

# METLAKATLA FIRST NATION

## COMMUNITY RATIFICATION PROCESS

- In accordance with -

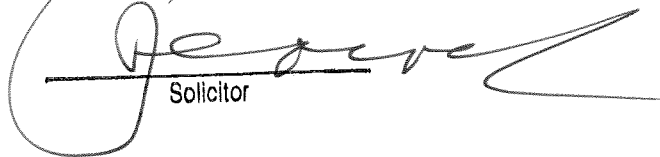
*The Framework Agreement on  
First Nation Land Management*

And

*The First Nations Land Management Act*

Dated for Reference June 28, 2016

Certified A True Copy  
this 19<sup>th</sup> day of JULY 2016

  
Solicitor

JOHN CHARLES PEACOCK

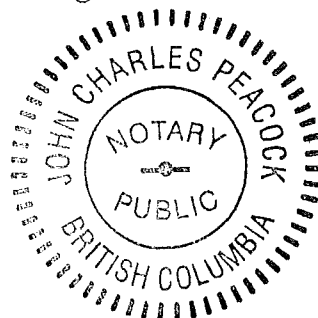
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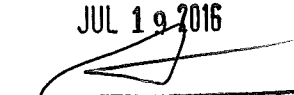
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# FORMS

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**METLAKATLA FIRST NATION  
COMMUNITY RATIFICATION PROCESS**

**1. TITLE AND PURPOSE**

- 1.1 The title of this document is the *Metlakatla First Nation Community Ratification Process*.
- 1.2 The purpose of this document is to set out the procedure by which Metlakatla First Nation will decide whether to approve its Land Code and the Individual Agreement, as required under the Framework Agreement and the Act.

**2. DEFINITIONS**

- 2.1 In this Ratification Process:

“INAC” means Indigenous and Northern Affairs Canada;

“Act” means the *First Nations Land Management Act*, S.C. 1999, c. 24;

“App” means the mobile application created by One Feather and used by Member for electronic voting;

“Background Documents” means:

- (a) the Framework Agreement;
- (b) the Act;
- (c) a summary of the Framework Agreement;
- (d) a summary of the Act; and
- (e) a summary of the Land Code;

“Ballot Question” means the question asked in the Ratification Vote in Form 1;

“Council” means the Chief and Councilors of the Metlakatla First Nation;

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“Department” means the Department of Indigenous and Northern Affairs Canada;

“Electronic Voting” or “On-Line Voting” means an optional process by which Members may vote via a mobile and/or web based platform;

“Eligible Voter” means a Member of Metlakatla First Nation who is 18 years of age or older on a Voting Day;

“First Nation” means the Metlakatla First Nation;

“Framework Agreement” means the *Framework Agreement on First Nation Land Management* entered into between the Minister of Indian Affairs and Northern Development and the Chiefs of fourteen First Nations on February 12, 1996, as amended;

“Individual Agreement” means the proposed Individual First Nation Agreement made between Metlakatla First Nation and Her Majesty in right of Canada in accordance with clause 6.1 of the Framework Agreement;

“Land Code” means the proposed or ratified *Metlakatla First Nation Land Code*;

“Director of Lands” means the employee or contractor responsible for the management of Metlakatla First Nation reserve lands, and includes a designate;

“List of Registered Voters” means the list of Eligible Voters, prepared in accordance with clause 3.6, who have registered to vote in the Ratification Vote;

“List of Voters” means the list of Eligible Voters prepared in accordance with clause 3.1;

“Member” means a person whose name appears or the Council Agrees is entitled to appear on the Metlakatla First Nation membership list;

“Ratification Documents” means the Land Code and the Individual Agreement;

“Ratification Process” means this *Metlakatla First Nation Community Ratification Process*;

“Ratification Officer” means the person appointed by Council under clause 6.1(a);

“Ratification Vote” means a vote by the Registered Voters on the Ballot Question conducted according to the Ratification Process;

“Registered Voter” means an Eligible Voter who has registered to vote in accordance with clause 3.3;

“Registration of Eligible Voter” means an Eligible Voter who wishes to Vote and whom must register with the Ratification Officer to vote by: completing the electronic voting registration process or complete the mail-in registration envelope Form 7 or complete and deliver Form 6;

“Verifier” means the person appointed as Verifier under the Framework Agreement and includes any assistant appointed by the Verifier;

“Voting Days” means the dates set for holding the Ratification Vote and the singular “Voting Day” means one of those dates; and

“MFN” means the Metlakatla First Nation.

2.2 Unless otherwise provided, words defined in the Framework Agreement have the same meaning in this Ratification Process

2.3 Words in the singular include the plural, words in the plural include the singular and words in the masculine include the feminine, as the context may require

### **3. REGISTRATION OF ELIGIBLE VOTERS**

3.1 The Director of Lands, in consultation with Council, will ensure that an initial List of Voters is prepared containing all information in the possession of the Director of Lands about the full names, band numbers, birth dates and addresses of the Eligible Voters.

3.2 The Ratification Officer will, at least 31 days before the first Voting Day, send to each Eligible Voter at their last known address a registration package containing a voter registration document in Form 6 or Form 7 and a prepaid return envelope.

3.3 An Eligible Voter who wishes to vote in the Ratification Vote must register with the Ratification Officer by:

- (a) completing and signing a voter registration document in Form 6 before a witness and returning the voter registration document to the Ratification Officer by mail, courier, hand delivery or facsimile within the time set out in clause 3.5; or
- (b) completing the electronic voting process; or
- (c) when voting by mail completing and signing a voter registration envelope in Form 7 before a witness and returning the voter registration envelope to the Ratification Officer by mail, courier, hand delivery or facsimile within the time set out in clause 3.5

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- 3.4 An Eligible Voter may register prior to the posting of the Notice of Vote.
- 3.5 To be valid, a completed, signed and witnessed voter registration document must be received by the Ratification Officer no later than the close of the polls on the last Voting Day.
- 3.6 A person who has completed the electronic voting process is deemed to have completed the voter registration document and delivered it to the Ratification Officer.
- 3.7 The Ratification Officer will maintain an updated List of Registered Voters setting out the names of all Eligible Voters who have returned a valid voter registration document in accordance with clause 3.5.

#### **4. INFORMATION TO VERIFIER**

- 4.1 At least 90 days before the first Voting Day and before the Notice of Vote is posted, Council will by resolution in Form 2 send, or cause to be sent, in quadruplicate the following documents to the Verifier:
  - (a) the Ratification Process;
  - (b) the Land Code; and
  - (c) the List of Voters.
- 4.2 As soon as practicable after the Notice of Vote is posted, Council will send, or cause to be sent to the Verifier an addendum to the List of Voters sent in accordance with clause 4.1(c), listing any changes to the List of Voters who will be eligible to vote on a Voting Day.

#### **5. CONFIRMATION BY VERIFIER**

- 5.1 Upon receipt of the documents under clause 4.1, the Verifier will review the Land Code and the Ratification Process to determine whether they are consistent with the Framework Agreement and the Act.
- 5.2 In accordance with clause 8.8 of the Framework Agreement, the Verifier will, within 30 days of receiving the documents, issue a notice in Form 2A stating whether the Land Code and the Ratification Process are consistent with the Framework Agreement and the Act.



## **6. COUNCIL RESOLUTION**

6.1 After the Verifier confirms the Land Code and this Ratification Process are consistent with the Framework Agreement and the Act, Council will pass a Resolution in conformance with Form 3 to:

- (a) appoint the Ratification Officer, who shall be a person knowledgeable about overseeing voting processes and who shall have no personal interest in the outcome of the Ratification Vote;
- (b) confirm the List of Voters;
- (c) confirm that an electronic voting option is desirous and mandated;
- (d) confirm the text of the Land Code and the Ratification Process;
- (e) confirm the text of the Individual Agreement;
- (f) order that the Ratification Vote be held to determine if the community approves the Ratification Documents;
- (g) confirm the wording of the Ballot Question; and
- (h) set the Voting Days.

## **7. DUTY OF RATIFICATION OFFICER AND APPOINTMENT OF ASSISTANT**

7.1 If the Ratification Officer accepts the appointment made by Council pursuant to clause 6.1(a), the Ratification Officer shall execute Form 4 and the completed Form 4 shall be attached to the Form 3 Resolution made by Council pursuant to clause 6.1.

7.2 The Ratification Officer is responsible for overseeing the conduct of the Ratification Vote and has all the powers necessary to carry out that responsibility.

7.3 The Ratification Officer may appoint one or more assistant Ratification Officers and may delegate any of the duties of the Ratification Officer as are set out in the Ratification Process to such an assistant, except:

- (a) the initialing of ballots;
- (b) the deposit of the mail-in ballots in the ballot box under clauses 13.9(i) and

20.1(c); and

(c) the counting of ballots under clause 21.

- 7.4 Upon the appointment of an assistant Ratification Officer, the Ratification Officer and each such assistant Ratification Officer will execute an Appointment of an Assistant Ratification Officer in Form 4A.
- 7.5 If, at any time the Ratification Officer is unable to perform his or her duties, Council may appoint an acting Ratification Officer, in accordance with clause 6.1(a).

## **8. NOTICE OF VOTE**

- 8.1 The Ratification Officer, in consultation with Council, will post a Notice of Vote in Form 5 at least 31 days prior to the first Voting Day in public places where it can be read by the Members
- 8.2 The Verifier will publish the Notice of Vote in one or more local newspapers at least 28 days prior to the first Voting Day.
- 8.3 The Notice of Vote will contain the following information:
- (a) the date, place and time of the Ratification Vote;
  - (b) the Ballot Question;
  - (c) the procedure for registering as a Registered Voter;
  - (d) instructions for obtaining a copy of the Framework Agreement, Individual Agreement, Metlakatla First Nation Land Code, the background documents and the ratification process;
  - (e) the name, office address and telephone number of the Ratification Officer; and
  - (f) an option for electronic voting
- 8.4 Forthwith after posting the Notice of Vote, the Ratification Officer will fax a true copy of the Notice of Vote to the Verifier.

**9. COMMUNITY INFORMATION**

9.1 Council will send or cause to be sent, in one or more mailings, the following information to each Member on the List of Voters at the Member's last known address:

- (a) a copy of the Notice of Vote;
- (b) a copy of the Land Code;
- (c) a summary of the Land Code;
- (d) a copy of the Individual Agreement;
- (e) a summary of the Individual Agreement;
- (f) a summary of the Framework Agreement; and
- (g) a summary of the Act.

9.2 The information sent in accordance with clause 9.1 will be mailed at least 31 days prior to the first Voting Day, unless eligible voters elect to receive information electronically.

9.3 In addition to the information provided under clause 9.1 Council may conduct or cause to be conducted:

- (a) visits at the homes of Eligible Voters;
- (b) telephone contact with Eligible Voters;
- (c) information meetings at the MFN administrative offices and other appropriate places; and
- (d) such other information activities as may be deemed appropriate.

9.4 Notwithstanding clause 9.3, personal visits, text, email, telephone or other contact by Council with an Eligible Voter on a Voting Day is only permitted for the purpose of assisting such Eligible Voter to vote.

**10. INFORMATION TO THIRD PARTIES**

10.1 At least 31 days prior to the first Voting Day the Director of Lands will send, via regular mail to the address provided by the Department, the following information to each person

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who holds an Interest in Metlakatla First Nation Land but is not a Member:

- (a) the date of the Ratification Vote;
- (b) a communiqué from Metlakatla First Nation explaining the effect of the Ratification Vote;
- (c) a summary of the Act;
- (d) a summary of the Framework Agreement;
- (e) a summary of the Land Code; and
- (f) the name, office address and telephone number of a person who may be contacted for purposes of obtaining copies of the Background Documents or further information about the management of Metlakatla First Nation Land.

10.2 In addition to information provided in accordance with clause 10.1, Metlakatla First Nation may meet with, or otherwise provide information directly to, persons who hold an Interest in Metlakatla First Nation land but are not Members.

10.3 Nothing in this Ratification Process precludes Metlakatla First Nation from providing information in any form it deems appropriate to a municipal corporation, regional district, first nation or other entity with an interest in land in the vicinity of Metlakatla First Nation.

## **11. AVAILABILITY OF DOCUMENTS**

11.1 Notwithstanding clause 9, any Member may, on request, obtain a copy of the Ratification Documents and Background Documents at no cost.

11.2 Any Member or the representative of Canada appointed under clause 8.2 of the Framework Agreement may upon request obtain a copy of the Ratification Process in relation to an objection under clause 23.

11.3 The Director of Lands will ensure that copies of the Ratification Documents and Background Documents are available at the administration offices of the Metlakatla First Nation in sufficient quantities to comply with clause 11.1 and 11.2.

11.4 Documents will be available electronically upon request.

## **12. PRELIMINARY PROCEDURES**

12.1 The Ratification Officer, in consultation with Council, will:

- (a) designate the polling places;
- (b) prepare sufficient copies of regular ballots and mail-in ballots, which will be uniform in size, appearance, quality and weight;
- (c) prepare sufficient copies of the ballot envelopes, the identification envelopes, and the return envelopes;
- (d) prepare sufficient copies of the voting instructions;
- (e) obtain a sufficient number of ballot boxes;
- (f) provide for a designated voting area at the polls such that a Registered Voter can mark a ballot free from observation;
- (g) provide a sufficient number of lead pencils and blue or black ink pens for marking the ballot;
- (h) ensure that samples of the Ballot Question are posted or available for examination at the polls; and
- (i) ensure that a Commissioner for Taking Oaths or Notary Public will be available as required.
- (j) The Ratification Officer shall undertake any necessary in-service orientation or training prescribed for managing electronic voting protocols, process and administration.

## **13. MAIL-IN BALLOTS**

13.1 A Registered Voter may cast a mail-in ballot.

13.2 At least 31 days prior to the first Voting Day, the Ratification Officer will provide a pre-folded and initialed ballot in Form 1, a mail-in voter registration and identification envelope in Form 7 and a Ballot envelope, a prepaid return envelope and voting instructions to each Eligible Voter.

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- 13.3 To cast a mail-in ballot, a Registered Voter will:
- (a) mark the ballot by placing a cross ("X") in the box marked "YES" or in the box marked "NO";
  - (b) enclose and seal the ballot in the ballot envelope;
  - (c) enclose and seal the ballot envelope in the identification envelope;
  - (d) sign the outside of the identification envelope;
  - (e) enclose and seal the identification envelope in the prepaid mailing envelope; and
  - (f) deliver the sealed mailing envelope to the Ratification Officer.
- 13.4 A mail-in ballot may be delivered to the Ratification Officer by mail, courier or hand delivery.
- 13.5 A mail-in ballot must be received by the Ratification Officer no later than the close of the polls on the last Voting Day.
- 13.6 After the Ratification Officer has received a mail-in ballot, the Ratification Officer will:
- (a) confirm that the sender of the mail-in ballot has Registered in accordance with clauses 3.3 and 3.5.
  - (b) attach the voter registration document to the mail-in ballot package;
  - (c) record the date when the mail-in ballot package was received;
  - (d) confirm that no other mail-in ballot package has been received from the Registered Voter; and
  - (e) store the mail-in ballot package in a secure location until the last Voting Day.
- 13.7 The Ratification Officer is personally responsible for the safekeeping of mail-in ballot packages until such time as the packages are opened, verified and deposited in a mail-in ballot box in accordance with clause 13.9.
- 13.8 The Ratification Officer will, after the last mail delivery on the last Voting Day and prior to the close of the polls on that day, retrieve any mail-in ballot packages from the mail.

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13.9 After retrieving any mail-in ballot packages in accordance with clause 13.8 and prior to the close of the polls on the last Voting Day, the Ratification Officer will in the presence of two or more Registered Voters who will act as witnesses:

- (a) open a ballot box to be used only for the mail-in ballots;
- (b) request the two or more Registered Voters to witness that the ballot box is empty;
- (c) place his or her signature on the seal;
- (d) ask the witnesses to place their signatures on the seal;
- (e) forthwith seal the ballot box;
- (f) in the presence of the witnesses, open each mail-in ballot package;
- (g) verify that the signature that appears on the identification envelope is the same as the signature that appears on the voter registration document;
- (h) check the List of Registered Voters to ensure that the Registered Voter has not previously voted by mail-in ballot, Electronic Voting, or in person;
- (i) if the Registered Voter has not already voted, deposit the mail-in ballot in its unopened ballot envelope into the ballot box; and
- (j) place a line through the name of the Registered Voter on the List of Registered Voters.

13.10 Where:

- (a) a Registered Voter has previously voted in person or by mail-in ballot or by electronic voting;
- (b) a voter is not a Registered Voter;
- (c) the signature that appears on the identification envelope is not the same as the signature that appears on the voter registration document; or
- (d) the identification envelope is not signed,

the Ratification Officer will reject the mail-in ballot and note the reason for the rejection on the List of Registered Voters and on the unopened mail-in ballot envelope, and will forthwith place the unopened mail-in ballot envelope into a suitable envelope retained for

that purpose.

13.11 The Ratification Officer will:

- (a) execute a Declaration of Ratification Officer in Form 8; and
- (b) ensure that each witness executes a Statement of Witness in Form 9 and 9A.

#### **14. ELECTRONIC VOTING**

14.1 Any Registered Eligible Voter may cast an electronic vote.

14.2 Electronic voting shall be confidential and by secret vote.

14.3 Electronic voting will be permitted up to and no later than close of the polls on the last voting day.

14.4 At least 31 days prior to the first voting day, the Ratification Officer, by separate mail out from the Land Code Document package, will provide a unique voter registration identification number, instructions to retrieve the unique voter registration identification number, instructions to locate and download the mobile application and/or website, and picture and narrative instructions to each eligible voter for the purposes of electronic voter registration and electronic voting.

14.5 To cast an electronic vote, a registered voter will:

- (a) download the free mobile platform “APP” provided for electronic voting to their smart phone;
- (b) confirm their eligibility to participate using electronic voting;
- (c) complete the voter registration process using the unique voter registration process provided by APP and digitally sign their declaration;
- (d) confirm their band registry number, phone number, and date of birth;
- (e) declare their intent and desire to vote electronically and digitally sign;
- (f) make their electronic vote;
- (g) confirm their electronic vote.



- 14.6 After an electronic vote has been cast, the Ratification Officer will:
- (a) receive an email notification, and shall confirm the voter has registered in accordance with this Ratification Process, and shall record the voter registration as an Electronic Voter Registration;
  - (b) receive an email notification that the voter has cast their vote electronically, and shall record the date when the electronic vote was received; and
  - (c) confirm that no other mail-in ballot package or electronic vote was received for the same voter.
- 14.7 Where the registered voter has voted electronically the voter shall not be permitted to vote in person or by mail-in ballot.
- 14.8 Where the ratification officer is notified of an incomplete or failed electronic voter registration or vote, the ratification officer shall contact the voter immediately with alternative voting solutions, including mail-in ballot or voting in person.


## **15. ELECTRONIC VOTING PLATFORM PROTOCOL**

- 15.1 The Ratification Officer shall ensure electronic voting platform is populated by the approved Eligible Voters list at least 45 days prior to the vote.
- 15.2 The Verifier shall have administrative access to the electronic platform to view and download daily reports and detailed activities reports.
- 15.3 The Ratification Officer shall have administrative access to the electronic platform to view and download daily reports and detailed activities reports.
- 15.4 Individual voting results shall remain secret at all times and individual voter choices shall be encrypted in such a way as to ensure voter anonymity.
- 15.5 Voter Registration shall be permitted via the electronic voting platform.
- 15.6 Voting will be permitted via the electronic voting platform.
- 15.7 At a minimum the electronic voting platform shall exceed the threshold of verification and due diligence for mail-in ballots, and at minimum shall require for each eligible voter:
- (a) digital signature;

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- (b) unique voter registry code;
  - (c) registry number (status card number); and
  - (d) date of birth.
- 15.8 Automated email notifications shall be generated in real-time to the Voter, Verifier and Ratification Officer of all and any activity associated with a voter using the electronic voting platform, including:
- (a) attempted registration and/or voting;
  - (b) completed voter registration;
  - (c) completed voting;
  - (d) confirmation of voting;
  - (e) failed registration and/or vote; and
  - (f) system or communication failures, interruptions or lost data.
- 15.9 Daily detailed activity reports prepared by One Feather, the APP provider shall be generated via email to the Verifier and Ratification Officer each day at 1800 hrs, and an inventory of all reports shall be maintained and accessible on the electronic voting platform.
- 15.10 At the official close of the poll the Verifier and Ratification Officer shall receive an email notification summarizing the vote results, and inventory the report to be accessible on the electronic voting platform.
- 15.11 Subject to this Ratification Process and prescribed time frame, all electronic data shall be deleted and wiped. Within 10 days of the deletion, the APP provider shall provide to Metlakatla First Nation a certificate to this effect.
- 15.12 Once a vote is completed an email will be automatically generated by the electronic application that confirms the vote of the Member, and advises the Ratification Officer, Verifier and Staff that this Member has voted. Their vote remains secret and confidential and is not revealed.
- 15.13 Once a voter has voted once electronically, they cannot vote again electronically, and shall be restricted from doing so again by the program code.

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- 15.14 Electronic voting will end automatically at the official close of the electronic Poll and the electronic voting platform will no longer be accessible by voters. Any voter who is in the electronic polling station or in the process of voting when the electronic poll is closing will receive an automatically generated “push notification” advising the voter that he/she has five minutes left before the close of the electronic poll. The electronic poll will remain open for that individual voter for five minutes from the delivery of the push notification. If the voter fails to complete his/her vote within that time period and before the electronic poll closes, his/her vote will not be recorded or included in the count.

## **16. COUNTING OF ELECTRONIC BALLOTS**

- 16.1 After the close of the polls the Verifier and Ratification Officer shall add the electronic voting results to the results of the physical polls and mail-in ballots, and shall make a declaration certifying the recorded number of electronic votes in Forms 12 and 13.

## **17. VOTING PROCEDURES AT THE POLLS ON VOTING DAYS**

- 17.1 The polls will be open from 8 a.m. until 8 p.m. S 1/2 Tsimspean IR#2 at the Metlakatla First Nation administrative office (October 13<sup>th</sup>) and from 8 a.m. until 8 p.m. in Prince Rupert, BC. (October 14<sup>th</sup> and 15<sup>th</sup>) at the Coastal Training Centre. The Ratification Officer, or Assistant Ratification Officer will be present at all times while the polls are open. Any reference in this section to the Ratification Officer, except for reference to the Ratification Officer’s initials, includes any Assistant Ratification Officer.
- 17.2 All voting at the polls will be by secret ballot.
- 17.3 The Ratification Officer is responsible for determining whether a person is an Eligible Voter and a Registered Voter.
- 17.4 At each poll, the Ratification Officer will:
- (a) before the first vote is cast, open the ballot box and request a Registered Voter to witness that the ballot box is empty;
  - (b) thereupon seal the ballot box and place his or her signature on the seal in front of the witness, and ask the witness to place his or her signature on the seal;
  - (c) keep the ballot box in view for reception of ballots;
  - (d) execute a Declaration of Ratification Officer in Form 10; and

- (e) ensure that each witness executes a Statement of Witness in Form 11.
- 17.5 When a person at a poll requests to vote, the Ratification Officer will:
- (a) ensure that the person is a Registered Voter;
  - (b) check the List of Registered Voters to ensure that the person has not already voted, either in person or by mail-in ballot or electronic voting; and
  - (c) provide the Registered Voter with a ballot, on the back of which are affixed the Ratification Officer's initials so that the initials can be seen when the ballot is folded.
- 17.6 The Ratification Officer will place, on the List of Registered Voters, a line through the name of every Registered Voter receiving a ballot at a poll.
- 17.7 The Ratification Officer will establish a process of ongoing communication by telephone or other effective means between polls so as to ensure that the List of Registered Voters located at each poll is updated and current in accordance with the requirements of clause 17.6.
- 17.8 The Ratification Officer will explain the method of voting upon request.
- 17.9 If the Ratification Officer determines that the name of a Registered Voter has been omitted, incorrectly set out or incorrectly included on the List of Registered Voters, he or she will, in his or her sole discretion, make the necessary revision and such revision will be final.
- 17.10 A Registered Voter may request special assistance from the Ratification Officer at the polls.
- 17.11 The Ratification Officer will, on request and in the presence of a witness acceptable to the Registered Voter and the Ratification Officer, provide special assistance to a Registered Voter at the polls by marking a ballot in secret as directed by the Registered Voter and immediately folding and depositing the ballot into the ballot box
- 17.12 The Ratification Officer, after providing special assistance to a Registered Voter, will make an entry on the List of Registered Voters opposite the name of the Registered Voter indicating:
- (a) that the ballot was marked by the Ratification Officer at the request of the Registered Voter;

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(b) the reason for the Registered Voter's request; and

(c) the name of the witness.

17.13 Except for a Registered Voter requiring special assistance, every Registered 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") in the box marked "YES" or in the box marked "NO";

(c) fold the ballot so as to conceal the mark and expose the initials of the Ratification Officer; and

(d) immediately give the folded ballot to the Ratification Officer.

17.14 Upon receiving a marked ballot, the Ratification Officer, without unfolding it, will:

(a) verify the Ratification Officer's initials;

(b) remove the perforated strip, if any; and

(c) deposit the ballot into the ballot box.

17.15 A Registered Voter at a poll who receives a spoiled or improperly printed ballot, or who accidentally spoils his or her ballot when marking it, is entitled to receive another ballot from the Ratification Officer after returning the original ballot.

17.16 The Ratification Officer will record a ballot returned in accordance with clause 17.15 as spoiled.

17.17 A Registered Voter at a poll who receives a ballot and does not return it to the Ratification Officer will forfeit the right to vote and the Ratification Officer will make an entry on the List of Registered Voters stating that the Registered Voter left the poll without delivering the ballot and will record the ballot as cancelled.

17.18 At the time set for closing the polls, the Ratification Officer will declare the polls closed, and entry will be denied to the polls, but all remaining Registered Voters in the polls at that time are entitled to remain until they have voted.

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**18. ORDERLY VOTING**

- 18.1 Council, with the assistance of the Ratification Officer, will ensure that peace and good order are maintained at the polls.
- 18.2 The Ratification Officer will allow only one Registered Voter at a time into a designated voting area, except for a Registered Voter receiving special assistance.
- 18.3 A Registered Voter who is present and available to vote at a poll before the closing time will be entitled to vote.
- 18.4 No person will:
- (a) interfere or attempt to interfere with a Registered Voter when the Registered Voter is voting;
  - (b) obtain or attempt to obtain information as to how a Registered Voter is about to vote or has voted;
  - (c) mark a ballot in a way that identifies the Registered Voter; or
  - (d) mark the ballot envelope for a mail-in ballot in a way that indicates how the ballot was cast.

**19. REJECTED BALLOTS**

- 19.1 A cast ballot will be rejected if it:
- (a) was not supplied by the Ratification Officer or assistant Ratification Officer;
  - (b) was not marked as either "YES" or "NO";
  - (c) was marked as both "YES" and "NO";
  - (d) was marked outside a box marked "YES" or "NO" such that the Ratification Officer cannot reasonably discern the intent of the Registered Voter; or
  - (e) has any writing or mark which can identify the Registered Voter.
- 19.2 A ballot marked with anything other than a mark ("X"), or marked with anything other than a lead pencil or blue or black pen, will not be rejected if:
- (a) the mark is in a box;

- (b) the mark does not identify the Registered Voter; and
- (c) in the opinion of the Ratification Officer, the intent of the Registered Voter is clear.

## **20. OPENING MAIL-IN BALLOTS**

20.1 After the close of the polls on the last Voting Day, the Ratification Officer, in the presence of the Verifier and any Registered Voters who may be present, will:

- (a) open the ballot box for mail-in ballots;
- (b) open the ballot envelope and confirm the authenticity of the ballot by checking the affixed initials; and
- (c) deposit each ballot, without opening or showing it, in a ballot box used at the polls.

## **21. COUNTING OF BALLOTS**

21.1 After the close of a poll other than the poll at which the Ratification Officer is presiding, the assistant Ratification Officer presiding at that poll, with the Verifier or Assistant Verifier who will act as a witness, will:

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

21.2 After the mail-in ballots have been deposited in a ballot box and after all ballot boxes have been received from the polls, the Ratification Officer, in the presence of the Verifier and any Registered Voter who may be present, will:

- (a) count the number of spoiled ballots;
- (b) examine all ballots contained in the ballot boxes;

- (d) reject any ballots as required under clause 19.1; and
  - (e) count the number of ballots marked “YES”, the number of ballots marked “NO” and the number of rejected ballots.
- 21.3 When the results of the Ratification Vote have been determined the Ratification Officer will execute a Certification by Ratification Officer in Form 12.
- 21.4 The Ratification Officer will seal in separate envelopes the spoiled ballots, the rejected ballots, the ballots cast in favour and the ballots cast against and will thereupon:
  - (a) affix his or her signature to the seals; and
  - (b) request the Verifier to affix his signature to the seals.
- 21.5 The Ratification Officer will retain the separate envelopes for at least 60 days in his or her secure possession, and may unless otherwise instructed by Council in writing thereafter destroy the ballots cast and the spoiled ballots.

## **22. PROCEDURAL AMENDMENTS**

- 22.1 In order to give effect to and carry out the objectives and purpose of the Ratification Vote, the Ratification Officer, Council or its designate and the Verifier may agree upon a variation of the procedural requirements of this Ratification Process if they:
  - (a) deem it necessary to do so; and
  - (b) reasonably believe the variation will not result in any substantive change to those procedural requirements.
- 22.2 The Verifier will state in writing the nature and basis of a variation under clause 22.1 and make a copy of the statement publicly available.
- 22.3 The Ratification Officer or Verifier may modify a form appended to this Ratification Process to add or update, but not remove, material detail.

## **23. OBJECTIONS**

- 23.1 A Eligible Voter or the representative of Canada appointed under clause 8.2 of the Framework Agreement may file an objection with the Verifier if the Eligible Voter or representative has reasonable grounds for believing that:

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**VERIFIED**

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- (a) there was a violation of, or irregularity in, this Ratification Process; and
  - (b) the final result of the Ratification Vote might have been different but for the violation or irregularity.
- 23.2 An objection must be received by the Verifier within five days of the last Voting Day.
- 23.3 An objection must be in writing and must:
- (a) identify the name, address and telephone number of the Eligible Voter or representative of Canada making the objection;
  - (b) summarize the grounds for the objection; and
  - (c) be accompanied by a statutory declaration setting out the grounds for the objection.
- 23.4 The Verifier may, if the material provided under clause 23.3 is insufficient to decide the validity of the objection, conduct such further investigations as he deems necessary.
- 23.5 If an objection is filed under this Part in accordance with clauses 23.2 and 23.3, the Verifier will, within 15 days of the last Voting Day determine whether the objection is valid.
- 23.6 If the Verifier determines the objection is valid, he may allow the objection and call another Ratification Vote.
- 23.7 If the Verifier determines that:
- (a) there was neither a violation of, nor an irregularity in, this Ratification Process; or
  - (b) there was a violation of, or an irregularity in, this Ratification Process but the final result of the Ratification Vote was not affected,
- the Verifier will dismiss the objection.

## **24. REPORT BY VERIFIER**

- 24.1 Within 15 days of the last Voting Day, the Verifier will send a written report in Form 13 on the conduct of the Ratification Vote to the Metlakatla First Nation and the Minister of the Department.

**25. CERTIFICATION OF LAND CODE**

- 25.1 The Land Code and the Individual Agreement will be approved if:
- (a) a majority of the registered Eligible Voters who register to vote, vote in favour; and
  - (b) the total number of “yes” votes is at least 25 % plus 1 of the total number of all Eligible Voters.
- 25.2 If the Land Code and the Individual Agreement are approved by the Registered Voters under clause 25.1, Council will, as soon as practicable after receiving the report of the Verifier under clause 24.1, pass a resolution in Form 14 and send a copy of the approved Land Code the Verifier.
- 25.3 Upon receiving the Land Code and the resolution in Form 14 from Council, the Verifier will certify the Land Code and forward a commissioned copy of Form 15 together with a copy of the certified Land Code to the Metlakatla First Nation, the Minister of the Department and the Chair of the Lands Advisory Board.

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**VERIFIED**

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**Form 1**  
**Ratification Process**

**BALLOT QUESTION**

**Do you approve:**

- **The *Metlakatla First Nation Land Code*, dated for reference June 28, 2016; and**
- **The *Individual Agreement* between Metlakatla First Nation and Her Majesty the Queen in right of Canada?**

**EXPLANATION**

A **“YES”** vote means that Metlakatla First Nation will manage its own reserve lands under the *Metlakatla First Nation Land Code*.

A **“NO”** vote means that Metlakatla First Nation lands will continue to be managed by the Indigenous and Northern Affairs Canada under the *Indian Act*.

**YES**

☐

**NO**

☐

Mark this Ballot by placing a mark ( ✕ ) in one of the above boxes.

**Form 2**  
**Ratification Process**

**FIRST NATION COUNCIL RESOLUTION**  
(Information to Verifier)

The Council of Metlakatla First Nation, in accordance with the clause 8.3 of the Framework Agreement on First Nation Land Management and clause 4 of the *Metlakatla First Nation Community Ratification Process*, do hereby resolve to submit the following information to the verifier, in quadruplicate:

1. the proposed *Metlakatla First Nation Land Code* dated for reference June 28, 2106;
2. the initial List of Voters who, according to the records of Metlakatla First Nation, would be eligible to vote on whether to approve the proposed *Metlakatla First Nation Land Code*; and
3. the proposed *Metlakatla First Nation Community Ratification Process*, dated for reference June 28, 2016

Dated at Metlakatla First Nation, in the Province of British Columbia \_\_\_\_ day of \_\_\_\_\_, 2016  
on the

\_\_\_\_\_  
Chief

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

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Councillor

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Councillor

(\* A quorum for this Band consists of 4 members of Council)

**Form 2A**  
**Ratification Process**

**CONFIRMATION BY VERIFIER**  
(Land Code and Individual Agreement Ratification Process)

CANADA )  
 )  
PROVINCE OF BRITISH COLUMBIA )

I, A.J.(Al) Gross, of Kelowna, in the Province of British Columbia, DO SOLEMNLY  
DECLARE THAT:

1. I was appointed as the Verifier for Metlakatla First Nation by the First Nation on the \_\_\_\_\_ day of \_\_\_\_\_ and by Canada on the \_\_\_\_ day of \_\_\_\_\_ for the purpose of verifying the community approval of their Land Code and their Individual Agreement, in accordance with the *Framework Agreement on First Nation Land Management* and the *First Nations Land Management Act*.
2. In accordance with clause 8.3 of the Framework Agreement, I received the following information from Metlakatla First Nation on \_\_\_\_\_:
  - (a) a copy of the *Metlakatla First Nation Land Code*;
  - (b) a list of the names of every Member of Metlakatla First Nation who, according to Metlakatla First Nation's records at that time, would be eligible to vote on whether to approve the Land Code and the Individual Agreement; and
  - (c) a detailed description of the community approval process that Metlakatla First Nation proposes to use.
3. A true copy of the Land Code, entitled the *Metlakatla First Nation Land Code*, dated for reference \_\_\_\_\_ is attached as Exhibit "1" to this Declaration.

4. A true copy of the community approval process, entitled *Metlakatla First Nation Community Ratification Process*, dated for reference \_\_\_\_\_ is attached as Exhibit "2" to this Declaration.
5. In accordance with clause 8.4 of the Framework Agreement and section 8 of the Act, I reviewed the *Metlakatla First Nation Land Code* and the *Metlakatla First Nation Community Ratification Process* to decide whether:
  - (a) the *Metlakatla First Nation Land Code* conforms with the requirements of clause 5 of the Framework Agreement and section 6 of the Act; and
  - (b) the *Metlakatla First Nation Community Ratification Process* conforms with clause 7 of the Framework Agreement and section 8 of the Act.
6. In accordance with clause 8.8 of the Framework Agreement and section 8.1(a) of the Act, the *Metlakatla First Nation Land Code* and the *Metlakatla First Nation Community Ratification Process* are hereby *confirmed/not confirmed* as being consistent with the Framework Agreement.
7. My reasons for not confirming the *Metlakatla First Nation Land Code* or *Metlakatla First Nation Community Ratification Process* are as follows:

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 British Columbia, this )  
\_\_\_\_ day of \_\_\_\_\_. )

\_\_\_\_\_  
A.J (Al) Gross, Verifier

\_\_\_\_\_  
A Commissioner for Taking Oaths in and )  
for the Province of British Columbia. )

**Form 3**

**Ratification Process**

**FIRST NATION COUNCIL RESOLUTION**

(Commencement of Vote)

The Council of Metlakatla First Nation, at a duly convened meeting and in accordance with the Framework Agreement on First Nation Land Management and clause 6 of the *Metlakatla First Nation Community Ratification Process*, do hereby resolve to:

1. Confirm \_\_\_\_\_ as the Ratification Officer;
2. Confirm the initial List of Voters;
3. Confirm the text of the *Metlakatla First Nation Community Ratification Process*, dated for reference \_\_\_\_\_;
4. Approve for community ratification the *Metlakatla First Nation Land Code*, as confirmed by the Verifier and dated for reference \_\_\_\_\_;
5. Approve for community ratification the Individual Agreement, which includes a process for amendment;
6. Hold a Ratification Vote to determine if the community approves the Ratification Documents in accordance with the *Metlakatla First Nation Community Ratification Process* as confirmed by the Verifier on \_\_\_\_\_;
7. Confirm the Ballot Question in the form attached as Annex #1; and
8. Set the Voting Days to be the \_\_\_\_ and \_\_\_\_ days of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_.

Dated at \_\_\_\_\_, Province of British Columbia on the \_\_\_\_ day of \_\_\_\_\_ 201\_\_.

\_\_\_\_\_  
Chief

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor



\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

(\* A quorum for this Band consists of 4 Council members)

**Form 4**  
**Ratification Process**

**ACCEPTANCE OF APPOINTMENT BY RATIFICATION OFFICER**

\_\_\_\_\_  
Date

I, \_\_\_\_\_, agree to act as Ratification Officer for the Ratification Vote to determine if the voters of the Metlakatla First Nation approve the Ratification Documents, and will discharge my duties in accordance with *the Metlakatla First Nation Community Ratification Process* and the requirements of confidentiality.

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

**Form 4A**  
**Ratification Process**

**APPOINTMENT OF AN ASSISTANT RATIFICATION OFFICER**

\_\_\_\_\_  
Date

I, \_\_\_\_\_, Ratification Officer, appoint \_\_\_\_\_ to act as my assistant in carrying out my duties in accordance with *the Metlakatla First Nation Community Ratification Process* for the purpose of the Ratification Vote.

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

I, \_\_\_\_\_ agree to act as an assistant to the Ratification Officer for the purpose of the Ratification Vote and promise to carry out all assigned duties to the best of my abilities and in accordance with *the Metlakatla First Nation Community Ratification Process* and the requirements of confidentiality.

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

## **NOTICE OF METLAKATLA FIRST NATION COMMUNITY RATIFICATION VOTE**

Notice is hereby given that the Metlakatla First Nation has called a Vote in accordance with the Metlakatla First Nation Community Ratification Process on the matter of determining if Registered Voters approve the Metlakatla First Nation Land Code and Individual Agreement.

The following question will be asked of the Registered Voters of Metlakatla First Nation by Ballot:

"Do you approve the Metlakatla First Nation Land Code dated for reference \_\_\_\_\_,  
\_\_\_\_\_ and the *Individual Agreement* with Her Majesty the Queen in Right of  
Canada?"

### **POLLS OPEN OCTOBER 13, 14, 15, 2016 RATIFICATION VOTE LOCATIONS and TIMES**

<b>October 13</b> <b>8:00AM TO 8:00PM</b> <b>Metlakatla Administrative Offices</b> Metlakatla, BC	<b>October 14 and 15</b> <b>8:00AM TO 8:00PM</b> <b>Coastal Training Centre, 501 Dunsmuir Street</b> Prince Rupert, BC
Copies of the Framework Agreement, Individual Agreement, Metlakatla First Nation Land Code, and the background documents may be obtained from <b>Philip Clement, the Director of Lands</b> , at the Metlakatla First Nation Administration Office, Metlakatla, BC or in Prince Rupert at the Coastal Training Centre.	

**AND FURTHER TAKE NOTICE** that all Members of Metlakatla First Nation, 18 years of age and older as of the date of the Ratification Vote are eligible to vote, **PROVIDED THAT SUCH MEMBERS HAVE SUBMITTED A COMPLETE, SIGNED AND WITNESSED VOTER REGISTRATION DOCUMENT TO THE RATIFICATION OFFICER PRIOR TO THE CLOSE OF POLLS ON THE LAST VOTING DAY.** Voter registration documents will be sent to all Eligible Voters whose address is on record with the Metlakatla First Nation. **VOTER REGISTRATION** documents are also available from NAME, Ratification Officer at the website and contact information appearing below.

Please Note: Any Registered Voter may vote in person, by Mail-in Ballot or electronically. If an Eligible Voter has not received a Voter Registration Document by \_\_\_\_\_ please contact NAME, Ratification Officer so that the necessary form can be provided to you. Eligible voters may also obtain a Voter Registration Document at the Vote locations as indicated above.

Dated at \_\_\_\_\_, Province of British Columbia this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

NAME, Ratification Officer: \_\_\_\_\_

For more information please contact NAME, Ratification Officer  
Ph/Txt: (250) Fax: (250) Email:

Mailing Address and Website: \_\_\_\_\_

**Voter Registration Document**  
**To Vote in the Metlakatla First Nation Ratification Vote**

**Form 6**  
**Ratification Process**

If you choose the option to vote electronically or complete Form 7 as part of your mail in Ballot , and complete your vote you are deemed to have registered and are not required to complete and return this form

I, \_\_\_\_\_, am registering as a Registered Voter and:  
(Print full name)

**(Check one only)**

☐ I will be able to attend a polling station in person

**OR**

☐ I will be voting by mail-in ballot.

My mailing address is:

Number: \_\_\_\_\_ Street: \_\_\_\_\_

City/Town: \_\_\_\_\_

Province/State: \_\_\_\_\_

Country: \_\_\_\_\_ Postal/Zip: \_\_\_\_\_

My phone number is:

Home #: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Mobile #: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Messages #: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

I confirm that I am at least 18 years of age, or will be 18 years of age by \_\_\_\_\_ and I am a Member of the Metlakatla First Nation, and that:

My Band Member Number is \_\_\_\_\_ and my Date of Birth is \_\_\_\_\_;

And that I have signed this Voter Registration Form, together with a witness to my signature.

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Print Name of Witness

**For Ratification Officer's Use Only**

This is to certify that this Eligible Voter has been registered and his or her full name, band number and date of birth have been placed on the List of Registered Voters.

\_\_\_\_\_  
Date

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

**Form 7**  
**Ratification Process**

**REGISTRATION AND IDENTIFICATION ENVELOPE**

**VOTER REGISTRATION AND IDENTIFICATION ENVELOPE FOR THE MAIL-IN BALLOT**

I, \_\_\_\_\_ am registering as Registered Voter, and:  
(Print Full Legal Name)

1. I Will be voting my mail.	My Band Member Number is:
2. My Date of Birth is:	My Full Mailing Address is:
3. My Phone Number is:	

I make this solemn declaration believing it to be true and know 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 Elector \_\_\_\_\_ Date \_\_\_\_\_

**WITNESS DECLARATION**

Declared before me \_\_\_\_\_ )  
(Print name of Witness) )  
at \_\_\_\_\_ this \_\_\_\_\_ day )  
(city, town, village) )  
of \_\_\_\_\_, 2016. ) Address of Witness

**Form 8**  
**Ratification Process**

**DECLARATION OF RATIFICATION OFFICER**  
(Mail-in Ballots)

CANADA )  
 )  
Province of \_\_\_\_\_ )

I, \_\_\_\_\_, Ratification Officer, of \_\_\_\_\_, in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I was personally responsible for receiving all mail-in ballots at Metlakatla First Nation when Registered Voters of Metlakatla First Nation voted in a Ratification Vote concerning the Ratification Documents.
2. In preparation for depositing mail-in ballots and receiving electronic votes, I opened ballot box number #\_\_.
3. I saw that the ballot box was empty and I asked Registered Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of the Registered Voters who were present, and prepared it for the reception of ballot papers.
5. I personally deposited all of the mail-in ballots received by me into ballot box #\_\_\_\_ without opening the ballot envelope, and kept the ballot box sealed when not in my custody until the ballots were counted.

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 \_\_\_\_\_, )  
201\_. )  
 ) \_\_\_\_\_ )  
 ) Ratification Officer )  
 )

\_\_\_\_\_  
A Commissioner for Oaths in and for the  
Province of British Columbia



**Form 8A**  
**Ratification Process**

**DECLARATION OF RATIFICATION OFFICER**  
(Electronic Votes)

CANADA )  
 )  
Province of \_\_\_\_\_ )

I, \_\_\_\_\_, Ratification Officer, of \_\_\_\_\_, in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I was personally responsible for receiving all *electronic votes* at Metlakatla First Nation when the Registered Voters of Metlakatla First Nation voted electronically in the Ratification Vote concerning the Ratification Documents.

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 \_\_\_\_\_, )  
201\_. )  
 ) \_\_\_\_\_ )  
 ) Ratification Officer )  
 )

\_\_\_\_\_  
A Commissioner for Oaths in and for the  
Province of British Columbia

**Form 9**  
**Ratification Process**

**STATEMENT OF WITNESS**  
(Deposit of Mail-In Ballots)

\_\_\_\_\_  
Date

I, \_\_\_\_\_ was personally present at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ when the Ratification Officer deposited the ballot envelopes containing the mail-in ballots in ballot box #\_\_\_\_; and

1. I am a Registered Voter.
2. I witnessed that ballot box #\_\_\_\_ was empty before any ballot envelopes containing mail-in ballots were deposited.
3. I witnessed the Ratification Officer seal the ballot box and sign the seal.
4. I signed the seal, as requested by the Ratification Officer.

\_\_\_\_\_  
Witness

**Form 9A**  
**Ratification Process**

**STATEMENT OF WITNESS**  
(Opening of Mail-In Ballots)

\_\_\_\_\_  
Date

I, \_\_\_\_\_ was personally present at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ when the Ratification Officer opened the mail-in ballot packages; and:

1. I am a Registered Voter.
2. The mail-in ballot packages were unopened immediately prior to the time the Ratification Officer opened them.
3. The Ratification Officer confirmed that the signatures that appeared on the identification envelopes were the same as the signatures that appeared on the voter registration documents.
4. The Ratification Officer checked the List of Registered Voters and ensured that the Registered Voter whose name appeared on the mail-in ballot package had not previously voted in person or by mail-in ballot or electronic voting.
5. The Ratification Officer placed a line through the name of each Registered Voter on the List of Registered Voters when she deposited the ballot envelope of that Registered Voter in the separate ballot box kept for that purpose.

\_\_\_\_\_  
Witness

**Form 10**  
**Ratification Process**

**DECLARATION OF RATIFICATION OFFICER**  
(Regular Polls)

CANADA )  
 )  
Province of \_\_\_\_\_ )

I, \_\_\_\_\_, Ratification Officer, of \_\_\_\_\_, in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I was personally present at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ when Registered Voters of Metlakatla First Nation voted in a Ratification Vote concerning the Ratification Documents.
2. Immediately before the Ratification Vote began, I opened ballot box number # \_\_\_\_.
3. I saw that the ballot box was empty and I asked Registered Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of those persons who were 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 and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the \_\_\_\_\_ )  
of \_\_\_\_\_ in the Province of \_\_\_\_\_ )  
\_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ )  
20\_\_\_. )  
 ) \_\_\_\_\_ )  
\_\_\_\_\_) Ratification Officer |  
Province of British Columbia

**Form 11**  
**Ratification Process**

**STATEMENT OF WITNESS**  
(Regular Polls)

\_\_\_\_\_  
Date

I, \_\_\_\_\_, was personally present at the polling place at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ when Registered Voters of Metlakatla First Nation were to vote in a Ratification Vote concerning the Ratification Documents, and

1. I am a Registered Voter.
2. I witnessed that the ballot box #\_\_ was empty before any votes were cast in the Ratification Vote.
3. I witnessed the Ratification Officer seal the ballot box and sign the seal.
4. I signed the seal, as requested by the Ratification Officer

\_\_\_\_\_  
Witness

**Form 12**  
**Ratification Process**

**CERTIFICATION BY RATIFICATION OFFICER**  
(Conclusion of Vote)

CANADA )  
 )  
Province of British Columbia )

I, \_\_\_\_\_, Ratification Officer for Metlakatla First Nation in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I was present at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ when Registered Voters of Metlakatla First Nation voted concerning approval of *the Metlakatla First Nation Land Code* and Individual Agreement in accordance with *the Metlakatla First Nation Community Ratification Process*.
2. A true copy of the Notice of Vote is attached as Exhibit "1" to this Declaration.
3. In accordance with clause 8.1 of the *Metlakatla First Nation Community Ratification Process* I posted the Notice of Vote at least 31 days prior to the first Voting Day.
4. The voting procedure, including the handling of mail-in ballots and the counting of results, was conducted in accordance with clauses 12 to 21, both inclusive, of the *Metlakatla First Nation Community Ratification Process*.
5. The names of \_\_\_\_\_ Eligible Voters appeared on the List of Voters.
6. The number of Eligible Voters who registered was \_\_\_\_\_ and their names were entered on the List of Registered Voters.
7. The number of Registered Voters who constituted a majority was \_\_\_\_\_.
8. The number of Eligible Voters who constituted the minimum percentage required for approval under clause 7.4 of the *Framework Agreement on First Nation Land Management* and section 12(2) of the *First Nations Land Management Act* was \_\_\_\_\_.
9. The results of the Ratification Vote are as follows:  
  
(a) \_\_\_\_\_ mail-in ballots were cast in the Ratification Vote in accordance with

clause 13 of the *Metlakatla First Nation Community Ratification Process*;

- (b) \_\_\_\_\_ regular ballots were cast in the Ratification Vote in accordance with clauses 17 and 18 of the *Metlakatla First Nation Community Ratification Process*;
  - (c) \_\_\_\_\_ electronic ballots were cast in the Ratification Vote in accordance with clauses 14, 15 and 16 of the *Metlakatla First Nation Community Ratification Process*;
  - (d) \_\_\_\_\_ spoiled ballots were marked as spoiled as provided in clause 17.16 of the *Metlakatla First Nation Community Ratification Process*;
  - (e) \_\_\_\_\_ rejected ballots were rejected in accordance with clause 13.10 of the *Metlakatla First Nation Community Ratification Process* and not opened or deposited into the ballot box;
  - (f) \_\_\_\_\_ ballots were cancelled in accordance with clause 17.17 of the *Metlakatla First Nation Community Ratification Process*;
  - (g) \_\_\_\_\_ improper ballots were rejected in accordance with clause 19.1 of the *Metlakatla First Nation Community Ratification Process*;
  - (h) \_\_\_\_\_ ballots in favour of the Ballot Question were marked “YES” and counted;
  - (i) \_\_\_\_\_ ballots against the Ballot Question were marked “NO” and counted.
10. Based on the need to meet or exceed the number of Registered Voters in item 7, the number of Eligible Voters in item 8, above, and the number of YES ballots in favour of the Ballot Question, the Ratification Documents were *approved/not approved* by the Registered 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 \_\_\_\_\_ 201\_. )

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

\_\_\_\_\_  
)  
A Commissioner for Oaths in and for the )  
Province of British Columbia

**Form 13**  
**Ratification Process**

**REPORT BY VERIFIER**  
(Conclusion of Vote)

CANADA )  
Province of British Columbia )

I, A.J (AJ) Gross of Kelowna, in the Province of British Columbia, DO SOLEMNLY DECLARE  
THAT:

1. I was present at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ when Registered Voters voted concerning approval of *the Metlakatla First Nation Land Code* and their Individual Agreement in accordance with *the Metlakatla First Nation Community Ratification Process*.
2. A copy of the Notice of Vote is attached as Exhibit "1" to this Declaration.
3. In accordance with clause 8.1 of the *Metlakatla First Nation Community Ratification Process*, the Ratification Officer posted the Notice of Vote at least 31 days prior to the first Voting Day.
4. In accordance with clause 8.2 of the *Metlakatla First Nation Community Ratification Process*, I arranged for the Notice of Vote to be published in the \_\_\_\_\_ at least 28 days prior to the first Voting Day.
5. In accordance with clause 9.2 of the *Metlakatla First Nation Community Ratification Process*, a copy of the Notice of Vote and the documents listed in clause 9.1 were sent to each person on the List of Voters at their last known address at least 31 days prior to the first Voting Day.
6. In accordance with clauses 9.3 and 9.4 of the *Metlakatla First Nation Community Ratification Process*, the following community information processes were carried out: door-to-door visits, community information meetings and telephone contacts were made in the community.
7. In accordance with clause 10.1 of the *Metlakatla First Nation Community Ratification Process*, the information package was sent to any persons who are not Members who hold an interest in Metlakatla First Nation Land at least 31 days prior to the first Voting Day.
8. The names of \_\_\_\_\_ Eligible Voters appeared on the List of Voters.
9. The number of Eligible Voters who registered was \_\_\_\_\_ and their names were entered on the List of Registered Voters.
10. The number of Registered Voters who constituted a majority was \_\_\_\_\_.
11. The number of Eligible Voters who constituted the minimum percentage required for approval



## Metlakatla First Nation Community Ratification Process

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under clause 7.4 of the *Framework Agreement on First Nation Land Management* and section 12(2) of the *First Nations Land Management Act* was\_\_\_\_\_.

12. The results of the Ratification Vote are as follows:

- (a) \_\_\_\_\_mail-in ballots were cast in the Ratification Vote in accordance with clause 13 of the *Metlakatla First Nation Community Ratification Process*;
- (b) \_\_\_\_\_regular ballots were cast in the Ratification Vote in accordance with clauses 17 and 18 of the *Metlakatla First Nation Community Ratification Process*;
- (c) \_\_\_\_\_electronic ballots were cast in the Ratification Vote in accordance with clause 14, 15 and 16 of the *Metlakatla First Nation Community Ratification Process*;
- (d) \_\_\_\_\_ballots were spoiled as provided in clause 17.16 of the *Metlakatla First Nation Community Ratification Process*;
- (e) \_\_\_\_\_ballots were rejected in accordance with clause 13.10 of the *Metlakatla First Nation Community Ratification Process* and not opened or deposited into the ballot box;
- (f) \_\_\_\_\_ballots were cancelled in accordance with clause 17.17 of the *Metlakatla First Nation Community Ratification Process*;
- (g) \_\_\_\_\_ballots were rejected in accordance with clause 19.1 of the *Metlakatla First Nation Community Ratification Process*;
- (h) \_\_\_\_\_ballots were marked "YES" for the Ballot Question; and
- (i) \_\_\_\_\_ballots were marked "NO" for the Ballot Question.

13. Based on the need to meet or exceed the number of Registered Voters in item 10, the number Eligible Voters in item 11, and the number of ballots marked "YES" in item 12(h) above, the Ratification Documents were *approved/not approved* by the Registered 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 British Columbia, this \_\_\_\_\_ )  
day of \_\_\_\_\_201\_. )  
 )  
 )  
A Commissioner for Oaths in and for the )  
Province of British Columbia. )

\_\_\_\_\_  
A.J. (Al) Gross, Verifier

**Form 14**  
**Ratification Process**

**FIRST NATION COUNCIL RESOLUTION**  
(Submission to Verifier at Conclusion of Vote)

Whereas the *Metlakatla First Nation Land Code* and the Individual Agreement were submitted to a Ratification Vote at Metlakatla First Nation on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ ;

And Whereas the Verifier has reported that the Ratification Vote was conducted in accordance with the *Metlakatla First Nation Community Ratification Process* confirmed by the Verifier;

And Whereas the Registered Voters approved these documents at the Ratification Vote held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ ;

Now therefore the Council of Metlakatla First Nation, in accordance with the *Framework Agreement on First Nation Land Management* and clause 25.2 of the *Metlakatla First Nation Community Ratification Process*, do hereby resolve to send to the Verifier the approved *Metlakatla First Nation Land Code*, attached hereto as Annex #1, for certification by the Verifier.

Dated at \_\_\_\_\_, Province of British Columbia this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Chief

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

Metlakatla First Nation Community Ratification Process

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\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

(\* A quorum for this Band consists of 4 Council members)

**Form 15**  
**Ratification Process**

**CERTIFICATION OF LAND CODE**

Whereas the *Metlakatla First Nation Land Code* and the Individual Agreement were submitted to a Ratification Vote at Metlakatla First Nation on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ ;

And Whereas I have reported that the Ratification Vote was conducted in accordance with the *Metlakatla First Nation Community Ratification Process* confirmed by me as the Verifier;

And Whereas the *Metlakatla First Nation Land Code* and the Individual Agreement were approved by the Registered Voters at the Ratification Vote on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ ;

Therefore, I hereby certify the *Metlakatla First Nation Land Code*, attached as Annex #1 hereto.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
A.J. (Al) Gross, Verifier



