 11.1 After the close of the polls on the Voting Day, the Community Approval Vote Officer, in the presence of at least one member of Council and any other voters who may be present, will
 - 11.1.1 open the ballot box for mail-in ballots;
 - 11.1.2 open the secrecy envelope and confirm the authenticity of the ballot by checking the affixed initials; and
 - 11.1.3 deposit the ballot, without opening or showing it, in a ballot box used at a voting station.

12.0 COUNTING OF RESULTS

- 12.1 After the close of the poll on the Voting Day, the CAV Officer, in the presence of at least one member of the Council and any other voters who may be present, will:
 - 12.1.1 count the number of spoiled ballots according to section 9.10;
 - 12.1.2 examine all ballots contained in the ballot boxes;
 - 12.1.3 reject all ballots that:
 - 12.1.3.1 have not been supplied by the CAV Officer or the assistant;
 - 12.1.3.2 have not been marked as either “YES” or “NO”;
 - 12.1.3.3 have been marked as both “YES” and “NO”;
 - 12.1.3.4 have not been marked in the box marked “YES” or “NO”; or
 - 12.1.3.5 has any writing or mark which can identify the voter;
 - 12.1.4 not reject ballots marked other than with a cross (“X”) under sub-section 8.1.1 or sub-section 9.9.2, if the mark does not constitute identification of the voter and if the intent of the voter is clear; and
 - 12.1.5 count the number of ballots marked “YES”, marked “NO” and the number of rejected ballots.
 - 12.1.6 declare the Community Approval Vote passed if the “YES” votes are equal to or greater than a 50% + 1 threshold of all votes cast by those eligible voters who voted, or declare the Community Approval Vote not passed if the “YES” threshold is not met.

12.2 When the result of the Community Approval Vote has been determined, the CAV Officer will announce the results and:

12.2.1 execute the “Certification by CAV Officer” in the form attached as Appendix “E”.

12.3 The CAV Officer will separately seal in envelopes the ballots cast and the spoiled ballots. The Community Approval Vote Officer will then affix his or her signature to the seals and will retain them for 60 days.

12.4 After 60 days, unless an objection is filed in accordance with Section 14.0 or the Council has been notified that legal proceedings concerning the Community Approval Vote have been commenced, the ballots cast and the spoiled ballots may be destroyed.

13.0 PROCEDURAL AMENDMENTS

13.1 In order to give effect to and carry out the objectives and purpose of the Community Approval Vote, the Community Approval Vote Officer and the Chief of the First Nation may agree on a departure from the procedural requirements of this Community Approval process where they deem it necessary and where they believe it will not result in any substantive change. The Community Approval Vote Officer and the Chief of the First Nation will state in writing the nature and basis of such departure.

14.0 OBJECTIONS

14.1 A voter who voted and has reasonable grounds for believing that:

14.1.1 there was a violation of these Community Approval Vote process that may affect the results of the Community Approval Vote; or

14.1.2 there was corrupt practice that may affect the results of the Community Approval Vote,

may, within seven days from the voting day, file an objection by forwarding by registered mail to the Council of the First Nation

14.1.3 notice of his or her objection; and

14.1.4 a declaration setting out the grounds for the objection.

14.2 Where an objection is filed under section 14.1, the Council will, within seven days of receiving it, forward a copy of the objection by facsimile or overnight courier to the CAV Officer.

14.3 The CAV Officer will, within seven days of receiving the objection, forward to the Council a declaration containing answers to the particulars stated in the voter’s declaration.

14.4 The Council may, if the material sent under this section is not sufficient to decide the validity of the grounds of the objection, conduct such further investigations as they deem necessary.

14.5 Where the Council is of the opinion that the grounds of the objection:

14.5.1 are not established; or

14.5.2 do not affect the results of the Community Approval Vote;

it will dismiss the objection

14.6 Where the Council is of the opinion that the grounds of the objection:

14.6.1 are established; or

14.6.2 affect the results of the Community Approval Vote;

it may allow the objection and call another vote.

15.0 Amendments

15.1 The process for a Community Approval Vote may be amended by way of a resolution of the Chief and Council.

APPENDIX "A"
COMMUNITY APPROVAL PROCESS
(SECTION 3.2)

APPOINTMENT OF AN ASSISTANT

Date

I, _____, CAV Officer, appoint _____
to act as my assistant in carrying out my duties in accordance with the Community Approval
Vote process for the Community Approval Vote pertaining to
_____ which is to be held the _____ day of _____, 20____.

CAV Officer

I, _____, agree to act as an assistant to the CAV Officer for
the purpose of the Community Approval Vote and promise to carry out all assigned duties to the
best of my abilities and in accordance with the Community Approval process.

Assistant

APPENDIX “B”
GUIDELINES & PROCEDURES
(Section 4.1)

NOTICE OF COMMUNITY APPROVAL VOTE

(date of vote)

TO: THE MEMBERS OF THE CURVE LAKE FIRST NATION (the “First Nation)

TAKE NOTICE that a Community Approval Vote of the voters of the First Nation pursuant to the Community Approval Vote Process will be held on the _____ day of _____, 20__ to determine if the voters of the First Nation who are 18 years of age or over, determined on the date of the Community Approval Vote, approve to the proposed ballot question(s) as follows:

{Insert Ballot Question}

An information meeting for purposes of the Community Approval Vote will be held on the _____ day of _____, 20__ from _____ until _____ at the _____.

The Community Approval Vote will take place on the _____ day of _____, 20__ from 9:00 a.m. until 5:00 p.m. for voters of the Curve Lake First Nation at the Community Centre in the First Nation.

50% +1 of eligible voters who vote must vote in favour for the ballot question(s) to be approved.

Included with this Notice of Vote, as posted, is a copy of the Voters List and the proposed Community Approval Vote. For review, a copy of the Voters List is posted at the _____ and on the First Nation website at www._____.

AND FURTHER TAKE NOTICE that sections 5.2 and 5.3 of the Community Approval Vote Process provide that a Member of the First Nation may apply to the CAV Officer within ten days of posting of the list of voters to have the list of voters revised if such Member believes that:

- 1.0 the name of a voter has been omitted from the list of voters; or
- 2.0 the name of a voter is incorrectly set out or should not be included on the list of voters.

by application to the CAV Officer to have his or her name added to the list of voters. An application for a change to the list of voters should be made to the CAV Officer at:

Government Services Building,
Curve Lake First Nation,
Curve Lake, ON,
K0L 1R0

Tel: (705) 657-8045
Fax: (705) 657-8078

DATED at _____, in the Province of Ontario, this ____ day of _____, 20__.

CAV Officer for the Curve Lake First Nation

APPENDIX "C"
COMMUNITY APPROVAL PROCESS
(Section 9.3)

DECLARATION OF CAV OFFICER

C A N A D A)
))
PROVINCE OF _____)

I, _____, Community Approval Vote Officer, of _____, in the Province of __, DO SOLEMNLY DECLARE THAT:

1. I was personally present at _____ on _____, 20____ when members of the First Nation voted in a Community Approval Vote concerning _____.
2. Immediately before the Community Approval Vote began, I opened the ballot box (es).
3. I saw that the ballot box was empty and I asked persons who were present to witness that the ballot box(es) was (were) empty.
4. I then properly sealed the ballot box, in front of these persons who were present, and placed it in view for the reception of ballot papers.

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

DECLARED BEFORE ME at the _____ of)
_____, in the Province of)
_____, this ____ day of)
_____, 20____.)
))
) _____)
) CAV Officer)
))
) _____)
A Commissioner for Taking Oaths within the)
Province of Ontario)

APPENDIX "D"
COMMUNITY APPROVAL PROCESS
(Section 9.3)

STATEMENT OF WITNESS

Date

I, _____, was personally present at ___ on _____, 20__ when members of the First Nation voted in a Community Approval Vote concerning _____ and:

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

Witness

APPENDIX "E"
**COMMUNITY APPROVAL
PROCESS**
(Section 12.2.1)

CERTIFICATION BY COMMUNITY APPROVAL VOTE OFFICER

C A N A D A)
)
PROVINCE OF _____)

I, _____, Community Approval Vote Officer for the First Nation, DO
SOLEMNLy DECLARE THAT:

1. I was present at the Curve Lake First Nation on the ____ day of _____, 20__ when members of Curve Lake First Nation voted concerning _____.
2. A true copy of the Notice of Community Approval Vote is attached as Exhibit "1" to this Declaration.
3. In accordance with Section 4.2 of the Community Approval process, the Notice of Community Approval Vote was posted at least 30 days prior to the Voting Day.
4. In accordance with Section 4.4 of the Community Approval Vote process, a copy of the Notice of Community Approval Vote together with a copy of the ballot(s) were mailed to each person on the list of voters at his or her last known address at least 30 days prior to the Voting Day.
5. I attended the information meeting set out in the Notice of Community Approval Vote in accordance with Section 6 of the Community Approval Process.
6. The voting procedure was conducted in accordance with the provisions of the Community Approval Vote process.

7. The results of the Community Approval Vote are as follows:
- a) the names of _____ voters appeared on the list of voters prepared pursuant to section 5 of the Community Approval Vote process, and the number of voters who were entitled to cast a vote was _____ ;
 - b) _____ ballots were cast in the Community Approval Vote in accordance with the provisions of the Community Approval Vote process;
 - c) _____ ballots were marked “YES” for the Question (____%);
 - d) _____ ballots were marked “NO” for the Question (____%);
 - e) _____ ballots were rejected in accordance with section 12.1.3 of the Community Approval Vote process; and
 - f) _____ ballots were spoiled and were not counted in b. above in accordance with Article 9.10 of the Community Approval Vote process.
8. The proposed _____ was *approved/not approved* by the voters.

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

DECLARED BEFORE ME at the _____ of _____)
 _____, in the Province of _____)
 _____, this _____ day of _____)
 _____, 20____.)
)
)
) _____)
) CAV Officer)
)

 A Commissioner for Taking Oaths for the
 Province of Ontario

SCHEDULE "1" - Sample Ballot

VOTE DATE the ____ day of _____ 20__.

BALLOT QUESTION

{insert ballot question}

YES

NO

Mark this Ballot by placing a mark such as an X or check mark in one of the above boxes.