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COWICHAN TRIBES

Community Ratification Process



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COWICHAN TRIBES COMMUNITY RATIFICATION PROCESS

1. TITLE AND PURPOSE

- 1.1 The title of this document is the Cowichan Tribes Community Ratification Process.
- 1.2 The purpose of this document is to set out the procedure by which the Eligible Voters of the Cowichan Tribes will decide whether to approve the Quw'utsun Tumuhw (Cowichan Tribes Land Code) and the Individual Agreement in accordance with the Framework Agreement and the Act.

2. DEFINITIONS

- 2.1 In this Ratification Process:

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

“Additional Voting Day” means one or more dates that may be established by the Ratification Officer in accordance with section 20 of this Ratification Process for voting following the Regular Voting Days;

“Background Documents” means:

- (a) the Framework Agreement;
- (b) the Act;
- (c) a summary of the Framework Agreement;
- (d) a summary of the Act;
- (e) a summary of the Quw'utsun Tumuhw; and
- (f) a summary of the Individual Agreement;

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

“Council” means the elected Chief and Councillors of the Cowichan Tribes;

“Cowichan Tribes Land” means all or part of a reserve described in the Quw'utsun Tumuhw;

“Electronic Vote” means a ballot cast by Electronic Voting;

“Electronic Voting” means voting via a website or touch-tone phone in accordance with this Ratification Process;

“Electronic Voting Contractor” means the contractor retained by the Cowichan Tribes to provide the means by which Electronic Voting may take place;

“Electronic Voting Platform” means the electronic tool provided by the Electronic Voting Contractor to enable and record Electronic Voting;

“Eligible Voter” means a Member of Cowichan Tribes who is 18 years of age or older on the last Regular Voting Day, or where applicable, the last Additional Voting Day;

“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;

“General Manager” means the General Manager of Cowichan Tribes;

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

“Lands Advisory Board” means the board referred to in clause 38 of the Framework Agreement;

“Lands and Governance Director” means the employee or contractor responsible for the management of Cowichan Tribes Land, and includes a designate;

“List of Voters” means the List of Voters prepared in accordance with section 3.2, as updated from time-to-time;

“Mail-in Ballot” means a ballot in Form 1 which is submitted by mail in accordance with this Ratification Process;

“Mail-in Voting Package” means the package of materials described in section 12.3;

“Member” means a person whose name appears or is entitled to appear on the Cowichan Tribes membership list;

“Minister” means the Minister of Indigenous Services Canada;

“Quw’utsun Tumuhw” means the proposed Quw’utsun Tumuhw, a land governance code of the Cowichan Tribes within the meaning of Framework Agreement and the Act.

“Ratification Documents” means the Quw’utsun Tumuhw and the Individual Agreement;

“Ratification Officer” means the person appointed by Council under section 5.1(a);

“Ratification Process” means this Cowichan Tribes Community Ratification Process;

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

“Regular Voting Day” means the dates established as the primary dates for holding the Ratification Vote.

“Verifier” means the person appointed as Verifier under clause 8.1 of the Framework Agreement and includes an Assistant Verifier appointed by the Verifier;

“Voting Day” means a Regular Voting Day and where applicable, any Additional Voting Day.

- 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.
- 2.4 A specified time of day is a reference to Pacific Standard Time.

3. INITIAL MATTERS

- 3.1 At least 80 days before the first Regular Voting Day, the Cowichan Tribes will retain a dependable and independent Electronic Voting Contractor.
- 3.2 At least 80 days before the first Regular Voting Day, the Lands and Governance Director, in consultation with Council, will ensure that an initial List of Voters is prepared containing the full name, Indian registry number, birth date and last known address of each Eligible Voter, and upon appoint of the Ratification Officer, will provide the list to the Ratification Officer.

4. CONFIRMATION BY VERIFIER

- 4.1 At least 80 days before the first Regular Voting Day, Council will pass a resolution in Form 2 to provide the Verifier with:
- (a) the Ratification Process,
 - (b) the Quw'utsun Tumuhw, and
 - (c) the initial List of Voters,
- and forthwith provide the Verifier with the above documents electronically.
- 4.2 Upon receipt of the documents under section 4.1, the Verifier will review the Quw'utsun Tumuhw and the Ratification Process to determine whether they are consistent with the Framework Agreement and the Act.
- 4.3 In accordance with clause 8.9 of the Framework Agreement, the Verifier will, within 30 days of receiving the documents, issue a notice in Form 2A to the First Nation, the Minister and the Lands Advisory Board stating whether the Quw'utsun Tumuhw and the Ratification Process are consistent with the Framework Agreement and the Act.

5. COUNCIL RESOLUTION

- 5.1 As soon as practicable after receiving the notice in Form 2A, Council will pass a Resolution in Form 3 to:
- (a) appoint the Ratification Officer, who shall be a person knowledgeable about conducting voting processes and who has no personal interest in the outcome of the Ratification Vote;
 - (b) confirm the List of Voters;
 - (c) confirm that an Electronic Voting option will be provided;
 - (d) approve the text of the Quw'utsun Tumuhw for ratification by Eligible Voters;
 - (e) approve the Community Ratification Process;
 - (f) order that the Ratification Vote be held to determine if the Eligible Voters approve the Ratification Documents;
 - (g) confirm the wording of the Ballot Question;
 - (h) set the Regular Voting Days; and
 - (i) subject to section 5.2, confirm that the Quw'utsun Tumuhw and Individual Agreement will be considered approved if a majority of the participating Eligible Voters vote to approve them.
- 5.2 Notwithstanding section 5.1(i) Council may in accordance with clause 7.4 of the Framework Agreement establish either or both of the following conditions:
- (a) a percentage of Eligible Voters who must vote in order for the result to be binding;
 - (b) that a percentage greater than fifty percent of the Eligible Voters who vote must vote to approve the Quw'utsun Tumuhw and Individual Agreement in order to

obtain Cowichan Tribes approval;

and where applicable, shall include either or both conditions, as the case may be, in the resolution passed under section 5.1.

- 5.3 As soon as practicable after receiving the notice in Form 2A, Council will pass a Resolution in Form 3A to approve the Individual Agreement.
- 5.4 The Chief of the Cowichan Tribes will thereupon initial the Individual Agreement and send it to the Regional Director General of Indigenous Service Canada to be initialed and returned to the Cowichan Tribes for inclusion in the Ratification Documents.

6. DUTY OF RATIFICATION OFFICER AND APPOINTMENT OF ASSISTANT

- 6.1 Upon the appointment of the Ratification Officer, the Ratification Officer will execute an Appointment of Ratification Officer in Form 4.
- 6.2 The Ratification Officer is responsible for the conduct of the Ratification Vote and has all the powers necessary to carry out that responsibility.
- 6.3 The Ratification Officer may appoint one or more assistant Ratification Officers and may delegate any of the duties of the Ratification Officer that are set out in the Ratification Process to such an assistant Ratification Officer, except:
- (a) the initialing of ballots under section 12.3(a) and section 16.8(i);
 - (b) the determination to hold an additional day for voting under clause 20;
 - (c) the deposit of the Mail-in Ballots in the ballot box under section 16.8(j);
 - (d) the safekeeping of ballot boxes under clause 16.6; and
 - (e) the counting of ballots under part 19.
- 6.4 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.
- 6.5 If, at any time the Ratification Officer is unable to perform his duties, Council may appoint an acting Ratification Officer.

7. NOTICE OF VOTE

- 7.1 The Ratification Officer, in consultation with Council, will post a Notice of Vote in Form 5 at least 42 days prior to the first Regular Voting Day in public places where it can be read by the Members.

7.2 The Verifier will publish the Notice of Vote in one or more local newspapers at least 28 days prior to the first Regular Voting Day.

7.3 The Notice of Vote will contain the following information:

- (a) the date, place and time of the poll on the Regular Voting Days;
- (b) the Ballot Question;
- (c) instructions for obtaining a copy of the Ratification Documents and the Background Documents;
- (d) the name, mailing address, email address and telephone number of the Ratification Officer; and
- (e) information on the methods for voting set out in section 13.1.

7.4 Forthwith after posting the Notice of Vote, the Ratification Officer will transmit a true copy of the Notice of Vote to the Verifier.

7.5 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 listing any changes to the initial List of Voters.

8. PRELIMINARY ACTIVITIES OF RATIFICATION OFFICER

8.1 The Ratification Officer, in consultation with the Lands and Governance Director, will:

- (a) designate one or more polling places;
- (b) prepare sufficient copies of paper ballots and Mail-in Ballots, which will be uniform in size, appearance, quality and weight;
- (c) prepare sufficient copies of the secrecy envelopes, the identification envelopes and the return envelopes for inclusion in the Mail-In Voting Package;
- (d) prepare sufficient copies of the voting instructions;
- (e) obtain a sufficient number of ballot boxes;
- (f) provide for a designated voting area at each polling place such that an Eligible 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; and
- (h) ensure that samples of the Ballot Question are posted or available for examination at the poll.

8.2 The Ratification Officer will complete any necessary orientation or training prescribed for managing Electronic Voting protocols, processes and administration.

9. INFORMATION FOR ELIGIBLE VOTERS

9.1 Council will send or cause to be sent, in one or more mailings, the following

information to each Eligible Voter at the Eligible Voter's last known address:

- (a) a copy of the Notice of Vote;
 - (b) a copy of the Quw'utsun Tumuhw;
 - (c) a summary of the Quw'utsun Tumuhw;
 - (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 section 9.1 will be mailed at least 42 days prior to the first Regular Voting Day unless the Eligible Voter has informed Council that the Eligible Voter wishes to receive the information electronically, in which case the information will be transmitted electronically at least 42 days prior to the first Regular Voting Day.
- 9.3 In addition to the information provided under section 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 Cowichan Tribes administrative offices and other appropriate places; and
 - (d) such other information activities as may be deemed appropriate, including translation.
- 9.4 Notwithstanding section 9.3, personal visits, text, email, telephone or other contact with an Eligible Voter on a Voting Day may take place only for the purposes of assisting the Eligible Voter to vote.

10. INFORMATION FOR THIRD PARTIES

- 10.1 At least 28 days prior to the first Regular Voting Day, the Lands and Governance Director will send via regular mail to the address provided by Indigenous Services Canada, the following information to each person who holds an interest in Cowichan Tribes Land but is not a Member:
- (a) the date of the Ratification Vote;
 - (b) a communiqué from Cowichan Tribes 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 Quw'utsun Tumuhw; and
 - (f) the name, mailing address, email 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 effect of the Ratification Vote.

- 10.2 In addition to information provided in accordance with section 10.1, the Cowichan Tribes may meet with, or otherwise provide information directly to, persons who hold an interest in Cowichan Tribes Land but are not Members.
- 10.3 Nothing in this Ratification Process precludes the Cowichan Tribes 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 Cowichan Tribes Land.

11. AVAILABILITY OF DOCUMENTS

- 11.1 Notwithstanding section 9.1, any Member may, on request, obtain a copy of the Ratification Documents and Background Documents at no cost.
- 11.2 For greater certainty, any Member or the representative of the Minister appointed under clause 6.2 of the Framework Agreement may upon request obtain a copy of the Ratification Process in relation to an objection under part 23 of this Ratification Process.
- 11.3 The Land and Governance Director will ensure that copies of the Ratification Documents and Background Documents are available at the administration offices of the Cowichan Tribes in sufficient quantities to comply with section 11.1 and 11.2.
- 11.4 The Ratification Documents and Background Documents will be made available electronically upon request.

12. VOTER INFORMATION

- 12.1 The Ratification Officer will, at least 35 days before the first Regular Voting Day, send to each Eligible Voter at their last known address an information package containing:
- (a) a Mail-in Voting Package; and
 - (b) the information about the Electronic Voting process set out in section 15.4.
- 12.2 The information package under section 12.1 may be sent together with the information sent under section 9.1.
- 12.3 The Mail-in Voting Package under section 12.1 will contain:
- (a) a pre-folded and initialed ballot in Form 1;

- (b) an identification envelope in Form 6;
- (c) a secrecy envelope;
- (d) a prepaid return envelope; and
- (e) voting instructions.

13. METHODS OF VOTING

13.1 An Eligible Voter may cast a vote by:

- (a) Electronic Voting,
- (b) Mail-in Ballot, or
- (c) voting in person at a polling place on a Voting Day,

in accordance with this Ratification Process.

14. ELECTRONIC VOTING CONTRACTOR RESPONSIBILITIES

14.1 The Electronic Voting Contractor will provide an Electronic Voting Platform that will provide the following:

- (a) a secure SSL web based platform for Eligible Voter registration, electronic voting and vote management along with data encryption provisions to secure and protect personal voter data and voting activities;
- (b) web based access and management of the voting activities and List of Voters for the Ratification Officer;
- (c) web based access and observation of the voting event activities and List of Voters list for the Verifier;
- (d) web based registration and voting support for Eligible Voters and technical support for the Ratification Officer and Verifier;
- (e) multiple physical polling station vote management integrations, including the ability to enter vote result manually following the close of polls;
- (f) Mail-in Ballot vote management integrations, including the ability to enter vote result manually following the close of polls;
- (g) a complete electronic audit record of each Eligible Voter's interaction with the Electronic Voting Platform accessible by the Eligible Voter, Ratification Officer and Verifier; and
- (h) a final voting event tabulation and finalization by the Ratification Officer, including the electronic posting of results.

14.2 The Verifier shall have administrative access to the electronic platform to view and download daily reports and detailed activities reports.

14.3 The Ratification Officer shall have administrative access to the Electronic Voting platform to view and download daily reports and detailed activities reports.

14.4 The Electronic Voting Platform will ensure that:

- (a) individual Electronic Voting results will remain secret at all times and individual voter choices are encrypted in such a way as to ensure Eligible Voter anonymity;
- (b) once an Eligible Voter has voted by Electronic Voting using their personal credentials, they cannot vote again by Electronic Voting using the same credentials, and will be restricted from doing so again by the Electronic Voting Platform;
- (c) automated email notifications will be generated in real-time to the Eligible Voter, Verifier and Ratification Officer of any activity associated with a voter using the Electronic Voting Platform, including:
 - i. attempted registration;
 - ii. attempted voting;
 - iii. completed voter registration;
 - iv. confirmation of registration;
 - v. delivery of electronic voting instructions;
 - vi. delivery of a Personal Identification Number;
 - vii. failed registration;
 - viii. failed vote;
 - ix. notification of vote recorded; and
 - x. notification of the voting events final results.

14.5 Electronic Voting procedures will meet or exceed the threshold of verification and due diligence for Mail-in Ballots, and will require for each Eligible Voter at least:

- (a) confirmed registration for Electronic Voting;
- (b) date of birth;
- (c) a Personal Identification Number; and
- (d) the Indian registry number appearing on the Eligible Voter's status card.

14.6 The Electronic Voting Contractor will, in a timely manner, provide by email to each Eligible Voter who has registered for Electronic Voting:

- (a) a website address which the Eligible Voter can access to vote electronically;
- (b) a unique Personal Identification Number; and
- (c) instructions for voting electronically.

14.7 The Electronic Voting Contractor will provide the Ratification Officer and Verifier with electronic notifications of:

- (a) real-time updates of each Electronic Vote cast;
- (b) a daily summary of voting activities; and
- (c) any unresolved Eligible Voter use or interface errors.

- 14.8 An inventory of all reports generated by the Electronic Voting Platform shall be maintained and accessible on the Electronic Voting Platform.
- 14.9 The Electronic Voting Contractor will provide the Ratification Officer and Verifier with timely notification of any system or communication failures, interruptions or lost data.
- 14.10 The Ratification Officer will provide to the Electronic Voting Contractor the List of Voters, in the manner and format prescribed by the Electronic Voting Contractor, at least 47 days prior to the first Regular Voting Day and the Electronic Voting Contractor will enter the list in the Electronic Voting Platform.
- 14.12 Unless otherwise directed by Council in writing the Electronic Voting Contractor will permanently delete all data on the Electronic Voting Platform and will notify Council that the data has been deleted.

15. ELECTRONIC VOTING

- 15.1 An Eligible Voter may cast a ballot by Electronic Voting.
- 15.2 No proxy voter shall be used at any time.
- 15.3 Electronic Voting shall be confidential and by secret vote.
- 15.4 Electronic Voting will be permitted at any time the Electronic Voting Platform is in operation prior to the close of the polls on the last Voting Day.
- 15.5 In accordance with section 12.1, at least 35 days prior to the first Regular Voting Day, the Ratification Officer will send to each Eligible Voter at the Eligible Voter's last known address, information on Electronic Voting that will include:
 - (a) a unique voter Personal Identification Number;
 - (b) instructions to retrieve the unique Personal Identification Number;
 - (c) instructions to locate and download the Electronic Voting application; and
 - (d) graphic and narrative instructions on the process of registration and Electronic Voting.
- 15.6 To cast an Electronic Vote, an Eligible Voter will:
 - (a) enter the website address provided;
 - (b) confirm their name, date of birth, and Indian registry number;
 - (c) be provided the opportunity to update their personal contact information;
 - (d) confirm their desire to vote electronically;
 - (e) confirm their eligibility to vote by Electronic Voting;
 - (f) declare their intent to vote electronically;
 - (g) confirm their registration and intent to vote electronically by entering their

- Personal Identification Number, date of birth and Indian registry number;
- (h) open the link to the electronic ballot sent by email and cast their Electronic Vote by selecting either YES or NO; and
 - (i) confirm their vote.
- 15.7 Immediately after an Electronic Vote is completed the List of Voters on the Electronic Voting Platform will be automatically updated with the time and date that the Electronic Vote was cast.
- 15.8 Immediately after an Electronic Vote is successfully cast the Electronic Voting Platform will automatically generate an email to the Eligible Voter, the Ratification Officer and the Verifier confirming that the vote of the Eligible Voter was received and recorded.
- 15.9 Upon receipt of the email under section 15.9, the Ratification Officer will:
- (a) record the Eligible Voter's electronic registration;
 - (b) confirm that no other Mail-in Vote, in-person ballot, or Electronic Vote was received from the Eligible Voter; and
 - (c) record the date when the Electronic Vote was received.
- 15.10 For greater certainty, where an Eligible Voter has voted electronically the Eligible Voter shall not be permitted to vote in person or by Mail-in Ballot.
- 15.11 Where the Ratification Officer is notified of an incomplete or failed Electronic Vote or registration, the Ratification Officer will as soon as possible contact the Eligible Voter and provide assistance or alternative voting options, including Mail-in Ballot or voting in person.
- 15.12 Electronic Voting will cease automatically upon the closing of the poll on the last Voting Day and the Electronic Voting Platform will thereafter no longer be accessible to Eligible Voters.
- 15.13 After the closing of the poll on the last Voting Day and upon being informed by the Ratification Officer that the Ratification Vote has ended, the Electronic Voting Contractor will immediately email to the Verifier and Ratification Officer a link to a web page that summarizes the Electronic Voting results, and make the information accessible on the Electronic Voting Platform.

16. MAIL-IN BALLOTS

- 16.1 An Eligible Voter may cast a Mail-in Ballot.
- 16.2 To cast a Mail-in Ballot, an Eligible 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 secrecy envelope;
 - (c) enclose and seal the secrecy 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.
- 16.3 An Eligible Voter may deliver a Mail-in Ballot to the Ratification Officer by mail, courier or hand delivery.
- 16.4 A Mail-in Ballot must be received by the Ratification Officer no later than the close of the poll on the last Voting Day and any ballot received after that time will be rejected.
- 16.5 After the Ratification Officer has received a Mail-in Ballot, the Ratification Officer will:
- (a) record, on the electronic platform, the date when the Mail-in Voting Package was received from the Eligible Voter;
 - (b) confirm that the secrecy envelope is in fact contained in the Mail-in Voting Package but do not open the secrecy envelope;
 - (c) confirm that no other Mail-in Voting Package, in person, or Electronic Vote has been received from this Eligible Voter;
 - (d) update the List of Voters to show this Eligible Voter has cast a Mail-in Ballot; and
 - (e) store the Mail-in Voting Package in a secure location until the close of the poll on the last Voting Day.
- 16.6 The Ratification Officer is personally responsible for the safekeeping of Mail-in Voting Packages until such time as the packages are opened, verified and deposited in the ballot box in accordance with subsection 16.8.
- 16.7 The Ratification Officer will, after the last mail delivery on or before the last Regular Voting Day and prior to the close of the poll on the last Regular Voting Day, retrieve any Mail-in Voting Packages from the mail.
- 16.8 At the poll on the Advance Voting Day and each Regular Voting Day, and, if applicable, the Additional Voting Day, the Ratification Officer will, in the presence of two or more witnesses;
- (a) open each Mail-in Voting Package;
 - (b) confirm that the secrecy envelope has not been opened;
 - (c) deposit the secrecy envelope (unopened) into the ballot box;
 - (d) open and tally the Mail-in Ballots at the public vote count when the last Regular and, if applicable, the Additional Voting Day poll closes.
- 16.9 Where:

- (a) an Eligible Voter has previously voted at a poll, electronically or by Mail-in Ballot; or
- (b) the identification envelope is not signed;
- (c) the identification envelope is not otherwise completed completely and correctly,

the Ratification Officer will reject the Mail-in Ballot and note the reason for the rejection on the List of Voters and on the unopened identification envelope, and will retain the unopened identification envelope into an envelope suitable for that purpose.

16.10 After completing the process set out in section 16.8, the Ratification Officer will:

- (a) execute a Declaration of Ratification Officer in Form 7; and
- (b) ensure that each witness executes a Statement of Witness in Form 8 and 9.

17. VOTING AT A POLL

17.1 The poll will be open from 9 a.m. until 8 p.m. on each Voting Day.

17.2 Subject to section 6.3, any reference to a Ratification Officer in this part includes an assistant Ratification Officer.

17.3 The Ratification Officer will be present at the poll at all times while the poll is open.

17.4 All voting at a poll will be by secret ballot.

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

17.6 The Ratification Officer will:

- (a) before the first vote is cast, open a ballot box and request an Eligible Voter to witness that the ballot box is empty;
- (b) thereupon seal the ballot box and place his signature on the seal and ask the witness to place 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 the witness executes a Statement of Witness in Form 11.

17.7 Prior to the opening of the poll on a Voting Day the Ratification Officer will in the presence of the Verifier and any Eligible Voters who are in attendance, record the names of Eligible Voters who voted by Electronic Voting by drawing a line through their name on the List of Voters and noting that they voted by Electronic Vote as the case

may be.

- 17.8 Where, at the poll on a Voting Day, the Ratification Officer is notified that an Eligible Voter has voted by Electronic Voting, the Ratification Officer will in the presence of the Verifier and any Eligible Voters who are in attendance, immediately record the name of that Eligible Voter by drawing a line through the name on the List of Voters and noting that they voted by Electronic Voting.
- 17.9 When a person at the poll wishes to vote, the Ratification Officer will:
- (a) ensure that the person is an Eligible Voter;
 - (b) check the List of Voters to ensure that the person has not already voted in person, by mail or by Electronic Voting; and
 - (c) if the Eligible Voter has not already voted, provide the Eligible Voter with a folded paper 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.
- 17.10 The Ratification Officer will place, on the List of Voters, a line through the name of every Eligible Voter receiving a ballot at a poll.
- 17.11 The Ratification Officer will explain the method of voting upon request.
- 17.12 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 Voters, he will, in his sole discretion, make the necessary revision and such revision will be final.
- 17.13 An Eligible Voter may request special assistance from the Ratification Officer at the poll.
- 17.14 The Ratification Officer will, on request under section 17.12 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 poll by marking a ballot in secret as directed by the Eligible Voter and immediately folding and depositing the ballot into the ballot box.
- 17.15 The Ratification Officer, after providing special assistance to an Eligible Voter, will make an entry on the List of Voters opposite the name of the Eligible Voter indicating:
- (a) that the 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.
- 17.16 Except for an Eligible Voter requiring special assistance, every Eligible Voter receiving a ballot at a poll will:
- (a) proceed immediately to a designated voting area;

- (b) mark the ballot by placing a cross (“X”) 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.

17.17 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.

17.18 An Eligible Voter at a poll who receives a spoiled or improperly printed ballot, or who accidentally spoils a ballot when marking it, is entitled to receive another ballot from the Ratification Officer after returning the original ballot.

17.19 The Ratification Officer will record a ballot returned in accordance with section 17.17 as cancelled.

17.20 An Eligible 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 Voters stating that the Eligible Voter left the poll without delivering the ballot and will record the ballot as cancelled.

17.21 At the time set for closing the poll, the Ratification Officer will declare the poll closed, and entry will be denied to the poll.

17.22 Notwithstanding section 17.20, any Eligible Voter remaining in the poll at that time is entitled to complete their vote.

18. ORDERLY VOTING

18.1 Council, with the assistance of the Ratification Officer, will provide a suitable polling place with an appropriate number of private booths so that voting can be accomplished in person by secret ballot.

18.2 Council, with the assistance of the Ratification Officer, will ensure that peace and good order are maintained at the poll.

18.3 The Ratification Officer will allow only one Eligible Voter at a time into a designated voting booth, except for an Eligible Voter receiving special assistance under section 17.13.

18.4 No person will:

- (a) interfere or attempt to interfere with an Eligible Voter when the Eligible Voter is voting;
- (b) without the consent of the Eligible Voter, 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 marked; or
- (e) vote or attempt to vote more than once.

18.5 The Ratification Officer will make best efforts to ensure that no Eligible Voter votes more than once.

19. COUNTING OF BALLOTS

19.1 After the close of the polls on the last Voting Day and after Mail-in Ballots have been deposited into the ballot box in accordance with section 16.8, the Ratification Officer, in the presence of the Verifier and any Eligible Voter who may be present will examine all ballots contained in ballot boxes, and will remove any ballot that is spoiled by reason that the ballot:

- (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 Eligible Voter; or
- (e) has any writing or mark which might identify the Eligible 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 removed as spoiled 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.

19.3 The Ratification Officer will:

- (a) count the number of ballots from the ballot boxes marked "YES", the number of ballots marked "NO", the number of rejected ballots and the number of spoiled ballots;
- (b) add the Electronic Voting results to the results from the ballot boxes; and
- (c) announce the result of the Ratification Vote.

19.4 Council will post an announcement of the result of the Ratification Vote in the Cowichan Tribes administration building and on Cowichan Tribes website as soon as reasonably

possible after the Ratification Officer's announcement. Council will also publish an announcement of the result of the Ratification Vote in the community newsletter if it is in regular circulation.

- 19.5 Upon completion of the Ratification Vote, the Ratification Officer will execute a Certification by Ratification Officer in Form 12.

20. ADDITIONAL VOTING DAY

- 20.1 Notwithstanding any other provision of this Ratification Process, where upon the close of the poll on the last Regular Voting Day fewer than the percentage of Eligible Voters required to vote in order for the result to be binding under section 5.2(a) have voted, the Ratification Officer may, in his or her sole discretion, determine that one or more Additional Voting Days will be held in consideration of factors including, 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 explosions, power failure, act of sabotage; or
- (e) any other significant community emergency.

- 20.2 Within 24 hours of a decision under section 20.1, the Ratification Officer will notify the Verifier and Council in writing of the decision.

- 20.3 The Ratification Officer and Council will, within 2 days of receiving the Ratification Officer's written notification under section 20.2, set a date for an Additional Voting Day which shall not be more than 20 days after the last Regular Voting Day.

- 20.4 The Ratification Officer will post an updated Notice of Vote in Form 5 showing the reason for any Additional Voting Day and the date and details of any Additional Voting Day, and will notify all Eligible Voters by mail, hand delivery service, telephone or e-mail.

- 20.5 The poll will be open from 9:00 am until 8:00 pm on an Additional Voting Day.

- 20.6 The Ratification Officer will ensure that the Electronic Voting Platform and Mail-in Voting remain active and available until the close of the poll on the last Additional Voting Day.

- 20.7 A poll on an Additional Voting Day will be conducted in the same manner as the poll on a Regular Voting Day.

- 20.8 Only Eligible Voters who did not vote before the close of the poll on the last Regular Voting Day will be entitled to vote on the Additional Voting Day.

21. POST-VOTE PROCEDURES

21.1 The Ratification Officer will seal in separate envelopes the spoiled ballots, the rejected ballots, the ballots cast in favour and the ballots cast against the Ballot Question and will thereupon:

- (a) affix their signature to the seals; and
- (b) request the Verifier to affix their signature to the seals.

21.2 The Ratification Officer will retain the separate envelopes for at least 60 days after the last Voting Day in his or her secure possession, and will unless otherwise instructed by Council in writing thereafter destroy the ballots cast, the rejected ballots and the spoiled ballots.

21.3 The Electronic Voting Contractor will retain all Electronic Voting data for at least 60 days after the last Voting Day and will unless otherwise instructed by Council in writing thereafter delete and wipe all electronic voting data.

21.4 Upon completing the actions required under sections 21.2. and 21.3, the Ratification Officer and the Electronic Voting Contractor respectively will notify Council that the ballots and Electronic Voting data have been destroyed and deleted.

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 a member of Council designated by Council 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 Ratification Officer will state in writing the nature and basis of a variation under section 22.1 and make a copy of the statement publicly available.

22.3 The Ratification Officer or Verifier may modify any form appended to this Ratification Process to add, correct or update, but not remove, any material information.

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 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 will, 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.
- 23.7 The Verifier will dismiss the objection if the Verifier determines that:
 - (a) there was neither a violation of the 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 last Voting Day, the Verifier will send a report in Form 13 on the conduct of the Ratification Vote to Council, the General Manager, and the Minister.

25. CERTIFICATION OF QUW'UTSUN TUMUHW

- 25.1 The Quw'utsun Tumuhw and the Individual Agreement will be approved if a majority of participating Eligible Voters vote in favour.
- 25.2 If the Quw'utsun Tumuhw and the Individual Agreement are approved by the Eligible Voters, Council will, as soon as practicable after receiving the report of the Verifier under section 24.1, pass a resolution in Form 14 and send a true copy of the approved Quw'utsun Tumuhw to the Verifier.
- 25.3 Upon receiving the Quw'utsun Tumuhw and the resolution in Form 14, the Verifier will certify the Quw'utsun Tumuhw and forward a commissioned copy of the certified Quw'utsun Tumuhw to Council, the General Manager, the Minister and the Chair of the Lands Advisory Board.

26. EFFECTIVE DATE

26.1 The Quw'utsun Tumuhw will come into effect on the later of:

- (a) the first day of the month following certification of the Quw'utsun Tumuhw by the Verifier under the Framework Agreement, or
- (b) the date the Individual Agreement is executed on behalf of Canada.

Form 1 Ballot Question

BALLOT QUESTION

Do you approve:

1. The *Cowichan Tribes Quw'utsun Tumuhw* dated _____ for reference; and
2. The *Individual Agreement* between Cowichan Tribes and Her Majesty the Queen in right of Canada?

EXPLANATION

A **“YES”** vote means that Cowichan Tribes will manage its own reserve lands under the *Cowichan Tribes Quw'utsun Tumuhw*.

A **“NO”** vote means that Cowichan Tribes lands will continue to be managed by the Indigenous Services Canada under the *Indian Act*.

YES

NO

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

Form 2 Information to Verifier

**COWICHAN TRIBES
COUNCIL RESOLUTION**
(Information to Verifier)

The Council of Cowichan Tribes, in accordance with the clause 8.4 of the Framework Agreement on First Nation Land Management and section 4.1 of the *Cowichan Tribes Community Ratification Process*, do hereby resolve to submit the following information to the Verifier:

1. the proposed *Cowichan Tribes Quw'utsun Tumuhw*, dated _____ for reference;
2. the initial List of Voters who, according to the records of Cowichan Tribes, would be eligible to vote on whether to approve the proposed *Cowichan Tribes Quw'utsun Tumuhw*; and
3. the proposed *Cowichan Tribes Community Ratification Process*, dated _____ for reference.

This resolution is supported by the undersigned and passed this ___ day of _____, 20__.

Quorum of Council: ____

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Form 2A Quw'utsun Tumuhw and Individual Agreement Verification

CONFIRMATION BY VERIFIER

(Land Code and Individual Agreement Ratification Process)

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 appointed as the Verifier for Cowichan Tribes by the Council on _____ and by Canada on _____ 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 8.4 of the Framework Agreement, I received the following information from Cowichan Tribes on _____:
 - a. a copy of the *Cowichan Tribes Quw'utsun Tumuhw*;
 - b. a list of the names of every Member of Cowichan Tribes who, according to Cowichan Tribe'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 Cowichan Tribes proposes to use.
3. A true copy of the Land Code, entitled the *Cowichan Tribes Quw'utsun Tumuhw*, dated _____ for reference is attached as Exhibit "1" to this Declaration.
4. A true copy of the community approval process, entitled Cowichan Tribes Community Ratification Process, dated _____ for reference is attached as Exhibit "2" to this Declaration.
5. In accordance with clause 8.5 of the Framework Agreement and section 8 of the Act, I reviewed the *Cowichan Tribes Quw'utsun Tumuhw* and the Cowichan Tribes Community Ratification Process to decide whether:

- a. the *Cowichan Tribes Quw'utsun Tumuhw*) conforms with the requirements of clause 5 of the Framework Agreement and section 6 of the Act; and
 - b. the Cowichan Tribes Community 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 Cowichan Tribes Quw'utsun Tumuhw* and the Cowichan Tribes Community Ratification Process are hereby *confirmed/not confirmed* as being consistent with the Framework Agreement.
7. My reasons for not confirming the *Cowichan Tribes Quw'utsun Tumuhw* or *Cowichan Tribes 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 _____, 20____.)
_____)
_____)
_____)
A Commissioner for Oaths in and for)
the Province of British Columbia)

A.J (AI) Gross, Verifier

Form 3 Commencement of Vote

FIRST NATION COUNCIL RESOLUTION (Commencement of Vote)

The Council of Cowichan Tribes, at a duly convened meeting and in accordance with the Framework Agreement on First Nation Land Management and section 5.1 of the Cowichan Tribes Community Ratification Process, do hereby resolve to:

1. Confirm _____ as the Ratification Officer;
2. Confirm the initial List of Voters;
3. Confirm that an Electronic Voting option will be provided;
4. Confirm the text of the Cowichan Tribes Community Ratification Process, dated _____ for reference as confirmed by the Verifier on _____ ;
5. Approve for community ratification *the Cowichan Tribes Quw'utsun Tumuhw*, as confirmed by the Verifier and dated _____ for reference;
6. Hold a Ratification Vote to determine if the Eligible Voters approve the Ratification Documents in accordance with the Cowichan Tribes Community Ratification Process;
7. Confirm the Ballot Question in the form attached as Annex #1;
8. Confirm that the Ratification Documents will be considered approved if a majority of the Eligible Voters vote to approve them; and
9. Set the Regular Voting Days to be _____.

This resolution is supported by the undersigned and passed this ___ day of _____, 20____.

Quorum of Council: 5

_____ Chief	_____ Councillor
_____ Councillor	_____ Councillor
_____ Councillor	_____ Councillor
_____ Councillor	_____ Councillor
_____	_____

Form 3A Approval of Individual Agreement for the Vote

**COWICHAN TRIBES
COUNCIL RESOLUTION**
(Approval of Individual Agreement for Vote)

The Council of Cowichan Tribes, in accordance with the Framework Agreement on First Nation Land Management and section 5.3 of the Cowichan Tribes Community Ratification Process, do hereby resolve to approve for community ratification the Individual Agreement, which includes a process for amendment;

This resolution is supported by the undersigned and passed this ___ day of _____, 20__.

Quorum of Council: _____

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Form 4 Ratification Officer Appointment

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 Cowichan Tribes approve the Ratification Documents, and will discharge my duties in accordance with the Cowichan Tribes Community Ratification Process and the requirements of confidentiality.

Ratification Officer

Form 4A Assistant Ratification Officer Appointment

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 Cowichan Tribes 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 Cowichan Tribes Community Ratification Process and the requirements of confidentiality.

Assistant Ratification Officer

Form 5 Notice of Vote

**NOTICE OF COWICHAN TRIBES
COMMUNITY RATIFICATION VOTE**

TAKE NOTICE that a Ratification Vote will be held in accordance with the *Cowichan Tribes Community Ratification Process* on _____, 20__ in order to determine if Eligible Voters approve the *Cowichan Tribes Quw’utsun Tumuhw* and the Individual Agreement.

The following question will be asked of the Eligible Voters of Cowichan Tribes by ballot:

“Do you approve the Cowichan Tribes Quw’utsun Tumuhw, dated _____ for reference and the Individual Agreement with Her Majesty the Queen in Right of Canada?”

(Insert date) 9:00 am until 8:00 pm	(Insert date) 9:00 am until 8:00 pm	(Insert date) 9:00 am until 8:00 pm	(Insert date) 9:00 am until 8:00 pm
(Quw’utsun Cultural Centre, 200 Cowichan Way, Duncan BC)	(Quw’utsun Cultural Centre, 200 Cowichan Way, Duncan BC)	(Quw’utsun Cultural Centre, 200 Cowichan Way, Duncan BC)	(Quw’utsun Cultural Centre, 200 Cowichan Way, Duncan BC)

AND FURTHER TAKE NOTICE that all members of Cowichan Tribes 18 years of age or older as of the last date of the Ratification Vote are eligible to vote. Voter information documents will be sent to all Eligible Voters whose address is on record with the Cowichan Tribes. Further information is also available from _____, Ratification Officer at the address and telephone number appearing below.

Please Note: Any Eligible Voter may vote in person or by Mail-in Ballot or by electronic voting. If an Eligible Voter has not received an information package by _____, please contact _____, Ratification Officer so that the necessary documents can be provided to you.

DATED at Cowichan Tribes, British Columbia this _____ day of _____
20__.

Ratification Officer

For more information, please contact _____, Ratification Officer

Ph/Txt: _____ Fax: _____ Email: _____

Mailing Address: _____

Form 6 Identification Envelope

IDENTIFICATION ENVELOPE

IDENTIFICATION ENVELOPE

COWICHAN TRIBES
RATIFICATION VOTE

PLEASE ENCLOSE ONE SECRECY ENVELOPE CONTAINING ONE BALLOT

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

I confirm that this envelope contains only my ballot, which is sealed inside a secrecy envelope.

Signature of Eligible Voter

Form 7 Declaration of Ratification Officer (Mail-in Ballots)

DECLARATION OF RATIFICATION OFFICER

(Mail-in Ballots)

CANADA)
)
Province of British Columbia)

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 Cowichan Tribes when Eligible Voters of Cowichan Tribes 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 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 ballot papers.
5. I personally opened each secrecy envelope, initialed each ballot and then deposited all of the Mail-in Ballots received by me into ballot box # ____ , 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 British Columbia, this)
_____ day of _____, 20___.)
)
)
)
)
)
A Commissioner for Oaths in and for)
the Province of British Columbia)
)

Ratification Officer

Form 8 Statement of Witness (Deposit of Mail-in Ballots)

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 Mail-in Ballots in ballot box #____; and

1. I am an Eligible Voter.
2. I witnessed that ballot box #____ was empty before any 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

Telephone Number or email address

Form 9 Statement of Witness (Opening of Mail-in Ballots)

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 mailing envelopes; and

1. I am an Eligible Voter.
2. The Mail-in Ballot mailing envelopes were unopened immediately prior to the time the Ratification Officer opened them.
3. The Ratification Officer confirmed that the mailing envelopes were completed completely and correctly.
4. The Ratification Officer checked the List of Voters and ensured that the Eligible Voter whose name appeared on the identification envelope 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 Eligible Voter on the List of Voters after she opened each secrecy envelope, initiated each ballot without checking the selection on the ballot and then deposited the ballot of that Eligible Voter in the separate ballot box kept for that purpose.

Witness

Telephone number or email address

Form 10 Declaration of Ratification Officer (Regular Polls)

DECLARATION OF RATIFICATION OFFICER
(Regular Polls)

CANADA)
)
Province of British Columbia)

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 Eligible Voters of Cowichan Tribes 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 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 British Columbia, this)
_____ day of _____, 20__ .)
)
)
)
)
)
A Commissioner for Oaths in and for)
the Province of British Columbia)

Ratification Officer

Form 11 Statement of Witness (Regular Polls)

STATEMENT OF WITNESS
(Regular Polls)

Date:

I, _____ was personally present at the polling place at _____ on the ____ day of _____, 20__ when Eligible Voters of the Cowichan Tribes 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 12 Certification by Ratification Officer

CERTIFICATION BY RATIFICATION OFFICER (Conclusion of Vote)

CANADA)
)
Province of British Columbia)

I, _____, Ratification Officer for Cowichan Tribes in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I was present at _____ on the ___ day of _____, 20__ when Eligible Voters of Cowichan Tribes voted concerning approval of *the Cowichan Tribes Quw'utsun Tumuhw* and Individual Agreement in accordance with the Cowichan Tribes Community Ratification Process.
2. A true copy of the Notice of Vote is attached as Exhibit "1" to this Declaration.
3. In accordance with section 7.1 of the Cowichan Tribes Community Ratification Process I posted the Notice of Vote at least 42 days prior to the first Regular Voting Day.
4. The voting procedure, including the handling of Mail-in Ballots and the counting of ballots, was conducted in accordance with parts 12 to 22, both inclusive, of the Cowichan Tribes Community Ratification Process.
5. The names of _____ Eligible Voters were listed on the final List of Voters.
6. The number of Eligible Voters who constituted a majority was _____.
7. The results of the Ratification Vote are as follows:
 - a. _____ Mail-in Ballots were cast in the Ratification Vote in accordance with part 16 of the Cowichan Tribes Community Ratification Process;
 - b. _____ paper ballots were cast in the Ratification Vote in accordance with parts 17 and 18 of the Cowichan Tribes Community Ratification Process;
 - c. _____ Electronic Votes were cast in the Ratification Vote in accordance with part 15 of the Cowichan Tribes Community Ratification Process;
 - d. _____ ballots were marked as spoiled as provided in section 19.1 of the *Cowichan Tribes Community Ratification Process*;
 - e. _____ ballots were rejected as provided in section 16.9 of the Cowichan Tribes Community Ratification Process and not opened or deposited into a ballot box;

Form 13 Report by Verifier

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 have personal knowledge of the matters hereinafter deposed to save and except where based on information and belief and where so based I verily believe the same to be true.
2. I was present at _____ on the __ day of _____, 20__ when Eligible Voters of Cowichan Tribes voted concerning approval of the *Cowichan Tribes Quw'utsun Tumuhw* and Individual Agreement in accordance with the Cowichan Tribes Community Ratification Process.
3. A true copy of the Notice of Vote is attached as Exhibit "1" to this Declaration.
4. In accordance with section 7.1 of the Cowichan Tribes Community Ratification Process the Ratification Officer posted the Notice of Vote at least 42 days prior to the first Regular Voting Day.
5. In accordance with section 7.2 of the Cowichan Tribes Community Ratification Process, I arranged for the Notice of Vote to be published in the _____ at least 28 days prior to the first Regular Voting Day.
6. In accordance with section 9.2 of the Cowichan Tribes Community Ratification Process, a copy of the Notice of Vote and the documents listed in section 9.1 were sent to each person on the List of Voters at their last known address at

least 42 days prior to the first Regular Voting Day.

7. In accordance with sections 9.3 of the Cowichan Tribes 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.
8. In accordance with section 10.1 of the Cowichan Tribes Community Ratification Process, the information package was sent to any persons who are not Members who hold an interest in Cowichan Tribes Land at least 28 days prior to the first Regular Voting Day.
9. The names of _____ Eligible Voters were entered on the final List of Voters.
10. The number of Eligible Voters who constituted a majority was _____.
11. The results of the Ratification Vote are as follows:
 - a. _____ Mail-in Ballots were cast in the Ratification Vote in accordance with part 16 of the Cowichan Tribes Community Ratification Process;
 - b. _____ paper ballots were cast in the Ratification Vote in accordance with parts 17 and 18 of the Cowichan Tribes Community Ratification Process;
 - c. _____ Electronic Votes were cast in the Ratification Vote in accordance with part 15 of the Cowichan Tribes Community Ratification Process;
 - d. _____ ballots were spoiled as provided in section 19.1 of the Cowichan Tribes Community Ratification Process;
 - e. _____ ballots were rejected in accordance with section 16.9 of the Cowichan Tribes Community Ratification Process and not opened or deposited into the ballot box;
 - f. _____ ballots were cancelled in accordance with section 17.18 of

the Cowichan Tribes Community Ratification Process;

- g. _____ ballots were rejected in accordance with section 16.9 of the Cowichan Tribes Community Ratification Process;
- h. _____ ballots were marked “YES” for the Ballot Question;
- i. _____ ballots were marked “NO” for the Ballot Question.

12. Based on the number of ballots marked “YES” in item 11(h) above, the Ratification Documents were *approved/not approved* by the Eligible Voters.

13. I received _____ objections filed in accordance with section 23 of the Cowichan Tribes Community Ratification Process. I completed all necessary investigations and determined that _____ of these objections was valid.

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 British Columbia, this)
_____ day of _____, 20____.)
)
)
)

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

A.J. (AI) Gross, Verifier

Form 14 Submission to Verifier at Conclusion of Vote

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

WHEREAS the *Cowichan Tribes Quw'utsun Tumuhw* and the Individual Agreement were submitted to a Ratification Vote at Cowichan Tribes on the ___ day of _____, 20___;

AND WHEREAS the Verifier has reported that the Ratification Vote was conducted in accordance with the Cowichan Tribes Community Ratification Process confirmed by the Verifier;

AND WHEREAS the Eligible Voters approved these documents at the Ratification Vote held on the ___ day of _____, 20___;

NOW THEREFORE the Council of Cowichan Tribes, in accordance with the Framework Agreement on First Nation Land Management and section 25.2 of the Cowichan Tribes Community Ratification Process, do hereby resolve to send to the Verifier the approved *Cowichan Tribes Quw'utsun Tumuhw*, attached hereto as Annex #1, for certification by the Verifier.

This resolution is supported by the undersigned and passed this ___ day of _____, 20___.

Quorum of Council: _____

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Form 15 Certification of Quw'utsun Tumuhw

CERTIFICATION OF QUW'UTSUN TUMUHW LAND CODE

WHEREAS the *Cowichan Tribes Quw'utsun Tumuhw* and the Individual Agreement were submitted to a Ratification Vote at Cowichan Tribes on the ___ day of _____, 20___;

AND WHEREAS I have reported that the Ratification Vote was conducted in accordance with the Cowichan Tribes Community Ratification Process confirmed by me as the Verifier;

AND WHEREAS the *Cowichan Tribes Quw'utsun Tumuhw* and the Individual Agreement were approved by the Eligible Voters at the Ratification Vote on the ___ day of _____, 20___;

THEREFORE, I hereby certify the *Cowichan Tribes Quw'utsun Tumuhw*, attached as Annex #1 hereto.

Dated at _____ this ___ day of _____, 20___.

A.J. (A) Gross, Verifier