


CERTIFIED TRUE COPY
This is Annex "2" of the
Declaration of Richard B. Krehbiel
Sworn before me this
17th day of October 2022.

VERIFIED
October 17 20 22




FORT MCKAY FIRST NATION

MEMBER RATIFICATION PROCESS

- In accordance with -

*The Framework Agreement on
First Nation Land Management*

And

The First Nations Land Management Act

Dated for Reference October 4, 2022

Digitally
RECEIVED
October 12, 2022
for Verification.


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**FORT MCKAY FIRST NATION
MEMBER RATIFICATION PROCESS**

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1. TITLE AND PURPOSE

- 1.1 The title of this document is the Fort McKay First Nation Member Ratification Process.
- 1.2 The purpose of this document is to set out the procedure by which Fort McKay First Nation will decide whether to approve its *Land Code* and the Individual Agreement with Canada, as required under the *Framework Agreement on First Nation Land Management* and the *First Nations Land Management Act*.

2. DEFINITIONS

- 2.1 In this Ratification Process:

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

“Advance Polls” means any early Voting Day held prior to the Official Voting Day to permit Eligible Voters who expect to be absent on the Official Voting Day to cast their ballots;

“Background Documents” means:

- (a) the *Framework Agreement*;
- (b) the *First Nations Land Management Act*;
- (c) a summary of the *Framework Agreement*;
- (d) a summary of the *First Nations Land Management Act*;
- (e) a summary of the *Fort McKay First Nation Land Code*; and
- (f) a summary of the Individual Agreement.

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

“Council” means the body of Members elected and holding the office of Chief or Councillor at that time who are empowered to act on behalf of Fort McKay First Nation;

“Department” means the Department/s of Indigenous Services Canada/Crown-Indigenous Relations and Northern Affairs Canada;

“Eligible Voter” means a Member of Fort McKay First Nation who is 18 years of age or

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older on the Official Voting Day;

“Electronic Voting Platform” means a web-based database where cast electronic ballots and telephone ballots are stored;

“Electronic Voting Methods” means casting an electronic ballot via internet voting and/or automated telephone voting;

“First Nation” means the Fort McKay First Nation;

“*Framework Agreement*” means the *Framework Agreement on First Nation Land Management* entered into between Canada and the signatory First Nations on February 12, 1996;

“Individual Agreement” means the Individual Agreement made between Fort McKay First Nation and His Majesty in right of Canada in accordance with clause 6.1 of the *Framework Agreement*;

“*Land Code*” means the proposed *Fort McKay First Nation Land Code*;

“List of Eligible Voters” means the list of Members who are eligible to vote;

“Mail-in Ballot” means a ballot mailed or delivered by an Eligible Voter who is unable or does not wish to vote at the polls on Voting Days;

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

“Minister” means the Minister/s of Indigenous Services Canada/Crown-Indigenous Relations and Northern Affairs Canada;

“Official Voting Day” means the date set for holding the Ratification Vote;

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

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

“Ratification Process” means this Fort McKay First Nation Member Ratification Process;

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

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“Regular Ballot” means a paper ballot used to cast a secret vote at the polls on Voting Days;

“Verifier” means an independent person appointed pursuant to clauses 8 and 44 of the *Framework Agreement*;

“Voter Information Package” means the package of information containing voting information to be sent to all Eligible Voters; and

“Voting Days” means any Advance Polls, Official Day of Voting and additional day for voting.

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

2.3 When calculating time, where anything is to be done within a time after, from, of, or before a specified day, or where a time is expressed to begin after or to be from a specified day, the time does not include that day.

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

3. LIST OF ELIGIBLE VOTERS

3.1 Council shall ensure that a List of Eligible Voters is prepared containing the full names, band numbers, birth dates, known addresses and known e-mail addresses of the Eligible Voters.

3.2 The Ratification Officer is responsible for determining if a person is an Eligible Voter.

3.3 Council shall ensure that, if required, an addendum to the List of Eligible Voters is prepared that may also include a list of Members who are deceased with accompanying supporting documentation or comments by the person who has confirmed that the Member is deceased and the person’s full name, address and relationship to the deceased Member.

3.4 The Ratification Officer will determine that the name of a deceased Member should not be included on the List of Eligible Voters, he or she shall, in his or her sole discretion, make the decision and such decision shall be final.

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- 3.5 Notwithstanding clause 17.11, the List of Eligible Voters confirmed by the Ratification Officer shall determine the number of Eligible Voters.
- 3.6 The List of Eligible Voters shall be a live web-based list and populated on the Electronic Voting Platform under clause 15.4.

4. INFORMATION TO VERIFIER

- 4.1 At least 63 days before the Official Voting Day, Council shall by resolution in *Form 2* send, or cause to be sent, an electronic copy of the Ratification Process and, *Land Code* and List of Eligible Voters to the Verifier, and to the Ratification Officer.
- 4.2 Prior to the Official Voting Day, Council shall by resolution in *Form 11* send, or cause to be sent to the Verifier an electronic copy of the addendum to the List of Eligible Voters under clause 4.1, listing any changes to the List of Eligible Voters.

5. CONFIRMATION BY VERIFIER

- 5.1 Upon receipt of the documents under clause 4.1, the Verifier shall 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 8.9 of the *Framework Agreement*, the Verifier will, as soon as practical after receiving the documents, issue a notice in *Form 3* to the First Nation, the Minister and the Lands Advisory Board stating whether the *Land Code* and the Ratification Process are consistent with the *Framework Agreement* and the *Act*.

6. COUNCIL RESOLUTIONS

- 6.1 After the Verifier confirms the *Land Code* and this Ratification Process under clause 5.2, Council shall pass a Resolution in *Form 4* to:
 - (a) appoint the Ratification Officer;
 - (b) confirm the List of Eligible Voters;
 - (c) confirm the use of Electronic Voting Methods with an Electronic Voting Platform service offered by an independent service provider;
 - (d) confirm the text of the *Land Code* and the Ratification Process;
 - (e) order that the Ratification Vote be held to determine if the Eligible Voters approve the Ratification Documents;

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- (f) confirm that the *Land Code* and Individual Agreement shall be approved if a minimum of twenty-five per cent (25%) of the Eligible Voters cast a ballot in the Ratification Vote and fifty percent plus one (50%+1) of participating Eligible Voters vote to approve them;
 - (g) confirm the wording of the Ballot Question; and
 - (h) set the Advance Polls and the Official Voting Day.
- 6.2 Council shall pass a Resolution in *Form 5* to confirm the Individual Agreement.
- 7. DUTY OF RATIFICATION OFFICER AND APPOINTMENT OF ASSISTANT**
- 7.1 Upon the appointment of the Ratification Officer, the Ratification Officer shall execute an Appointment of a Ratification Officer in *Form 6*.
- 7.2 The Ratification Officer is responsible for monitoring and 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 assistants and may delegate any of the duties set out in the Ratification Process to the assistants, except:
- (a) the initialling of ballots;
 - (b) the determination to hold an additional day for voting under clause 13.1;
 - (c) the deposit of the Mail-in Ballots in the ballot box under clauses 16.14(i) and 20.1(c).
- 7.4 Upon the appointment of an assistant, the Ratification Officer and each assistant shall execute an Appointment of an Assistant Ratification Officer in *Form 7*.
- 7.5 If the Ratification Officer is unable to perform his or her duties, Council may appoint an acting Ratification Officer.
- 8. NOTICE OF VOTE**
- 8.1 The Ratification Officer, in consultation with Council, shall post a Notice of Vote in *Form 8* at least 42 days prior to the Official Voting Day in public places where it can be read by the Members.
- 8.2 Forthwith after posting the Notice of Vote, the Ratification Officer shall e-mail a true

copy of the Notice of Vote to the Verifier.

- 8.3 The Ratification Officer may publish, mail and deliver additional notices and give notice by any other method as many times as the Ratification Officer considers appropriate
- 8.4 The Notice of Vote shall contain the following information:
- (a) the date, place and time of the Advance Polls and Official Voting Day;
 - (b) that internet voting is available and the time and days designated for Electronic Voting Methods;
 - (c) that the *Land Code* and Individual Agreement shall be approved if a minimum of twenty-five per cent (25%) of the Eligible Voters cast a ballot in the Ratification Vote and fifty percent plus one (50%+1) of participating Eligible Voters vote to approve them;
 - (d) the Ballot Question;
 - (e) the procedure for obtaining a Mail-in Ballot package;
 - (f) the procedures for Electronic Voting; and
 - (g) the name, office address, email address and telephone number of the Ratification Officer.

9. VOTER INFORMATION PACKAGE

- 9.1 The Ratification Officer shall, at least 42 days prior to the Official Voting Day, send a Voter Information Package to each Eligible Voter, at their last known address or e-mail.
- 9.2 Voter Information Packages may be e-mailed, mailed, couriered or hand delivered.
- 9.3 The Voter Information Package shall contain:
- (a) a copy of the Notice of Vote;
 - (b) instructions on obtaining copies of the Ratification Documents, Background Documents, map(s) of the reserve land that will be subject to the *Land Code* and the Ratification Process;
 - (c) instructions for obtaining a Mail-in Ballot package; and

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- (d) instructions on how to vote by Electronic Voting Methods.
- 9.4 Eligible Voters may request to receive a paper copy of the information in clause 9.3 by contacting the Ratification Officer.
- 9.5 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 Fort McKay First Nation and other appropriate places; and
 - (d) such other information activities as may be deemed appropriate.
- 9.6 Activities conducted in accordance with clause 9.5 may take place up until the day before the Official Voting Day.
- 9.7 Notwithstanding clause 9.6, personal visits, text, email, telephone or other contact with an Eligible Voter on Official Voting Day may take place for the purposes of assisting such Eligible Voter to vote.

10. INFORMATION TO THIRD PARTIES

- 10.1 At least 28 days prior to Official Voting Day the Council shall send or cause to be sent the following information to persons who are not Members and who hold an interest in Fort McKay First Nation land:
 - (a) the date of the Ratification Vote;
 - (b) a communiqué from Fort McKay First Nation explaining the effect of the Ratification Vote;
 - (c) a summary of the *Land Code*;
 - (d) a summary of the *Act*;
 - (e) a summary of the *Framework Agreement*; and
 - (f) the name, office address and telephone number of a person who may be contacted

for purposes of obtaining copies of the *Land Code* and Background Documents or further information about the management of Fort McKay First Nation land.

- 10.2 In addition to information provided in accordance with clause 10.1, Fort McKay First Nation may meet with, or otherwise provide information directly to, persons who are not Members and who hold an interest in Fort McKay First Nation land.
- 10.3 Nothing in this Ratification Process precludes Fort McKay First Nation from providing information in any form it deems appropriate to a municipal corporation, regional municipality, another First Nation or other entity with an interest in land in the vicinity of Fort McKay First Nation land.

11. AVAILABILITY OF DOCUMENTS

- 11.1 The Ratification Officer shall ensure that the Ratification Documents, Background Documents and Ratification Process are available to Members electronically and sufficient paper copies are available at the administrative offices of Fort McKay First Nation.
- 11.2 Any person who holds an interest in First Nation land may, on request, obtain a copy of the Ratification Documents and Background Documents free of charge.
- 11.3 Any Member may, on request, obtain a copy of the Ratification Documents, Background Documents and Ratification Process.

12. PRELIMINARY PROCEDURES

- 12.1 The Ratification Officer, in consultation with Council, shall:
- (a) designate the polling places;
 - (b) prepare and initial sufficient copies of Regular Ballots and Mail-in Ballots, which shall be uniform in size, appearance, quality and weight;
 - (c) prepare sufficient copies of the secrecy envelopes, the declaration envelopes, and the return envelopes, with prepaid postage where necessary;
 - (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 an Eligible Voter can

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- 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 shall be available as required.

13. ADDITIONAL DAY FOR VOTING

- 13.1 Immediately upon the close of the polls on the Official Voting Day, the Ratification Officer may, in his or her sole discretion, determine that an additional day for voting shall be held, where participation may have been affected as a direct consequence of, but not limited to:
- (a) severe inclement weather;
 - (b) death of a community Member;
 - (c) natural disasters such as fire, earthquake, tornado;
 - (d) other disasters such as explosion, power failure, act of sabotage; or
 - (e) a federal, provincial, local emergency or health order that has the affect of limiting voters from participating in the vote in person.
- 13.2 The Ratification Officer shall ensure that the Electronic Voting Platform remains active and available until the closing of the polls on the additional day for voting.
- 13.3 Within 24 hours of the decision under clause 13.1, the Ratification Officer shall formally advise the Verifier and Council in writing.
- 13.4 The Ratification Officer and Council shall, within 2 days of receiving the Ratification Officer's written decision under clause 13.3, set a date for an additional day for voting which shall not be more than 42 days after the original date of the Official Voting Day and shall determine the hours during which the polls shall remain open on such additional day for voting.
- 13.5 The Ratification Officer shall publish a notice showing the decision, the reason for an additional day for voting, the number of Eligible Voters who voted by the Official Voting Day, the date of the additional day for voting, and shall notify all Eligible Voters by mail,

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hand delivery service or e-mail.

- 13.6 Eligible Voters who did not vote by the close of the polls on the Official Voting Day shall be entitled to vote on the additional day for voting.
- 13.7 Voting on the additional day provided for in this section may be accomplished by extending the receipt of Mail-in Ballots up to the close of the polls on the additional day for voting.
- 13.8 Electronic Voting Methods may be extended and shall open and close at the hours and dates specified in the notice under clause 13.5.
- 13.9 To be valid, Mail-in Ballots and electronic ballots must be received by the close of the polls on the additional day of voting.
- 13.10 In the event that an additional day for voting is scheduled, the counting of ballots in accordance with section 21 shall occur after the close of polls on the additional day for voting.
- 13.11 In the event that an additional day for voting is scheduled, the period of days under sections 23 and 24 shall be calculated from the additional day for voting.

14. ELECTRONIC VOTING METHODS

- 14.1 Each Eligible Voter may cast a vote by Electronic Voting Methods.
- 14.2 No proxy voter shall be used at any time.
- 14.3 Electronic Voting Methods shall open and close at the hours and dates specified in the Notice of Vote.
- 14.4 In the event that an additional day for voting is established under section 13, the Electronic Voting Methods shall re-open and close at the hours and dates specified by the Ratification Officer.
- 14.5 The Ratification Officer shall, at least 42 days before the Official Voting Day, send to each Eligible Voter at their last known address or e-mail address, a Voter Information Package that includes instructions on how to vote by Electronic Voting Methods.
- 14.6 The electronic ballot shall contain the same Ballot Question as the Mail-in Ballots and the Regular Ballots.

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- 14.7 To cast an electronic ballot, an Eligible Voter shall follow the instructions on how to vote by Electronic Voting Methods provided in the Voter Information Package and shall be provided with confirmation that their electronic ballot has been cast once they have completed the full procedure.
- 14.8 Upon submission of the final electronic ballot, no changes can be made.
- 14.9 The Electronic Voting Platform shall:
- (a) record the name of the Eligible Voter on the List of Eligible Voters as having declared their intention to vote electronically;
 - (b) confirm that the Eligible Voter has not previously voted;
 - (c) record on the List of Eligible Voters that the Eligible Voter cast an electronic ballot and the date and time the electronic ballot was received;
 - (d) put the electronic ballot cast by an Eligible Voter into the electronic ballot box; and
 - (e) shall send an e-mail notification to the Ratification Officer to confirm the Eligible Voter has cast their electronic ballot.
- 14.10 Once an Eligible Voter has voted electronically, they cannot vote again electronically or otherwise, and shall be restricted from doing so again.
- 14.11 Where the Ratification Officer is notified of an issue with the electronic declaration under clause 14.9(a) or vote, the Ratification Officer shall contact the Eligible Voter immediately to:
- (a) assist the Eligible Voter in completing the declaration or vote;
 - (b) allow the Eligible Voter to correct the declaration;
 - (c) provide confirmation to the Ratification Officer of the Eligible Voter's identity and that the electronic declaration or vote was completed by the Eligible Voter;
 - (d) if necessary, cancel the unique one-time voter security code and issue a new one-time voter security code; or
 - (e) provide alternative voting solutions, including Mail-in Ballot or voting in person.

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15. ELECTRONIC VOTING PLATFORM PROTOCOL

- 15.1 Fort McKay First Nation authorizes the use of Electronic Voting Methods, via the internet, with an Electronic Voting Platform service offered by an independent service provider.
- 15.2 All Eligible Voters may exercise their right to cast a ballot with full confidence that the following principles are assured:
- (a) the secrecy and confidentiality of individual votes is paramount;
 - (b) the Ratification Vote shall be fair and non-biased;
 - (c) the Ratification Vote shall be accessible to all Eligible Voters;
 - (d) the integrity of the Ratification Process shall be maintained throughout the Ratification Vote;
 - (e) certainty that the results of the Ratification Vote reflect the votes cast; and
 - (f) Eligible Voters shall be treated fairly and consistently.
- 15.3 At a minimum, the Electronic Voting Platform shall meet the threshold of verification and due diligence as for Mail-in Ballots.
- 15.4 The Electronic Voting Platform shall be populated with the confirmed List of Eligible Voters at least 63 days prior to the Official Voting Day.
- 15.5 The List of Eligible Voters shall be a live web-based list.
- 15.6 Daily and weekly detailed activity reports shall be generated and available to the Ratification Officer and an inventory of all reports shall be maintained and accessible on the Electronic Voting Platform.
- 15.7 The Ratification Officer shall arrange with the independent service provider for the following from the Electronic Voting Platform:
- (a) accessing daily and weekly reports and detailed activity reports;
 - (b) modifying, updating and viewing the List of Eligible Voters;
 - (c) if applicable, viewing, issuing and canceling unique one-time voter security

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- codes;
- (d) providing the List of Eligible Voters who have voted on the Electronic Voting Platform; and
 - (e) providing the summary of the vote results as per clause 15.15.
- 15.8 Only the Ratification Officer is authorized to post the vote results.
- 15.9 Individual electronic ballots shall remain secret at all times, shall not be revealed and shall be encrypted in such a way that it can never be revealed.
- 15.10 Automated e-mail notifications shall be generated in real-time to the Eligible Voter and Ratification Officer of all and any activity associated with an Eligible Voter using the Electronic Voting Platform, including:
- (a) attempted voting;
 - (b) completed voting;
 - (c) failed vote; and
 - (d) system or communication failures, interruptions or lost data.
- 15.11 Upon the instructions of the Ratification Officer, following the time limitations of clause 21.6, all electronic data shall be deleted and wiped.
- 15.12 At the official close of Electronic Voting Methods, the option to vote electronically is removed as an option from the Electronic Voting Platform.
- 15.13 Any Eligible Voter who is in the electronic polling station, or in the process of voting when the poll is closing, shall receive a notification of the time limitation to complete their vote.
- 15.14 If an Eligible Voter violates the time limitation, they are in effect ejected from the vote sequence and the poll is closed.
- 15.15 After the close of polls on the Official Vote Day, the Ratification Officer shall cause the Electronic Voting Platform to seal the electronic ballot box, and the results shall be sent or accessible to the Ratification Officer.
- 15.16 The results will form part of the Ratification Officer's Declaration of Ratification Officer

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in Form 17.

15.17 In the event that an additional day for voting is established under section 13, the Ratification Officer shall ensure that the Electronic Voting Platform remains active and the Electronic Voting Methods shall re-open and close at the hours and dates specified by the Ratification Officer.

16. MAIL-IN BALLOTS

16.1 An Eligible Voter may cast a Mail-in Ballot.

16.2 No proxy voter shall be used to cast a Mail-in Ballot.

16.3 The Ratification Officer shall send a Mail-in Ballot Package to each Eligible Voter who requests to vote by mail.

16.4 Mail-in Ballot packages may be mailed, couriered or hand delivered to the Eligible Voter.

16.5 The Mail-in Ballot package shall contain a pre-folded and initialled ballot in Form 1, a secrecy envelope, a declaration envelope in Form 10, a return envelope and voting instructions.

16.6 To cast a Mail-in Ballot, an Eligible Voter shall:

- (a) mark the ballot by placing an **X** in the box marked "YES" or in the box marked "NO";
- (b) enclose and seal the ballot inside the secrecy envelope;
- (c) enclose and seal the secrecy envelope in the declaration envelope;
- (d) complete and sign the outside of the declaration envelope in the presence of a witness who is at least 18 years of age;
- (e) enclose and seal the signed and witnessed declaration envelope in the return envelope, with prepaid postage where necessary; and
- (f) deliver the sealed return envelope to the Ratification Officer.

16.7 A Mail-in Ballot may be delivered to the Ratification Officer by mail, courier or hand delivery.

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- 16.8 A Mail-in Ballot shall be received by the Ratification Officer no later than the close of the polls on the Official Voting Day.
- 16.9 An Eligible Voter who inadvertently spoils or loses a Mail-in Ballot may obtain another ballot by contacting the Ratification Officer, and the Ratification Officer shall make an entry on the List of Eligible Voters indicating that a second Mail-in Ballot was provided to the Eligible Voter.
- 16.10 After the Ratification Officer has received a Mail-in Ballot, and opens the return envelope, the Ratification Officer shall:
- (a) confirm that the sender of the Mail-in Ballot is an Eligible Voter;
 - (b) confirm that the declaration envelope was duly signed and witnessed;
 - (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 Eligible Voter;
 - (e) confirm that the Eligible Voter has not voted electronically; and
 - (f) store the Mail-in Ballot package in a secure location until the Official Voting Day.
- 16.11 The Ratification Officer may contact an Eligible Voter if a declaration envelope is not completed properly in order to:
- (a) allow the Eligible Voter to correct the declaration; or
 - (b) to provide confirmation to the Ratification Officer of the Eligible Voter's identity and that the Mail-in Ballot was completed by the Eligible Voter,
- and the Ratification Officer, in his or her sole discretion, may make the determination to accept or reject the Mail-in Ballot.
- 16.12 The Ratification Officer is 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 16.14.
- 16.13 The Ratification Officer shall, after the last mail delivery on the Official Voting Day and prior to the close of the polls on that day, retrieve any Mail-in Ballot packages from the

mail.

- 16.14 After retrieving any Mail-in Ballot packages in accordance with clause 16.13 and after the close of the polls on the Official Voting Day, the Ratification Officer shall in the presence of one or more Eligible Voters who shall act as witnesses:
- (a) open a ballot box to be used only for the Mail-in Ballots;
 - (b) request that one or more Eligible Voters 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) check the List of Eligible Voters to ensure that the Eligible Voter has not previously voted by Mail-in Ballot, electronic ballot or in person;
 - (h) if the Eligible Voter has already voted, set aside the unopened declaration envelope;
 - (i) if the Eligible Voter has not already voted, deposit the Mail-in Ballot in its unopened secrecy envelope into the ballot box; and
 - (j) record on the List of Eligible Voters that the Eligible Voter cast a Mail-in Ballot.
- 16.15 The Ratification Officer shall reject the Mail-in Ballot and note the reason for the rejection on the List of Eligible Voters and on the unopened declaration envelope, and shall forthwith place the unopened declaration envelope into a suitable envelope retained for that purpose, where:
- (a) an Eligible Voter has previously voted in person, by Mail-in Ballot or by electronic ballot;
 - (b) a voter is not an Eligible Voter;
 - (c) a Mail-in Ballot is not accompanied by a declaration envelope; or
 - (d) the declaration envelope is not completed properly and cannot be verified by the

Ratification Officer under clause 16.11.

16.16 The Ratification Officer shall:

- (a) execute a Declaration of Ratification Officer in Form 12; and
- (b) ensure that each witness executes a Statement of Witness in Form 13 and 14.

17. VOTING PROCEDURES AT THE POLLS ON VOTING DAYS

17.1 The Ratification Officer and Council shall post the locations of the polling stations and the hours that the polls shall be opened on the Notice of Vote.

17.2 The polls shall be opened during the hours specified on the Voting Days.

17.3 All voting at the polls shall be by secret Regular Ballot.

17.4 No proxy voter shall be used at any time.

17.5 The Ratification Officer is responsible for determining whether a person is an Eligible Voter.

17.6 At each poll, the Ratification Officer shall:

- (a) before the first vote is cast, open the ballot box and request an Eligible 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 Regular Ballots;
- (d) execute a Declaration of Ratification Officer in Form 15; and
- (e) ensure that each witness executes a Statement of Witness in Form 16.

17.7 When a person at a poll requests to vote, the Ratification Officer shall:

- (a) ensure that the person is an Eligible Voter;
- (b) check the List of Eligible Voters to ensure that the person has not already voted,

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R. A. L.

- either in person or by electronic ballot;
- (c) check the List of Eligible Voters to ensure that the person has not already voted by Mail-in Ballot, in which case the Eligible Voter may cast a Regular Ballot and the Mail-in Ballot shall be rejected under clause 16.15; and
 - (d) provide the Eligible Voter with a Regular 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.
- 17.8 The Ratification Officer shall record, on the List of Eligible Voters, the name of every Eligible Voter receiving a Regular Ballot at a poll.
- 17.9 The Ratification Officer shall establish a process of ongoing communication by telephone, online or other effective means between polls, where there are more than one polling station.
- 17.10 Upon request, the Ratification Officer shall explain the method of voting.
- 17.11 If the Ratification Officer determines that the name of an Eligible Voter has been omitted, incorrectly set out or incorrectly included on the List of Eligible Voters, he or she shall, in his or her sole discretion, make the necessary revision and such revision shall be final.
- 17.12 An Eligible Voter may request special assistance from the Ratification Officer at the polls.
- 17.13 The Ratification Officer shall, on request and in the presence of a witness acceptable to the Eligible Voter and the Ratification Officer, provide special assistance to an Eligible Voter at the polls by marking a Regular Ballot in secret as directed by the Eligible Voter and immediately folding and depositing the Regular Ballot into the ballot box.
- 17.14 The Ratification Officer, after providing special assistance to an Eligible Voter, shall make an entry on the List of Eligible Voters indicating:
- (a) that the Regular Ballot was marked by the Ratification Officer at the request of the Eligible Voter;
 - (b) the reason for the Eligible Voter's request; and
 - (c) the name of the witness.

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- 17.15 Except for an Eligible Voter requiring special assistance, every Eligible Voter receiving a Regular Ballot at a poll shall:
- (a) proceed immediately to a designated voting area;
 - (b) mark the Regular Ballot by placing an **X** in the box marked “YES” or in the box marked “NO”;
 - (c) fold the Regular Ballot so as to conceal the mark and expose the initials of the Ratification Officer; and
 - (d) immediately give the folded Regular Ballot to the Ratification Officer.
- 17.16 Upon receiving a marked Regular Ballot, the Ratification Officer, without unfolding it, shall:
- (a) verify the Ratification Officer’s initials;
 - (b) remove the perforated strip, if any; and
 - (c) deposit the Regular Ballot into the ballot box.
- 17.17 An Eligible Voter at a poll who receives a spoiled or improperly printed Regular Ballot, or who accidentally spoils his or her Regular Ballot when marking it, is entitled to receive another Regular Ballot from the Ratification Officer after returning the original Regular Ballot.
- 17.18 The Ratification Officer shall record a Regular Ballot returned in accordance with clause 17.17 as spoiled.
- 17.19 An Eligible Voter at a poll who receives a Regular Ballot and does not return it to the Ratification Officer shall forfeit the right to vote and the Ratification Officer shall make an entry on the List of Eligible Voters stating that the Eligible Voter left the poll without delivering the Regular Ballot and shall record the Regular Ballot as cancelled.
- 17.20 At the time set for closing the polls, the Ratification Officer shall declare the polls closed, and entry shall be denied to the polls until all remaining Eligible Voters in the polls at that time have voted.
- 17.21 After the close of a poll on any Advance Polls, and Official Vote Day if an additional day for voting is scheduled, the Ratification Officer or Assistant Ratification Officer presiding at that poll, with an Eligible Voter who shall act as a witness, shall:

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[Signature]

- (a) seal the ballot box at that poll such that no further Regular Ballots may be deposited in that ballot box; and
- (b) initial the seal.

18. ORDERLY VOTING

- 18.1 Council, with the assistance of the Ratification Officer, shall ensure that peace and good order are maintained at the polls.
- 18.2 The Ratification Officer shall allow only one Eligible Voter at a time into a designated voting area, except for an Eligible Voter receiving special assistance.
- 18.3 An Eligible Voter who is present and available to vote at a poll before the closing time shall be entitled to vote.
- 18.4 No person shall:
 - (a) interfere or attempt to interfere with an Eligible Voter when the Eligible Voter is voting;
 - (b) obtain or attempt to obtain information as to how an Eligible Voter is about to vote or has voted;
 - (c) mark a ballot in a way that identifies the Eligible Voter;
 - (d) mark the secrecy envelope for a Mail-in Ballot in a way that indicates how the ballot was cast;
 - (e) if applicable, use another Eligible Voter's unique one-time voter security code to vote electronically;
 - (f) if applicable, take, seize, or otherwise deprive an Eligible Voter of his/her unique one-time voter security code; or
 - (g) if applicable, sell, gift, transfer, assign or purchase a unique one-time voter security code.

19. REJECTED BALLOTS

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[Signature]

- 19.1 A cast ballot or electronic ballot shall be rejected if:
- (a) the ballot was not supplied by the Ratification Officer or assistant Ratification Officer;
 - (b) if applicable, the unique one-time voter security code was not issued by the Ratification Officer or the independent service provider;
 - (c) the ballot was not marked as either “YES” or “NO”;
 - (d) the ballot was marked as both “YES” and “NO”;
 - (e) the ballot was marked outside a box marked “YES” or “NO” such that the Ratification Officer cannot reasonably discern the intent of the Eligible Voter; or
 - (f) the ballot has any writing or mark which can identify the Eligible Voter.

- 19.2 A ballot marked with anything other than an **X**, or marked with anything other than a lead pencil or blue or black pen, shall not be rejected if:
- (a) the mark is in a box;
 - (b) the mark does not identify the Eligible Voter; and
 - (c) in the opinion of the Ratification Officer, the intent of the Eligible Voter is clear.

20. OPENING MAIL-IN BALLOTS

- 20.1 After the close of the polls on the Official Voting Day the Ratification Officer, in the presence of any Eligible Voters who may be present, shall:
- (a) open the ballot box for Mail-in Ballots;
 - (b) open the secrecy envelope and confirm the authenticity of the ballot by verifying the Ratification Officer’s initials; and
 - (c) deposit the Mail-in Ballot, without opening or showing it, in a ballot box used at the polls.

21. COUNTING OF BALLOTS

- 21.1 The Ratification Officer shall oversee the count processes for all poll stations and ensure

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proper documentation and results recording for each ballot box.

- 21.2 After the Mail-in Ballots have been deposited in a ballot box and after the close of polls on the Official Vote Day, the Ratification Officer or the Assistant Ratification Officer, in the presence of any Eligible Voter who may be present, shall:
- (a) count the number of spoiled ballots under clause 17.18;
 - (b) examine all ballots contained in the ballot boxes;
 - (d) reject any ballots as required under clause 16.15 and section 19;
 - (e) count the number of ballots marked "YES", the number of ballots marked "NO" and the number of rejected ballots; and
 - (f) count the number of ballots cast by Electronic Voting Methods based on the report in clause 15.15.
- 21.3 When the results of the Ratification Vote have been determined the Ratification Officer shall execute a Confirmation by Ratification Officer in Form 17 and shall provide the form to the Fort McKay First Nation and the Verifier.
- 21.4 The Ratification Officer shall seal in separate envelopes the spoiled ballots, the rejected ballots, the ballots cast in favour and the ballots cast against and shall thereupon:
- (a) affix his or her signature to the seals; and
 - (b) request that an Eligible Voter affix his or her signature to the seals.
- 21.5 The Ratification Officer shall retain in his or her secure possession the separate envelopes.
- 21.6 After 75 days from Official Voting Day, unless otherwise instructed by Council, the Ratification Officer may thereafter destroy the ballots cast, including the rejected ballots, 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:

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[Signature]

- (a) deem it necessary to do so; and
 - (b) reasonably believe the variation shall not result in any substantive change to those procedural requirements.
- 22.2 The Ratification Officer shall 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 may modify a form appended to this Ratification Process to add or update, but not remove, material detail.
- 23. OBJECTIONS**
- 23.1 Any Eligible Voter may file an objection with the Verifier if the Eligible Voter has reasonable grounds for believing that:
- (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 shall be received by the Verifier within 5 days of the Official Voting Day.
- 23.3 An objection shall be in writing and shall:
- (a) identify the name, address and telephone number of the Eligible Voter 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 the Verifier deems necessary.
- 23.5 If an objection is filed under this section, the Verifier shall, within 10 days of the Official Voting Day determine whether the objection is valid.
- 23.6 If the Verifier determines the objection is valid, the Verifier may allow the objection and call another Ratification Vote.

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[Signature]

- 23.7 The Verifier shall dismiss the objection if the Verifier determines that:
- (a) there was neither a violation of this Ratification Process nor an irregularity in that process; or
 - (b) there was a violation or an irregularity but the final result of the Ratification Vote was not affected.

24. REPORT BY VERIFIER

- 24.1 Within 15 days of the Official Voting Day, the Verifier shall send a written report in *Form 18* on the results of the Ratification Vote to the Fort McKay First Nation, the Minister and the Chair of the Lands Advisory Board.

25. CERTIFICATION OF LAND CODE

- 25.1 The *Land Code* and the Individual Agreement shall be approved if a minimum of twenty-five per cent (25%) of the Eligible Voters cast a ballot in the Ratification Vote and fifty percent plus one (50%+1) of the participating Eligible Voters vote to approve them.
- 25.2 If the *Land Code* and the Individual Agreement are approved, Council shall as soon as practicable after receiving the report of the Verifier under clause 24.1, sign 3 copies of the Individual Agreement and send the copies to the Department for signing by the Minister.
- 25.3 The Minister shall sign the 3 copies of the Individual Agreement, keep one copy, send a copy to the Fort McKay First Nation and send a copy to the Department Regional Office.
- 25.4 Council shall as soon as practicable after receiving the fully signed Individual Agreement, pass a resolution in *Form 19* as a declaration of the results of the vote.
- 25.5 Council shall send the resolution, a copy of the approved *Land Code*, and a copy of the fully signed Individual Agreement to the Verifier.
- 25.6 Upon receiving the *Land Code*, the fully signed Individual Agreement and the resolution in *Form 19* from Council, the Verifier shall certify the *Land Code* and forward a completed copy of *Form 20* together with a copy of the certified *Land Code* to the Fort McKay First Nation, the Minister and the Chair of the Lands Advisory Board.

Form 1
Ratification Process

BALLOT QUESTION

**2022 FORT MCKAY FIRST NATION LAND CODE
MEMBER RATIFICATION PROCESS**

"DO YOU APPROVE THE FORT MCKAY FIRST NATION LAND CODE DATED FOR REFERENCE _____, 2022, AND THE INDIVIDUAL AGREEMENT WITH HIS MAJESTY THE KING IN RIGHT OF CANADA?"

OFFICIAL BALLOT

MARK YOUR BALLOT WITH AN 'X' IN THE CIRCLE TO THE RIGHT OF YOUR VOTE - SELECT ONLY ONE (1)

YES

A "YES" vote means that Fort McKay First Nation will manage its own reserve lands under the Fort McKay First Nation Land Code.



NO

A "NO" vote means that the Fort McKay First Nation lands will continue to be managed by Canada under the Indian Act.



2022

**Form 2
Ratification Process**

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

(TO BE PLACED ON FORT MCKAY FIRST NATION TEMPLATE)

(PREAMBLE TO BE INSERTED)

NOW THEREFORE BE IT RESOLVED THAT the Council of Fort McKay First Nation, in accordance with the clause 8.4 of the *Framework Agreement on First Nation Land Management* and section 4 of the Fort McKay First Nation Member Ratification Process, submit the following information to the Verifier:

1. The proposed *Fort McKay First Nation Land Code* dated for reference _____, 20__;
2. The proposed Fort McKay First Nation Member Ratification Process, dated for reference _____, 20__; and

* To be placed on FMFN BCR Template

**Form 3
Ratification Process**

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

CANADA)
)
PROVINCE OF _____)

I, _____, of _____, in the Province of _____,
DO SOLEMNLY DECLARE THAT:

1. I was appointed as the Verifier for Fort McKay First Nation by the First Nation on the _____ day of _____ 20__ and by Canada on the _____ day of _____ 20__ for the purpose of verifying the Membership 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 8.4 of the *Framework Agreement*, I received the following information from Fort McKay First Nation on _____, 20__ :
 - (a) a copy of the *Fort McKay First Nation Land Code*;
 - (b) a detailed description of the Member Ratification Process that Fort McKay First Nation proposes to use; and
 - (c) a list of the names of every Member of Fort McKay First Nation who, according to Fort McKay First Nation’s records at that time, would be eligible to vote on whether to approve the *Land Code* and the Individual Agreement.
3. A true copy of the *Land Code*, entitled the *Fort McKay First Nation Land Code*, dated for reference _____, 20__ is attached hereto as Annex “1” to this declaration.
4. A true copy of the Member Ratification Process, entitled Fort McKay First Nation Member Ratification Process, dated for reference _____, 20__ is attached hereto as Annex “2” to this declaration.
5. In accordance with clause 8.5 of the *Framework Agreement* and section 8 of the *Act*, I reviewed the *Fort McKay First Nation Land Code* and the Fort McKay First Nation Member Ratification Process to decide whether:

- (a) the *Fort McKay First Nation Land Code* conforms with the requirements of clause 5 of the *Framework Agreement* and section 6 of the *Act*; and
 - (b) the Fort McKay First Nation Member Ratification Process conforms with clause 7 of the *Framework Agreement* and section 8 of the *Act*.
6. In accordance with clause 8.9 of the *Framework Agreement* and section 8.1(a) of the *Act*, the *Fort McKay First Nation Land Code* and the Fort McKay First Nation Member Ratification Process are hereby *confirmed/not confirmed* as being consistent with the *Framework Agreement*.

OPTIONAL:

- 7. My reasons for not confirming the *Fort McKay First Nation Land Code* or Fort McKay First Nation Member 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 _____, this)
 _____ day of _____, 20__)
 _____)

_____, Verifier

A Commissioner for Taking Oaths in and)
for the Province of Alberta.)

**Form 4
Ratification Process**

**FIRST NATION COUNCIL RESOLUTION
(Commencement of Vote)**

(TO BE PLACED ON FORT MCKAY FIRST NATION TEMPLATE)

(PREAMBLE TO BE INSERTED)

NOW THEREFORE BE IT RESOLVED THAT the Council of Fort McKay First Nation, in accordance with the *Framework Agreement on First Nation Land Management* and section 6 of the Fort McKay First Nation Member Ratification Process:

1. Appoint _____ as the Ratification Officer;
2. Confirm the List of Eligible Voters;
3. Authorize the use of Electronic Voting Methods, via internet voting, with an Electronic Voting Platform service offered by _____, an independent service provider;
4. Confirm the text of the Fort McKay First Nation Member Ratification Process, as confirmed by the Verifier and dated for reference _____, 20__;
5. Confirm the text of the *Fort McKay First Nation Land Code*, as confirmed by the Verifier and dated for reference _____, 20__;
6. Hold a Ratification Vote to determine if the Membership approves the Ratification Documents in accordance with the Fort McKay First Nation Member Ratification Process;
7. Confirm the Ballot Question in the form attached as Annex #1;
8. Confirm that the *Land Code* and Individual Agreement shall be approved if a minimum of twenty-five per cent (25%) of the Eligible Voters cast a ballot in the Ratification Vote and fifty percent plus one (50%+1) of participating Eligible Voters vote to approve them;
9. Set the Advance Voting Day(s) to be ____ day(s) of _____, 20__; and
10. Set the Official Voting Day to be the ___ day of _____, 20__.

Form 5

Ratification Process

FIRST NATION COUNCIL RESOLUTION
(Approval of Individual Agreement for Vote)

(TO BE PLACED ON FORT MCKAY FIRST NATION TEMPLATE)

(PREAMBLE TO BE INSERTED)

NOW THEREFORE BE IT RESOLVED THAT The Council of Fort McKay First Nation, in accordance with the *Framework Agreement on First Nation Land Management* and section 6 of the Fort McKay First Nation Member Ratification Process confirm the text of the Individual Agreement, dated for reference _____, 20__, which includes a process for amendment.

Form 6
Ratification Process

APPOINTMENT OF RATIFICATION OFFICER

Date

I, _____, agree to act as Ratification Officer for the Ratification Vote to determine if the Eligible Voters of the Fort McKay First Nation approve the Ratification Documents, and shall discharge my duties in accordance with the Fort McKay First Nation Member Ratification Process and the requirements of confidentiality.

Ratification Officer

**Form 7
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 Fort McKay First Nation
Member 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 Fort McKay First Nation Member Ratification Process and
the requirements of confidentiality.

Assistant Ratification Officer

**Form 8
Ratification Process**

NOTICE OF VOTE

TO: MEMBERS OF FORT MCKAY FIRST NATION

TAKE NOTICE that a Ratification Vote shall be held in accordance with the Fort McKay First Nation Member Ratification Process in order to determine if Eligible Voters approve the *Fort McKay First Nation Land Code* and the Individual Agreement. The *Land Code* and Individual Agreement shall be approved if a minimum of twenty-five per cent (25%) of the Eligible Voters cast a ballot in the Ratification Vote and fifty percent plus one (50%+1) of participating Eligible Voters vote to approve them.

The following question will be asked of the Eligible Voters of Fort McKay First Nation by ballot:

"Do you approve:

- **The *Fort McKay First Nation Land Code*, dated _____, 20__ ; and**
- **The *Individual Agreement with Canada*, dated _____, 20__ ;"**

Advance Polls for the Ratification Vote will take place on _____ (day of the Week) the ___ day(s) of _____, 20__ from ___ a.m. until _____ p.m. at:

(Location/s) _____ (Street address) _____, Province of _____.

The Official Voting Day for the Ratification Vote will take place on _____ (day of the Week) the ___ day(s) of _____, 20__ from ___ a.m. until _____ p.m. at:

The Fort McKay First Nation Administration Offices (Street address) _____, Province of _____.

The Electronic Voting Methods will be available from ___ a.m. on _____ (day of the Week) the ___ day(s) of _____, 20__ to ___ p.m. on _____ (day of the Week) the ___ day(s) of _____, 20__. Electronic Voting Methods will be available during regular polls on voting days (Advance Polls and Official Voting Day).

Electronic and paper copies of the Background Documents, the Ratification Documents and the Ratification Process may be obtained from _____, Land Management Technician, at the Fort McKay First Nation Administration Offices, (address) Province of _____, telephone _____. Copies may also be obtained from the website: _____.

AND FURTHER TAKE NOTICE that all Members of Fort McKay First Nation who are 18 years of age or older as of the date of the Official Voting Day of the Ratification Vote are eligible to vote.

DATED at Fort McKay First Nation, Province of _____ this ____ day of _____
20__.

_____, Ratification Officer

_____, Province of _____, _____
Telephone: (XXX) XXX-XXXX Facsimile: (XXX) XXX-XXXX e-mail: _____

NOTE: All Eligible Voters shall receive instructions on how to obtain a Mail-in Ballot package and instructions on how to vote electronically. If an Eligible Voter would like to vote by Mail-in Ballot, please contact the Ratification Officer for a mail-in package. Eligible Voters who wish to vote in person may attend the polls on Voting Days.

**Form 10
Ratification Process**

DECLARATION ENVELOPE

**Declaration of Mail-In Voter
Fort McKay First Nation Ratification Vote**

PLEASE ENCLOSE ONE SECRECY ENVELOPE CONTAINING ONE BALLOT

I, (Full Name of Eligible Voter): _____
(Please print your name)

DO SOLEMNLY DECLARE THAT:

1. I am a Member of Fort McKay First Nation.
2. I am at least 18 years of age or will be 18 years of age by the Official Voting Day of _____, 20__ and my date of birth is _____.
3. I have folded the ballot, hiding my mark and showing the initials marked on the back, and I have placed the ballot in the secrecy envelope.
4. I confirm that this envelope contains only my ballot, which is sealed inside a secrecy envelope.

SIGNED THIS ___ day of _____, 20__ at _____
(town/city and province/state)

In the presence of witness:

Eligible Voter Signature and Information:

(Witness' signature)

(Signature of Eligible Voter)

(Witness, please print name)

(Eligible Voter 10-digit band number)

(Witness address)

(Eligible Voter address)

(Witness Telephone)

(Eligible Voter Telephone)

(Witness does not have to be a member, must be 18 years of age or older and is attesting that the Voter signing this Declaration of Mail-in Voter is the person whose name is set out in the form.)

DEADLINE FOR RETURNING THE BALLOT ENVELOPES WITH BALLOT

In order for your mail-in ballot to be valid, it *must* be received by the Ratification Officer by the close of polls on the Official Voting Day: ___ p.m. on ___ day of _____, 20__. Please ensure enough time for the package to arrive by this deadline. Ballot envelopes received *after* this deadline will not be opened or counted.

Form 11
Ratification Process

FIRST NATION COUNCIL RESOLUTION
(Addendum to List of Eligible Voters)

(TO BE PLACED ON FORT MCKAY FIRST NATION TEMPLATE)

(PREAMBLE TO BE INSERTED)

NOW THEREFORE BE IT RESOLVED THAT The Council of Fort McKay First Nation, in accordance with clauses 3.3 and 4.2 of the Fort McKay First Nation Member Ratification Process:

1. Confirm this addendum to the List of Eligible Voters;
2. Confirm that the Members included on the attached list are deceased; and
3. In accordance with clause 3.4 of the Fort McKay First Nation Member Ratification Process request that the Ratification Officer confirm the removal of the deceased Members from the List of Eligible Voters.

**Form 12
Ratification Process**

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

CANADA)
)
Province of _____)

I, _____, Ratification Officer, of _____, in the Province of _____,
DO SOLEMNLY DECLARE THAT:

1. I was personally responsible for receiving all Mail-in Ballots at Fort McKay First Nation when Eligible Voters of Fort McKay First Nation voted in a Ratification Vote concerning the Ratification Documents.
2. In preparation for depositing Mail-in Ballots, I opened ballot box number # ____.
3. I saw that the ballot box was empty and I asked Eligible Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of the Eligible Voters who were present, and prepared it for the reception of Mail-in Ballots.
5. I personally deposited all of the Mail-in Ballots received by me into ballot box # ____ without opening the secrecy 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 _____, 20__ .)

_____)
Ratification Officer

_____)
A Commissioner for Oaths in and for the Province of _____

Form 13
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 secrecy envelopes
containing the Mail-in Ballots in ballot box #__; and

1. I am an Eligible Voter.
2. I witnessed that ballot box #__ was empty before any secrecy 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 14
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 an Eligible Voter.
2. The Declaration envelopes were unopened immediately prior to the time the Ratification Officer opened them.
3. The Ratification Officer checked the List of Eligible Voters and ensured that the Eligible Voter whose name appeared on the Mail-in Ballot package had not previously voted in person, by Mail-in Ballot or electronically.
4. The Ratification Officer recorded the name of each Eligible Voter on the List of Eligible Voters and deposited the secrecy envelope of that Eligible Voter in the separate ballot box kept for that purpose.

Witness

**Form 15
Ratification Process**

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

CANADA)
)
Province of _____)

I, _____, Ratification Officer, of _____, in the Province of _____,
DO SOLEMNLY DECLARE THAT:

1. I was personally present at _____ on the ___ day of _____
20__ when Eligible Voters of Fort McKay 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 Eligible 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 Regular Ballots.

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)

A Commissioner for Oaths in and for the)
Province of _____)

Form 16
Ratification Process

STATEMENT OF WITNESS
(Regular Polls)

Date

I, _____, was personally present at the polling place at _____ on the __ day of _____, 20__ when Eligible Voters of Fort McKay First Nation were to vote in a Ratification Vote concerning the Ratification Documents; and

1. I am an Eligible 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 17
Ratification Process**

CONFIRMATION BY RATIFICATION OFFICER
(Conclusion of Vote)

CANADA)
)
Province of _____)

I, _____, Ratification Officer for Fort McKay First Nation in the Province of _____, DO SOLEMNLY DECLARE THAT:

1. I was present at Fort McKay First Nation on the _____ day(s) of _____, 20__ when Eligible Voters of Fort McKay First Nation voted concerning approval of *the Fort McKay First Nation Land Code* and Individual Agreement in accordance with the Fort McKay First Nation Member Ratification Process.
2. A true copy of the Notice of Vote is attached as Annex "1" to this declaration.
3. In accordance with clause 8.1 of the Fort McKay First Nation Member Ratification Process, I posted the Notice of Vote at least 56 days prior to the Official Voting Day.
4. In accordance with clause 8.3 of the Fort McKay First Nation Member Ratification Process, I arranged for the Notice of Vote to be published in the _____ at least 15 days prior to the Official Voting Day.
5. In accordance with section 9 of the Fort McKay First Nation Member Ratification Process, a copy of the Notice of Vote and a Voter Information Package were sent to each person on the List of Eligible Voters at their last known address or e-mail address at least 56 days prior to the Official Voting Day.
6. In accordance with clauses 9.5, 9.6 and 9.7 of the Fort McKay First Nation Member Ratification Process, visits at the homes of Eligible Voters, telephone contact with Eligible Voters and information meetings were conducted.
7. In accordance with clause 10.1 of the Fort McKay First Nation Member Ratification Process, the information package was sent to any persons who are not Members who hold an interest in Fort McKay First Nation Land at least 28 days prior to the Official Voting Day.
8. The voting procedure, including the handling of electronic ballots, Mail-in Ballots and the counting of results, was conducted in accordance with sections 12, and 14 to 22, both

- inclusive, of the Fort McKay First Nation Member Ratification Process.
9. The names of _____ Eligible Voters appeared on the List of Eligible Voters.
 7. The number of participating Eligible Voters was _____.
 8. The number of participating Eligible Voters who constituted a minimum of twenty-five per cent (25%) of the Eligible Voters was _____.
 9. The number of participating Eligible Voters who constituted a majority was _____.
 10. The results of the Ratification Vote are as follows:
 - (a) _____ electronic ballots were cast in the Ratification Vote in accordance with sections 14, 15 and clause 18.4 of the Fort McKay First Nation Member Ratification Process;
 - (b) _____ Mail-in Ballots were cast in the Ratification Vote in accordance with section 16 and clause 18.4 of the Fort McKay First Nation Member Ratification Process;
 - (c) _____ Regular Ballots were cast in the Ratification Vote in accordance with section 17 and 18 of the Fort McKay First Nation Member Ratification Process;
 - (d) _____ Mail-in Ballots were rejected in accordance with clause 16.15 of the Fort McKay First Nation Member Ratification Process and not opened or deposited into the ballot box;
 - (e) _____ Regular Ballots were spoiled as provided in clause 17.18 of the Fort McKay First Nation Member Ratification Process;
 - (f) _____ Regular Ballots were cancelled in accordance with clause 17.19 of the Fort McKay First Nation Member Ratification Process;
 - (g) _____ ballots were rejected in accordance with section 19 of the Fort McKay First Nation Member Ratification Process;
 - (h) _____ ballots were marked "YES" for the Ballot Question; and
 - (i) _____ ballots were marked "NO" for the Ballot Question.
 11. Based on the need to meet or exceed the number in items 8 and 9, above, the Ratification Documents were *approved/not approved* by the Eligible Voters of the Fort McKay First Nation.

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__.

_____)
Ratification Officer)
_____)
A Commissioner for Oaths in and for the)
Province of _____)

**Form 18
Ratification Process**

REPORT BY VERIFIER
(Conclusion of Objections Period)

CANADA)
)
Province of _____)

I, _____, in the Province of _____,
DO SOLEMNLY DECLARE THAT:

1. On the __ day(s) of _____, 20__ the Eligible Voters of the Fort McKay First Nation voted concerning approval of *the Fort McKay First Nation Land Code* and their Individual Agreement in accordance with the Fort McKay First Nation Member Ratification Process.
2. A copy of the declaration of Ratification Officer in *Form 17* is attached as Annex "1" to this declaration.
3. The names of _____ Eligible Voters appeared on the List of Eligible Voters.
4. The number of participating Eligible Voters was _____.
5. The number of participating Eligible Voters who constituted a minimum of twenty-five per cent (25%) of the Eligible Voters was _____.
6. The number of participating Eligible Voters who constituted a majority was _____.
7. The results of the Ratification Vote are as follows:
 - (a) _____ ballots were marked "YES" for the Ballot Question; and
 - (b) _____ ballots were marked "NO" for the Ballot Question.
8. Based on the need to meet or exceed the number in items 5 and 6, above, the Ratification Documents were *approved/not approved* by the Eligible 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__.

_____)
Verifier)

_____)
A Commissioner for Oaths in and for the)
Province of _____)

Form 19
Ratification Process

FIRST NATION COUNCIL RESOLUTION
(Submission to Verifier)

(TO BE PLACED ON FORT MCKAY FIRST NATION TEMPLATE)

(PREAMBLE TO BE INSERTED)

WHEREAS the *Fort McKay First Nation Land Code* and the Individual Agreement were submitted to a Ratification Vote at Fort McKay First Nation on the _____ days of _____, 20__; and

WHEREAS The Ratification Officer has reported that the Ratification Vote was conducted in accordance with the Fort McKay First Nation Member Ratification Process confirmed by the Verifier; and

WHEREAS The Eligible Voters approved these documents at the Ratification Vote; and

WHEREAS The Fort McKay First Nation Council and the Minister or delegate have fully signed the Individual Agreement.

NOW THEREFORE BE IT RESOLVED THAT the Chief and Council of Fort McKay First Nation, in accordance with the *Framework Agreement on First Nation Land Management* and clause 25.4 and 25.5 of the Fort McKay First Nation Member Ratification Process shall provide to the Verifier a true copy of the fully signed Individual Agreement hereto attached as Annex "1", and the approved *Fort McKay First Nation Land Code*, attached hereto as Annex "2" for certification by the Verifier.

**Form 20
Ratification Process**

CERTIFICATION OF LAND CODE

Whereas the *Fort McKay First Nation Land Code* and the Individual Agreement were submitted to a Ratification Vote at Fort McKay First Nation on the _____ days of _____, 20__;

And Whereas the *Fort McKay First Nation Land Code* and the Individual Agreement were approved by the Eligible Voters at the Ratification Vote on the _____ days of _____, 20__;

And Whereas the Fort McKay First Nation Council has sent a true copy of the fully signed Individual Agreement and a statement that the *Fort McKay First Nation Land Code* and the Individual Agreement were properly approved;

And Whereas clause ___ of the *Fort McKay First Nation Land Code* states that the *Land Code* shall take effect on the first day of the month following the certification of *Fort McKay First Nation Land Code* by the Verifier;

Therefore, I hereby certify the *Fort McKay First Nation Land Code*, attached as Annex "1" hereto, and the effective date of the *Fort McKay First Nation Land Code* is ___ day of _____, 20__.

DECLARED BEFORE me at the _____)
of _____ in the)
Province of _____, this _____ day of)
_____ 20__.

_____))
Verifier)

_____))
A Commissioner for Oaths in and for the)
Province of _____.