



PASQUA FIRST NATION
TREATY 4 AGRICULTURAL BENEFITS and AMMUNITION and TWINE
SETTLEMENT AGREEMENT
VOTING GUIDELINES

1.0 TITLE, APPLICATION, AND DEFINITIONS

1.1 This document shall be referred to as the *Pasqua First Nation Treaty 4 Agricultural Benefits and Ammunition and Twine Settlement Agreement Voting Guidelines* (the “Guidelines”).

1.2 In these Guidelines:

- a) **“Advance Poll”** means a vote by the Voters conducted in accordance with Section 9.0 and held at least 1 day prior to the date of the Ratification Vote;
- b) **“Assistant Ratification Officer”** means a person or persons appointed by the Ratification Officer to assist with the Ratification Officer’s duties for the purposes of a Ratification Vote;
- c) **“Ballot Question”** means the Ballot Question set out in Schedule 3 to the *Pasqua First Nation Treaty 4 Benefits Settlement Agreement*;
- d) **“Council”** means the duly elected Chief and Council of Pasqua First Nation, which is a “council of the band” within the meaning of the *Indian Act*;
- e) **“Council Resolution”** means a written resolution of the Council adopted at a duly convened meeting;
- f) **“Electronic Voting Contractor”** means the Ratification Officer.
- g) **“Electronic Voting Platform”** means a platform chosen by the Ratification Officer.
- h) **“Employee”** means a person who is in receipt of, or entitled to, any wages or salary for work performed for the Pasqua First Nation.

- l) **“Immediate Family”** means the spouse, common-law spouse, mother, father, stepfather, stepmother, sister, brother, stepbrother, stepsister, son, daughter, stepson, stepdaughter, grandchild or grandparent.
- i) **“Ratification Officer”** means a person who is designated by the Council of the First Nation to oversee the conduct of the Ratification Vote;
- j) **“Ratification Vote”** means a vote referred to in Article 8.0 of the Settlement Agreement on the Ballot Question conducted in accordance with these Voting Guidelines.
- k) **“Review Panel”** means the panel of persons appointed by Council Resolution in accordance with Section 13.0 of these Guidelines;
- l) **“Settlement Agreement”** means the *Pasqua First Nation Treaty 4 Agricultural Benefits and Ammunition and Twine Settlement Agreement* as initialed by Canada and Pasqua First Nation;
- m) **“Voter”** in respect of the Ratification Vote, means a Voter of the Pasqua First Nation, who registered on the First Nation Band List, is of the full age of eighteen years, and is not disqualified from voting at band election
- n) **“Voters List”** means a list provided by the First Nation to the Ratification Officer at least 30 days before the Voting Day containing the names of all of the First Nation’s Voters in alphabetical order, their respective Indian Status Registry number or Membership numbers, and the birthdate of each Voter.

1.3 Where there is reference to a number of days between two events, in calculating the 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 CALLING A RATIFICATION VOTE AND APPOINTING RATIFICATION OFFICER

2.1 Council shall, by Council Resolution:

- a) appoint a person who is to serve as the Ratification Officer for the purpose of carrying out a Ratification Vote on the Ballot Question; and
- b) set the date(s) for the Ratification Vote and approve the posting of Notice of Ratification Vote.

2.2 The Ratification Officer is responsible for overseeing the conduct of the Ratification Vote in accordance with these Guidelines and has all the powers necessary to carry out that responsibility.

2.3 The Ratification Officer shall not be a member of Pasqua First Nation or be eligible to vote in the Ratification Vote.

- 2.4 The Ratification Officer may appoint one or more Assistant Ratification Officers and may delegate any of the duties of the Ratification Officer as set out in these Guidelines.
- 2.5 If, at any time, the Ratification Officer is unable to perform his or her duties, the Council may, by Council Resolution, appoint an acting or a replacement Ratification Officer.

3.0 VOTERS LIST

- 3.1 At least 30 days before the day of the Ratification Vote, the Pasqua First Nation shall provide the Ratification Officer with a Voters List.
- 3.2 The Voters List shall set out the following:
- a) the first and last names of all Voters, in alphabetical order;
 - b) the Certificate of Indian Status Registry number or Membership number of each Voter;
 - c) the birthdate of each Voter; and
- 3.3 On request of the Council or a member, the Ratification Officer shall confirm whether the name of a person is on the Voters List.
- 3.4 The Ratification Officer shall revise the Voters List where it is demonstrated that
- a) the name of a Voter has been omitted from the Voters List;
 - b) the name of a Voter is incorrectly set out in the Voters List; or
 - c) the name of a Voter not qualified to vote is included in the Voters List.
- 3.5 For the purposes of Section 3.4, a person may demonstrate
- a) that the name of a person has been omitted from, or incorrectly set out in, the Voters List by presenting to the Ratification Officer evidence that the person is a Voter; or
 - b) that the name of a person not qualified to vote has been included in the Voters List by presenting to the Ratification Officer evidence that person is not a Voter.
- 3.6 The Ratification Officer is entitled to seek additional information or confirmation regarding revisions to the Voters List from the Council or from any membership clerk or staff member appointed by the Council to assist the Ratification Officer with revisions to the Voters List.

4.0 NOTICE OF RATIFICATION VOTE

- 4.1 At least 30 days before the day of the Ratification Vote, the Ratification Officer shall post the Notice of Ratification Vote and the Voters List in at least one public area on Pasqua First Nation reserve lands.
- 4.2 The Ratification Officer may post the Notice of Ratification Vote at any other physical or electronic public spaces the Ratification Officer deems appropriate.
- 4.3 The Notice of Ratification Vote shall contain:
 - a) the Ballot Question to be submitted to the Voters;
 - b) the date or dates on which the Ratification Vote will be held;
 - c) the location of each polling station and the hours that it will be open for voting;
 - d) information on alternative options for voting including Advance Polls or Electronic Voting, if available;
 - e) instructions for obtaining an information package;
 - f) the dates, times, and locations of any Information Meetings; and
 - g) contact information for the Ratification Officer.

5.0 INFORMATION PACKAGES

- 5.1 Information packages will include:
 - a) a summary of the factual and procedural history of the Claim;
 - b) copies of the Settlement Agreement and Trust Agreement and summaries of both;
 - c) answers to Frequently Asked Questions.
- 5.2 Copies of the Information Package may be mailed to Voters upon request, or emailed to Voters upon request.
- 5.3 Council shall cause hardcopy Information Packages to be available at Information Meetings.

6.0 INFORMATION MEETINGS

- 6.1 Before the day on which a Ratification Vote is to be held, the Ratification Officer shall ensure that at least one Information Meeting has been held to provide Voters with information regarding the subject matter of the Ratification Vote.
- 6.2 The Council will set the dates, times, and places of the Information Meeting(s).
- 6.3 Information Meeting(s) may be held on or before the dates of Advance Polls.

6.4 Information Meeting(s) will be open to all members and will be attended by Council, legal counsel, and the financial advisor.

7.0 PREPARATION FOR RATIFICATION VOTE

7.1 Prior to the Ratification Vote, and/or Advance Polls, if applicable, the Ratification Officer shall:

- a) prepare sufficient ballots, initialed on the back by the Ratification Officer or Assistant Ratification Officer, stating the question or questions to be submitted to the Voters;
- b) procure a sufficient number of ballot boxes;
- c) ensure that ballot papers and a sufficient number of lead pencils for marking the ballot papers are available to the Voters; and
- d) Prepare for Electronic Voting, if available, in accordance with Section 8.0.

8.0 ELECTRONIC VOTING

8.1 The Ratification Officer shall ensure that Electronic Voting is available to the Voters through the Electronic Voting Contractor.

8.2 If Electronic Voting is used in the Ratification Vote, the Ratification Officer shall ensure that:

- a) any information regarding Electronic Voting, including information respecting the duration of the voting period, is provided in the Notice of Ratification Vote;
- b) a secure Electronic Voting Platform is available to Voters;
- c) individual Electronic Voting results will remain secret at all times and individual Voter choices shall be encrypted in such a way to ensure voter anonymity;
- d) once a Voter has voted by Electronic Voting, the Voter will be restricted from voting again;
- e) the Ratification Officer can confirm that the person voting is a Voter;
- f) the Ratification Officer has the date and time that each Electronic Vote was received.
- g) Electronic Voting will end at the same time as the Ratification Vote; and
- h) immediately upon the closing of the poll, the Ratification Officer will be provided with a summary of the Electronic Voting results.

9.0 ADVANCE POLLS

- 9.1 The Ratification Officer may establish an advance polling station or stations at any locations as directed by the Council.
- 9.2 The final Advance Poll shall be held at least 1 day prior to the date on which the Ratification Vote is to be held.
- 9.3 The Advance Poll(s) shall be kept open at the times set out in the Notice of Vote as directed by Council.
- 9.4 The Advance Poll(s) shall be conducted in the same manner as the Ratification Vote.
- 9.5 The Ratification Officer or Assistant Ratification Officer shall use a separate ballot box for the Advance Poll(s).
- 9.6 Immediately after the close of each Advance Poll, the Ratification Officer or Assistant Ratification Officer shall properly seal the ballot box and place his or her signature on the seal in front of a witness.
- 9.7 The Ratification Officer will retain custody of the ballot box and ensure that ballot boxes remain sealed and are not opened until the counting of the ballots after the close of the vote on the date of the Ratification Vote.

10.0 VOTING AT POLLING STATIONS

- 10.1 The Ratification Officer shall establish at least one polling station at Pasqua First Nation on the date on which the Ratification Vote is to be held.
- 10.2 The Ratification Officer shall provide a compartment at each polling place where the Voter can mark his or her ballot paper free from observation.
- 10.3 The Ratification Officer shall, immediately before the opening of the poll, open the ballot box and call upon such persons who may be present to witness that it is empty and shall then lock and properly seal the box and place it in view for the reception of the ballots.
- 10.4 Polling stations shall be kept open as per the times stated in the Notice of Vote on the day of the Ratification Vote unless otherwise directed by Council Resolution.
- 10.5 A Voter who is inside a polling station at the time that the polling station is set to close is entitled to vote.
- 10.6 When a person attends at a polling station for the purpose of voting, the Ratification Officer shall:
 - a) ensure the person's name is set out in the Voters List;
 - b) ensure the person has not already voted by way of Advance Poll or Electronic Voting;

- c) provide the Voter with a ballot;
 - d) mark the Voter's name on the Voters List as having been provided with a ballot; and
 - e) explain the mode of voting upon request by the Voter.
- 10.7 On the application of a Voter who is not able to read, or physically incapable, the Ratification Officer, or a person designated by the Ratification Officer, shall assist that Voter by marking his or her ballot paper in the manner directed by the Voter and shall place the ballot paper in the ballot box.
- 10.8 The Ratification Officer shall make an entry in the Voters List opposite the name of the Voter that the ballot paper was marked by another person at the request of the Voter and the reasons therefor.
- 10.9 Except as provided in Section 10.7, every Voter receiving a ballot paper shall:
- a) proceed immediately to the unoccupied compartment provided for marking the ballot paper;
 - b) mark the ballot clearly indicating the Voter's response to the question or questions stated on the ballot;
 - c) fold the ballot in a manner that conceals the question or questions and any marks, but exposes the initials on the back; and
 - d) immediately deliver the ballot to the Ratification Officer for deposit in the ballot box.
- 10.10 A Voter who receives a soiled or improperly printed ballot paper, or inadvertently spoils his or her ballot paper in marking it, shall, upon returning the ballot paper to the Ratification Officer, be entitled to another ballot paper.
- 10.11 A Voter who has received a ballot paper and
- a) leaves the compartment for marking ballot papers without delivering the same to the Ratification Officer or the Assistant Ratification Officer in the manner provided, or
 - b) refuses to vote,
- shall forfeit his or her right to vote on the Ratification Vote and the Ratification Officer, or a person designated by the Ratification Officer, shall make an entry on the Voters List opposite the name of the Voter that the Voter did not return the ballot paper or refused to vote, as the case may be.
- 10.12 The Ratification Officer shall maintain peace and good order during the voting.
- 10.13 Whenever the Ratification Officer does not understand the language spoken by a Voter, he or she shall enlist the aid of an interpreter to communicate with respect to all matters required to enable that Voter to vote.

10.14 No person shall:

- a) interfere or attempt to interfere with a Voter when marking their ballot paper;
- b) obtain or attempt to obtain information at the polling place as to how a Voter is about to vote or has voted;
- c) mark a ballot in way that identifies the Voter; or
- d) attempts to vote more than once.

11.0 COUNTING OF VOTES

11.1 As soon as is practicable after the close of the polls, the Ratification Officer shall, in the presence of an Assistant Ratification Officer, if appointed, and any members of Council who are present, open all ballot boxes, including the Advance Poll ballot boxes, and perform the following:

- a) examine the ballot papers;
- b) set aside any ballot that does not have the initials of the Ratification Officer on the back;
- c) reject all ballot papers
 - i. that have been marked incorrectly, or
 - ii. upon which anything appears by which a Voter can be identified;
- d) count the votes given in favour of and against the Ballot Questions submitted in the Ratification Vote; and
- e) prepare and sign a written statement outlining the number of votes so given and of the number of ballot papers rejected.

11.2 A ballot set aside under Section 11.1(b) is void and shall not be counted as a vote cast.

11.3 In the event that the Ratification Officer identifies two or more paper ballots which purport to be submitted by the same Voter, all the ballots cast by that Voter shall be void and not counted as a vote cast.

11.4 The Ballot Question will be assented to in the Ratification Vote when:

- a) a majority (over 50%) of the votes cast are in favour of the Settlement Agreement and the Trust Agreement; and
- b) at least 25% of all eligible Voters vote in favour.

11.5 Within 24 hours of the closing of the Polls on the date of the Ratification Vote, the Ratification Officer shall complete and deliver to Council a report containing the following information:

- a) the number of Voters who were entitled to vote;
 - b) the number of Voters who voted;
 - c) the number of votes cast in favour of the ballot question submitted in the Ratification Vote;
 - d) the number of votes cast against the ballot question submitted in the Ratification Vote; and
 - e) the number of rejected ballots.
- 11.6 The Council must publicly announce the details of the report referred to in Section 11.5 to members.
- 11.7 When the counting of votes is concluded, the Ratification Officer shall deposit the ballots used in the Ratification Vote in a sealed envelope, affix his or her signature on the seal, and retain them.
- 11.8 If no review has been requested within 60 days after the Ratification Vote, the Ratification Officer shall destroy the ballots.
- 11.9 Notwithstanding the procedure prescribed for manual counting of ballots in these Guidelines, a Ratification Vote may be conducted with automatic or electronic equipment.
- 11.10 Following the Ratification Vote, if no requests for review of the Ratification Vote results are received by the Council and Review Panel, then the Ratification Officer may issue a Certification of Results and execute any necessary schedules to the Settlement Agreement as directed by the Council.

12.0 SECOND VOTE

- 12.1 In the event that the first Ratification Vote is unsuccessful, but a majority of the votes cast are in favour of the Settlement Agreement and the Trust Agreement, then the Council may, at its discretion, cause a second Ratification Vote to be conducted.
- 12.2 The Notice of the second Ratification Vote shall be made in the same manner as the first Ratification Vote in accordance with Section 4.0 with at least 14 days' notice before the day on which the second Ratification Vote is to be held.
- 12.3 If Information Meetings are to be held prior to the second Ratification Vote, the Notice of the second Ratification Vote shall set out the date, time, and location of the Information Meetings.
- 12.4 Where a second Ratification Vote is called pursuant to Section 12.1, the Settlement Agreement and Trust Agreement are assented to in the second Ratification Vote if a majority of all votes cast are in favour of the Ballot Question.

13.0 REVIEW PROCEDURE

- 13.1 Prior to the Ratification Officer posting the Notice of Ratification Vote, Council shall appoint by way of Council Resolution a Ratification Vote Review Panel of 5 Pasqua First Nation members.
- 13.2 Members of the Review Panel cannot:
- a) be an employee of the Pasqua First Nation;
 - b) have been convicted in criminal proceedings for theft, fraud, bribery, or breach of trust,
 - c) be an immediate family member of the person requesting a review of the Ratification Vote, or
 - d) be a person who might reasonably be considered to have a bias or conflict in connection with the review of the Ratification Vote.
- 13.3 If a member of the Review Panel is disqualified for any of the grounds stated in Section 13.2, the Council may appoint a replacement by Council Resolution.
- 13.4 A Voter may, in the manner set out in Section 13.5, request a review of the Ratification Vote where the Voter believes that there was a material contravention of these Guidelines or evidence of a corrupt voting practice, that, in either case, may have affected the results of the Ratification Vote.
- 13.5 A request for review of a Ratification Vote must be submitted to Review Panel, via the Chief and Council, no later than December 19, 2024, at 5:00 PM CST.
- 13.6 Any requests for review received by the Council after December 19, 2024, will be denied, and not forwarded to the Review Panel.
- 13.7 A request for a review of a Ratification Vote must include the following:
- a) the name, address, and telephone number of the Voter requesting a review;
 - b) the grounds upon which the request for review is made, in writing;
 - c) sworn evidence and other materials which will be relied upon;
 - d) a description of the relief requested;
 - e) a signature witnessed by a person who is at least 18 years of age; and
 - f) a \$2500 non-refundable deposit.
- 13.8 The Review Panel has the authority under these Guidelines to determine whether the evidence and information provided:
- a) does not support the grounds for review in accordance with Section 13.4 and dismiss the review, or

b) supports the grounds for review in accordance with Section 13.4, and order that a new Ratification Vote be conducted.

13.9 The Review Panel must render any, and all decisions on all requests for review by no later than 5:00 PM CST on December 21, 2024.

13.10 The decision of the Review Panel is final and not subject to review.

14.0 AMENDMENTS

14.1 These Guidelines may be amended by Council Resolution.