

Nipissing First Nation

Land Law Consultation, Voting and Enactment Process

- in accordance with -

*Nipissing First Nation Land Code
and the First Nation Land Management Act*

May 25, 2005

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**NIPISSING FIRST NATION
LAND LAW CONSULTATION, VOTING AND ENACTMENT PROCESS**

PART 1 – TITLE AND PURPOSE

1.0 TITLE AND PURPOSE

- 1.1 The title of this document is the Nipissing First Nation Land Law Consultation, *Voting and Enactment Process*.
- 1.2 The purpose of this document is to set out the procedure by which Nipissing First Nation will approve of its proposed Land Laws under Section 13.1 and in accordance with the Land Law-Making Powers provided under the Nipissing First Nation Land Code.

PART 2 – DEFINITIONS AND DRAFTING OF LAWS

2.0 DEFINITIONS

2.1 In this document:

"Background Documents" means:

- the *Land Law to be ratified*,
- the *First Nations Land Management Act*,
- the *Nipissing First Nation Land Code*,
- the *Nipissing First Nation Land Law Membership Consultation and Voting Process*.

"Ballot Question" means the Question asked of the Voters in the Land Law Vote Process (Form 1);

"Eligible Voter" means a Member who has attained the age of eighteen (18) years of age on or before the day of the vote;

"*First Nations Land Management Act*" means the Act providing for the *Land Law Vote* and the bringing into effect of the *Framework Agreement on First Nation Land Management*;

"Land Code" means the *Nipissing First Nation Land Code*;

"List of Voters" means the list of Eligible Voters, prepared according to this Land Law process;

"Member" means a person whose name appears or is entitled to appear on the Nipissing First Nation Band Membership List;

"Land Law Vote Documents" mean the proposed *Nipissing First Nation Land Law*;

"Nipissing Land Law Vote Officer" means the person appointed as such by the Nipissing Nation Chief and Council under this land law process;

"Nipissing Land Law Vote Process" means an approval by a quorum of Council or a vote of Eligible Voters on the Ballot Question conducted according to this Land Law Voting Process;

"Ratification Vote" means a membership vote held under Section 16 of the Nipissing Land Code.

"Vote" means a vote held in accordance with this Land Law Voting Process;

"Voting Day" means the day set for holding a Nipissing Land Law Voting Process.

- 2.2 When calculating time, a reference to a number of full days between two events is calculated.
- 2.3 Words in the singular include the plural and words in the plural include the singular.

PART 3 – LAND LAW PROPOSAL DRAFTS

3.0 LAND LAW PROPOSAL DRAFT

- 3.1 In accordance with Section 7.1 of the Nipissing Land Code a land law may be introduced at a duly convened meeting of Council by:
 - (a) the Chief,
 - (b) a Councillor,
 - (b) a representative of the Land Law Development Committee; or
 - (c) any eligible voter of the Nipissing Nation.
- 3.2 If a Land law is introduced at a convened meeting of Council by an individual described under 3.1 (a), 3(b) or 3(d) above, the Nipissing Land Law Development and or Nipissing Land Staff shall be given *reasonable time* from the date of introduction to make recommendations on the proposed land law before membership consultation meeting dates are set by Council.
- 3.3 If a Land Law is introduced at a convened meeting of Council and is recommended by the Nipissing Land Law Development Committee no review period is required before membership consultation meeting dates are set by Council.

PART 4 – LAWS ENACTED BY COUNCIL

4.0 NIPISSING NATION COUNCIL APPROVAL AND ENACTMENT OF A POLICY, GUIDELINE, REGULATION OR LAND LAW AT A DULY CONVENED MEETING

4.1 The Nipissing Council by a quorum of Council in accordance with Section 7.5 (a) of the Nipissing Land Code may enact a proposed policy, guideline, regulation and or land law not described in Section 13(e), 13(g), 13(h), 15.1 or 16.1 of the Nipissing Land Code at a duly convened meeting of Council, provided that, the proposed land law enactment is for a policy, guideline, regulation and or land law required for:

- a. Nation member allotments, including rights to occupy, possess or use Nipissing Nation land;
- b. Mortgageability of property;
- c. The rate and criteria for the payment of fees or rent for land;
- d. Enforcement of payment of amounts that are payable pursuant to the Land Management Act or Nipissing Land Code, including arrears and interest and the imposition and recovery of interest and amounts that are payable, where those amounts are not paid before they are due, and the calculation of interest;
- e. Designation of Nipissing Community land for specific public purposes;
- f. Survey plans, sketches, plot plans, community or subdivision plan;
- g. Shoreline, fauna, wildlife habitat;
- h. Cemeteries and burial grounds;
- i. Protection of archaeological, heritage and or historical sites and or archaeological artifact preservation and repatriation;
- j. Environmentally sensitive property and or environmental assessments;
- k. Road and infrastructure design;
- l. Regulations, laws, bylaws with regard to the licensing of businesses or companies on Nipissing Nation land or land held in trust for the Nipissing Nation;
- m. Any land law, policy, regulation or guideline with respect to any matter arising out of or ancillary to the exercise of land management authority.

4.2 CONSULTATION AND REVIEWS MUST BE HELD FOR

In accordance with Section 13.1 of the Nipissing Land Code, Council shall hold a Nipissing membership meeting to obtain the approval prior to enactment of any law with respect to:

- a. respecting a community or subdivision plan;
- b. affecting a heritage site or an environmentally sensitive property;
- c. respecting an environmental assessment;
- d. respecting the transfer of rights and assignment of interests in Nipissing First Nation land,
- e. respecting matrimonial real property on reserve under Section 40 of the Nipissing Land Code;
- f. respecting the rate and criteria for the payment of fees or rent for Nipissing Nation

- land;
- g. respecting the voluntary land exchange agreement under Section 19 of the Nipissing Land Code;
- h. respecting the rights and procedures on community expropriation; and
- i. any other matter, law or class of law that Council by Resolution declares to be subject to the Nipissing Land Code and this enactment process.

PROCESS FOR ENACTMENT BY NIPISSING NATION COUNCIL

- 4.3 the proposed policy, guideline, regulation or land law is introduced in accordance with Section 7.1 of the Nipissing First Nation Land Code; and
- 4.4 Nipissing Nation membership and or third party interest clients have been notified and sent a copy of the proposed policy, guideline, regulation and or land law at their last known address at least 60 consecutive days prior to the enactment of the policy, guideline, regulation and or land law by Council;
- 4.5 in the notification to the Nipissing Nation membership and or third party clients a deadline date be specified at least thirty-eight (38) days prior to the duly convened meeting to receive comments and requests for revisions of the proposed policy, guideline, regulation and land law;
- 4.6 any revisions, if any, to the proposed policy, guideline, regulations and law must be completed prior to the tabling at a duly convened meeting as specified under the following clause 4.7;
- 4.7 in accordance with Section 7.2 of the Nipissing Land Code, table the land law at a duly convened meeting of the Council held at least twenty-eight (28) consecutive days before the land law is to be enacted;
- 4.8 deposit with the Chair of the Land Law Development Committee at least twenty-one (21) consecutive days before the land law is to be enacted; and
- 4.9 post in public places in the communities of Nipissing at least twenty-one (21) days before the land law is to be enacted;
- 4.10 In accordance with the Nipissing Land Code Section 7.5 (a), a Land Law is enacted under this section of the Nipissing First Nation Land Law Consultation, Voting and Enactment process, if it is approved by a quorum of Council at a duly convened meeting of Council open to the Members.
- 4.11 A law enacted by Council under the above process is deemed to be enacted according to the provisions of 13.2 of the Nipissing First Nation Land Code and this enactment process.

PART 5 – MEMBERSHIP LAND LAW VOTES MUST BE HELD FOR

- 5.0 In accordance with Section 15 of the Nipissing Land Code, Council shall call a Vote to obtain Community approval at a Community Meeting of Members for the following land laws;
- (a) any Master Land Use plan;
 - (b) any new grant of disposition of Nipissing Nation land by an interest or license to a non-member exceeding a term of thirty-five (35) years;
 - (c) any renewal of a grant or disposition of Nipissing Nation land by an interest or license to a non-member that extends the original term beyond thirty-five (35) years;
 - (d) any grant or disposition on Nipissing Nation land of any non-renewable natural resources exceeding a term of five (5) years;
 - (e) any deletion of a heritage site referred to in Section 18 of the Nipissing Land Code;
 - (f) an expropriation of a Nipissing Member's interest referred to in Section 17 of the Nipissing Land Code;
 - (g) any voluntary exchange of Nipissing Nation land referred to in Section 19 of the Nipissing Land Code;
 - (h) any Land Law on matrimonial real property on Nipissing Nation land that shall be enacted under Section 40 of the Nipissing Land Code; and
 - (r) any law or class of law that Council, by Resolution, declares to be subject to this Section 15.0 of the Nipissing Land Code.

PART 6 – CONSULTATION & NOTIFICATION OF A MEMBERSHIP VOTE

6.0 **NOTIFICATION TO ELIGIBLE ELECTORATE OF PROPOSED LAW AND CONSULTATION PRIOR TO A LAND LAW VOTE**

- 6.1 In accordance with Section 14 of the Nipissing Land Code, the Council of Nipissing shall give written notice of the information and consultation meeting of eligible electorate that:
- (a) specifies the date, time and place of the information and consultation meeting;
 - (b) contains a brief description of the matters to be discussed and decided on at the meeting; and
 - (c) contains the name(s) and telephone number(s) of a contact person;
 - (d) posting the notice in public places in the communities of Nipissing at least twenty-one (21) working days prior to the meeting, and,
 - (e) mailing the notice to the last known address of the Nation member at least ten (10) working days prior to the community consultation meeting; and
 - (f) publishing the notice in the monthly Nipissing Newsletter at least ten (10) working days prior to the date set for the community consultation meeting, or

- (g) any such additional method as Council may consider appropriate in the circumstances.

7.0 CONSULTATION WITH THIRD PARTY INTEREST CLIENTS

7.1 Any third party interest clients of Nipissing affected by the proposed land law shall be notified at the same time as the Membership of Nipissing and a consultation meeting shall be held to allow the third party client an explanation of the land law proposed and to consider suggestions and recommendations for any changes to the land law that the client may want brought before Council for review and possible amendment.

7.2 No voting rights are contemplated or confirmed to any Nipissing third party client under the Nipissing Land Code, Transfer Agreement or this process for enactment of laws. The consultation process and review by third parties is extended to ensure there is meaningful representation, review and consultation on any law affecting a third party interest.

8.0 MINIMUM NUMBER OF MEMBERSHIP CONSULTATION MEETINGS FOR VOTE

At least a minimum of two (2) community consultation meetings shall be held, with at least one (1) meeting in Garden Village and one (1) meeting in Duchesnay Village to allow the electorate of Nipissing to obtain an explanation of the land law proposed and to recommend any changes to the land law that the Nation member may want brought before Council for review and possible amendment.

9.0 NOTIFICATION FOR RECEIVING COMMENTS, AMENDMENTS

The membership of Nipissing shall be notified of the deadline date set for receiving comments, requests for amendments of the proposed land law. The notification process is as follows:

9.1 The notification and the draft law shall be made available to the membership 21 days prior to the consultation meeting;

9.2 There shall be a one (1) week period for consultation meetings to take place;

9.3 There shall be a two (2) week period for the review and/or amending of the draft law;

9.4 Once the review or amended law has been recommended to Council by the Land Law Committee, the Nipissing Council shall notify the membership of the date of the Nipissing approval meeting or Nipissing Land Law Vote.

10.0 RECORDING MINUTES OF CONSULTATION MEETINGS

The Nipissing Land Staff shall ensure Minutes are recorded for all information and consultation meetings.

PART 7 – PROCEDURES FOR AMENDMENTS PRIOR TO VOTE

11.0 **REVIEW OF OBJECTIONS, RECOMMENDATIONS AND REQUEST FOR AMENDMENT**

- 11.1 The Nipissing Land Staff shall report in writing all objections, recommendations and request for amendment to any land law for review by Council and/or the Land Law Development Committee.
- 11.2 The Nipissing Land Staff shall under the direction of the Nipissing Council and/or the Land Development Committee may revise the draft land law as recommended.
- 11.3 The Nipissing Land Staff upon revision shall forward the final submission of the land law for recommendation by the Land Law Development Committee to the Nipissing Nation Council for final review of any proposed amendments to the land law.

PART 8 – THE VOTE

12.0 **ALL NIPISSING MEMBERSHIP APPROVAL MEETING VOTES SHALL BE BY SECRET BALLOT**

All Membership Meetings called to vote on the enactment of a land law under Section 15 shall be by secret ballot.

13.0 **LIST OF VOTERS**

- 13.1 The Land Law Vote Officer, in consultation with the Nipissing Membership Land Clerk, will ensure that a List of Eligible Voters is prepared containing the full names and band numbers of the Eligible Voters as of the date of the proposed Land Law Vote Date.
- 13.2 The List of Eligible Voters will be confirmed by an Affidavit of the Membership Land Clerk.

14.0 **INFORMATION TO THE NIPISSING ELIGIBLE VOTERS**

The Nipissing Chief and Council will direct the Nipissing Land Staff and the Land Law Vote Officer to ensure that copies of the following information are available at all times to the Eligible voters of Nipissing when notification of the electorate of a vote has been posted:

- (a) this Land Law Vote Process;
- (b) the proposed Nipissing Land Law; and
- (c) the List of Eligible Voters.

15.0 CONFIRMATION BY CHIEF AND COUNCIL

The Chief and Council will review the Land Law and this Land Law Vote Process to ensure that the land laws conform to the *Nipissing Land Code* and the *First Nations Land Management Act*.

16.0 NIPISSING FIRST NATION COUNCIL RESOLUTION

The Council shall pass a Resolution (Form 3) to:

- (a) appoint the Nipissing Nation Land Law Vote Officer;
- (b) confirm the List of Eligible Voters;
- (c) approve of the Nipissing Nation Law Voting Process;
- (d) approve the text of the proposed Land Law for Nation member review;
- (e) set time and place for Nipissing Nation Consultation Meeting(s);
- (f) order that the Vote be held to determine if the Nipissing Nation Membership approves of the proposed Land Law;
- (g) confirm the wording of the "Ballot Question"; and
- (h) set the Voting Day.

17.0 DUTIES OF NIPISSING NATION VOTE OFFICER AND APPOINTMENT OF ASSISTANT

- 17.1 The Nipissing Nation Vote Officer in conjunction with the Nipissing Nation Council, Nipissing Land Law Development Committee and Nipissing Land Staff, conduct Nipissing Nation Membership Consultation Meeting(s) to provide the Membership with a clear understanding of the Land Law proposed for the vote.
- 17.2 The Nipissing Nation Vote Officer is responsible for overseeing the conduct of the Land Law Vote and has all the powers necessary for this function.
- 17.3 The Nipissing Nation Vote Officer may appoint assistants and may delegate any of his or her duties set out in this Land Law Vote Process to the assistants;
- 17.4 Upon the appointment of an assistant, the Nipissing Nation Vote Officer and each assistant will execute an "Appointment of an Assistant" (Form 4).
- 17.5 If the Nipissing Nation Vote Officer is unable to perform his or her functions because of sickness or other reason, the Council may appoint an acting Nipissing Nation Vote Officer.

18.0 NOTICE OF VOTE

18.1 The Nipissing Nation Vote Officer, in consultation with the Council, will post a "Notice of Vote" (Form 5) at least 21 days prior to the Voting Day in visible places where it can be read by the Nipissing Nation Members.

18.2 The "Notice of Vote" will contain the following information:

- (a) the date, place and time of the Land Law Vote;
- (b) the Ballot Question;
- (c) instructions for obtaining a copy of the Nipissing Nation Land Law Vote Process Documents and the Background Documents; and
- (d) the name of the Nipissing Nation Land Law Vote Officer and his or her office address and telephone number.

19.0 INFORMATION TO NIPISSING NATION MEMBERS

19.1 The Nipissing Land Law Vote Officer will send, in one or more packages, the following to each Member on the Initial List of Eligible Voters at her or his last known address:

- (a) a copy of the "Notice of Vote";
- (b) a summary of the proposed Land Law;

19.2 The information for the proposed Land Law may be mailed out or distributed prior to the "Notice of Vote" being posted.

19.3 The information package to Members will be mailed out or distributed at least 12 days prior to the Voting Day.

20.0 INFORMATION TO THIRD PARTIES

The Land Law Vote Officer will send the following information to any third party affected by the proposed Land Law by a communique from Nipissing First Nation explaining the meaning of the proposed Land Law at their last known addresses.

21.0 PROVISION OF LAND LAW VOTE PROCESS DOCUMENTS

- 21.1 The Nipissing Land Staff shall ensure that sufficient copies of the proposed Land Law are available at the Nipissing Land Office of Nipissing First Nation.
- 21.2 Any Nipissing Nation member may, on request, obtain a copy of the proposed Land law free of charge.

22.0 DOOR TO DOOR VISITS

- 22.1 For the purpose of ensuring that Voters are fully informed prior to casting their votes on the Ballot Question, door to door visits at the homes of Eligible Voters on reserve may be conducted to discuss the Land Law Documents.
- 22.2 The door to door visits may be conducted any time up to 2 days prior to Voting Day.

23.0 PRELIMINARY PROCEDURES

The Nipissing Land Law Vote Officer, in consultation with the Council, will:

- (a) designate the place of each voting station;
- (b) establish the places or route for the mobile polls, if any;
- (c) prepare sufficient copies of the ballots, which will be uniform in size, appearance, quality and weight;
- (d) prepare sufficient copies of the Nipissing Nation Voter's List;
- (e) prepare sufficient copies of the voting instructions;
- (f) obtain a sufficient number of ballot boxes;
- (g) provide for voting at each voting station and mobile polls so the Voter can mark the ballot free from observation;
- (h) provide a sufficient number of pens and pencils for marking the ballot;
- (i) ensure that samples of the Ballot Question are posted or available for examination by Voters at the voting station and mobile polls; and
- (j) ensure that a Commissioner for Taking Oaths or Notary Public will be available as required;
- (k) ensure that timely notification of the police service of the Nipissing Nation of the impending Land Law Vote and their role in monitoring the polls on voting day to keep the peace.

24.0 VOTING PROCEDURES AT POLLS ON VOTING DAY

24.1 The polls shall be kept open from 9:00 a.m. until 8:00 p.m. on the Voting Day.

24.2 All voting at the polls will be by secret ballot only.

24.3 Mobile polls may be established to visit infirm or Elders of the Nipissing Nation Voters at their residences or places of work.

24.4 At a voting station, the Nipissing Land Law Vote Officer will:

- (a) ensure an Eligible Voter is present for verification that the ballot box is empty;
- (b) open each ballot box and ask an Eligible Voter to witness that each ballot box is empty before any vote is cast;
- (c) properly seal the ballot box and place his or her signature on the seal in front of the witness, and ask the witness to place his or her signature on the seal;
- (d) keep the ballot box in view for the reception of the ballot papers;
- (e) execute a "Declaration of Nipissing Land Law Vote Officer" (Form 6); and
- (f) ensure that each witness executes a "Statement of Witness" (Form 7).

24.5 When a person at a poll requests to vote, the Nipissing Land Law Vote Officer will:

- (a) ensure that the person is an eligible Voter;
- (b) check the List(s) of Voters to ensure that the person has not already voted; and
- (c) provide the Voter with a ballot, on the back of which are affixed his or her initials so that the initials can be seen when the ballot is folded.

24.6 The Nipissing Land Law Vote Officer will place, on the List of Voters, a line through the name of every Voter receiving a ballot at a poll.

24.7 The Nipissing Land Law Vote Officer will explain the method of voting upon request.

24.8 A Voter may request special assistance from the Nipissing Land Law Vote Officer at a poll if the Voter declares that he or she:

- (a) is not able to read;
- (b) is incapacitated by blindness or other physical cause; or
- (c) requires assistance for any other reason.

- 24.9 The Nipissing Land Law Vote Officer will, on request, provide special assistance to a Registered Voter at a poll by marking his or her ballot in secret as directed by the Voter and immediately folding and depositing it into the ballot box.
- 24.10 The Nipissing Land Law Vote Officer, after providing special assistance to a Voter, will make an entry on the List of Voters opposite the name of the Voter indicating that the ballot was marked by the Nipissing Land Law Vote Officer at the request of the Voter and the reason for the Voter's request.
- 24.11 Except for a Voter requiring special assistance, every Voter receiving a ballot at a poll will:
- (a) proceed immediately to a designated voting area;
 - (b) mark the ballot by placing a mark either in the box marked "YES" or in the box marked "NO";
 - (c) fold the ballot to conceal the mark and to expose the initials of the Nipissing Land Law Vote Officer; and
 - (d) proceed to ballot box and before depositing the ballot into the ballot box allow the Nipissing Land Law Vote Officer to confirm his or her initials on the ballot.
- 24.12 The Nipissing Land Law Vote Officer, without unfolding the ballot, will:
- (a) verify his or her initials;
 - (b) request the Voter to deposit the ballot into the ballot box.
- 24.13 The Voter at a poll who receives a spoiled or improperly printed ballot, or who accidentally spoils his or her ballot when marking it, is entitled to receive another ballot from the Nipissing Land Law Vote Officer after returning the original ballot. The returned ballot will be recorded as spoiled.
- 24.14 A Voter at a poll who receives a ballot and does not return it to the Nipissing Land Law Vote Officer will forfeit the right to vote and will be counted as having spoiled the ballot. The Nipissing Land Law Vote Officer will make an entry on the List of Voters stating that the Voter left the designated voting area without delivering the ballot.
- 24.15 At the time set for closing the polls, the Nipissing Land Law Vote Officer will declare the polls closed, and entry will be denied to the voting station until all remaining Voters at the voting station at that time have voted.

25.0 ORDERLY VOTING

- 25.1 The Nipissing Land Law Vote Officer with the assistance of the police service for Nipissing Nation will ensure that peace and good order are maintained at the voting station.
- 25.2 The Nipissing Land Law Vote Officer will allow only one Voter at a time into the designated voting compartments, except for a Voter receiving special assistance.
- 25.3 A Voter who is present and available to vote at a poll before the closing time will be entitled to vote.
- 25.4 The Nipissing Land Law Vote Officer shall ensure that the polling station, its grounds and all voter's compartments are free and clear of any information that attempts to advertise as to how a Voter should vote.
- 25.5 No person shall:
- (a) interfere or attempt to interfere with a Voter when he or she is voting;
 - (b) obtain or attempt to obtain information as to how a Voter is about to vote or has voted at a poll;
 - (c) mark a ballot in a way that identifies the Voter.

26.0 REJECTED BALLOTS

- 26.1 A cast ballot will be rejected if it:
- (a) was not supplied by the Nipissing Land Law Vote Officer or the Assistant Land Law Vote Officer(s);
 - (b) was not marked as either "YES" or "NO";
 - (c) was marked as both "YES" and "NO";
 - (d) was not marked in the box marked "YES" or "NO"; or
 - (e) has any writing or mark which can identify the Voter.
- 26.2 A ballot marked with something other than with a mark in a box, will not be rejected if:
- (a) the mark does not identify the Voter; and
 - (b) the intent of the Voter is clear in the opinion of the Nipissing Land Law Vote Officer and/or Assistant Land Law Vote Officer(s).

27.0 COUNTING OF BALLOTS

- 27.1 After the close of the Polling Station(s) is declared, the Nipissing Land Law Vote Officer and/or the Assistant Land Law Vote Officer(s), in the presence of any Voters who may be present, will:
- (a) count the number of ballots marked "YES", the number marked "NO";
 - (b) count the number of spoiled ballots;
 - (c) reject any ballots required by clause 26 of this process;
- 27.2 When the results of the Land Law Vote have been determined, the Nipissing Land Law Vote Officer will execute the "Certification by Land Law Vote Officer" (Form 8).
- 27.3 The Nipissing Land Law Vote Officer will seal in separate envelopes the spoiled ballots, the rejected ballots, the ballots cast in favour and the ballots cast against. The Nipissing Land Law Vote Officer will then affix his or her signature to the seals and will retain the separate envelopes for at least 60 days.
- 27.4 After 75 days from Voting Day, the ballots cast, counted, rejected and the spoiled ballots may be destroyed.

PART 9 – OJECTIONS AND DISPUTE RESOLUTION

28.0 OBJECTIONS

- 28.1 An Eligible Voter who has cast a ballot in the land law vote process, may file an objection with the Chief and Council of Nipissing if the Eligible Voter who voted in the Land Law Vote has reasonable grounds for believing that:
- (a) there was a violation of this Land Law Vote Process or an irregularity in that process; and,
 - (b) the final result of the Land Law Vote might have been different but for the violation or irregularity.
- 28.2 The objection must be received by the Chief and Council within 5 days from the Voting Day.
- 28.3 The objection must be in writing and must:
- (a) identify the name, address and telephone number of the objector;
 - (b) summarize the grounds for the objection; and
 - (c) be accompanied by a statutory declaration setting out the grounds for the objection.

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- 28.4 If an objection is filed under this section, the Chief and Council will, within 15 days of Voting Day convene a Dispute Resolution Process Committee made up of Nipissing Nation members to determine whether the objection is valid.
- 28.5 The Dispute Resolution Process Committee may, if the material sent under this section is not sufficient to decide the validity of the grounds of the objection, direct that further investigations as may be deemed necessary.
- 28.6 The Dispute Resolution Process Committee may dispose of an objection by allowing it and calling another vote.
- 28.7 The Dispute Resolution Process Committee will dismiss the objection if of the opinion that:
- (a) there was neither a violation of this Land Law Vote Process nor any irregularity in that process; or
 - (b) there was a violation or an irregularity but the final result of the Land Law Vote was not affected by it; and
 - (c) report to the Chief and Council their decision on the objection.
- 29.0 REPORTS BY NIPISSING LAND LAW VOTE OFFICER OR DISPUTE RESOLUTION COMMITTEE
- 29.1 The Nipissing Land Law Vote Officer shall immediately post a written report on the conduct of the Nipissing Land Law Vote.
- 29.2 A Dispute Resolution Process Committee convened in accordance with section 28.4, to decide upon an objection on the Land Law Vote, and the Committee has dismissed the objection in accordance with section 28.7, the Nipissing Land Law Vote Officer shall immediately send a written report to Nipissing Nation Chief and Council on the findings of the Committee.

Part 10 - A LAND LAW VOTED ON BY THE MEMEBERSHIP IS DEEMED APPROVED WHEN

- 30.1 *In accordance with* Section 15.2 of the Nipissing Land Code, a quorum ten (10%) percent of the eligible voters *are present at Nipissing Membership Meeting* called for a land law vote; *and,*
- 30.2 in accordance with Section 15.3 of the Nipissing Land Code a majority of fifty percent plus one Nation member (50% + 1 Nation member) have voted in favour of the land law.

PART 11 – CERTIFICATION OF LAND LAW

31.0 CERTIFICATION OF LAND LAW

- 31.1 If the Land Law was approved by the Nipissing Nation Membership and no objection has been received under sections 28.2 and 28.3 of this process, the Chief and Council shall immediately after receiving the report of the Nipissing Land Law Vote Officer, shall by resolution declare the proposed Land Law, a Nipissing Nation Land Law in full force; or,
- 31.2 If the Land Law was approved by the Nipissing Nation Membership and an objection was received under sections 28.2 and 28.3, the Dispute Resolution Process Committee convened under section 28.4, has dismissed the objection in accordance with section 28.7, and upon receipt of the report by the Dispute Resolution Committee and the Nipissing Land Law Vote Officer, shall declare the proposed Land Law, a Nipissing Nation Land Law in full force.

32.0 AMENDMENTS AND REVISIONS TO THIS PROCESS

The Nipissing Nation Chief and Council may amend or revise this land law consultation, except where in contravention to the Nipissing Land Code.

The Nipissing First Nation Land Law Consultation, Voting and Enactment Process has been adopted by the Nipissing Council in accordance with Section 13.2 of the Nipissing First Nation Land Code.

Signed this 7th day of February 2006.

Chief Philip Goulais



Councillor Marianna Couchie



Councillor Patricia Campeau



Councillor Scott McLeod



Councillor Douglas Chevrier



Councillor Eric Stevens



Councillor Michael Restoule



Witness to signature of Council

Nipissing Nation Land Law Consultation, Voting and Enactment Process

NIPISSING FIRST NATION **LAND LAW**
"(proper description name of law proposed)"

BALLOT QUESTION

Do you approve:

➤ *The Nipissing First Nation* *Land Law*, dated for reference _____; and

EXPLANATION:

A "YES" vote means that Nipissing First Nation will manage its own lands under the Nipissing First Nation *Land Law*.

A "NO" vote means that Nipissing First Nation Council will not declare the proposed Nipissing First Nation *Land Law* a law approved by the Nipissing Nation Membership.

YES

NO

Mark this Ballot by placing a mark, "X", "√", OR any such other mark,
in one of the above boxes.

Nipissing Nation Land Law Consultation, Voting and Enactment Process

CONFIRMATION BY the Nipissing Nation Land Law Vote Officer

CANADA)
Village of)
PROVINCE OF ONTARIO)

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

1. I was appointed as the Nipissing Land Law Vote Officer for Nipissing First Nation, on _____, for the purpose of conducting a Vote of the Nipissing First Nation Land Law.
2. In accordance with Nipissing First Nation Land Code, I received the following information from Nipissing First Nation on _____:
 - (a) a copy of the *Nipissing First Nation Land Code*;
 - (b) an initial list of the names of every Member of Nipissing First Nation who, according to Nipissing First Nation's records at that time, would be eligible to vote on whether to approve the Land Law; and
 - (c) a detailed description of the Nipissing Land Law Consultation, Voting and Enactment process.
2. A true copy of the Nipissing Land Code;
3. A true copy of the approval process, entitled *Nipissing First Nation Land Law Consultation, Voting and Enactment Process*;
4. I have reviewed the *Nipissing First Nation Land Law Consultation, Voting and Enactment Process* and I hereby state that the _____ *land law and vote conducted* conforms with the requirements set out therein.

AD 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 Ontario, this _____ day of 200 . _____
Land Law Vote Officer

A Commissioner for Taking Oaths in and for the Province of Ontario.

Nipissing Nation Land Law Consultation, Voting and Enactment Process

NIPISSING FIRST NATION COUNCIL RESOLUTION
(Commencement of Vote)

The Chief and Council of Nipissing First Nation, pursuant to the Nipissing First Nation Land Code and the *Nipissing First Nation Land Law Consultation, Voting and Enactment*, do hereby resolve to:

1. Confirm _____ as the Nipissing Land Law Vote Officer.
2. *Nipissing First Nation Land Law Consultation, Voting and Enactment Process*, dated for reference _____.
3. Approve the text of the *Nipissing First Nation* _____ *Land Law* for Nipissing Nation Membership approval, as confirmed by the Nipissing Land Law Vote Officer and dated for reference _____.
4. Hold a Land Law Vote to determine if the Nipissing First Nation Membership approves of the Nipissing First Nation _____ Land law in accordance with the *Nipissing First Nation Land Law Consultation, Voting and Enactment Process*.
5. Confirm the Ballot Question in the form attached as Annex #1.
6. Set the Voting Day to be _____.

Dated at Nipissing on the _____ Day of _____.

A quorum for this Band consists of 5 Council Members

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Nipissing Nation Land Law Consultation, Voting and Enactment Process

APPOINTMENT OF AN ASSISTANT LAND LAW VOTE OFFICER

Date

I, _____, Nipissing Land Law Vote, appoint _____ to act as my assistant(s) in carrying out my duties in accordance with the *Nipissing First Nation Land Law Consultation, Voting and Enactment Process* for the purpose of the Land Law Vote.

Nipissing Land Law Vote Officer

I, _____, agree to act as an assistant to the Nipissing Land Law Vote Officer for the purpose of the Land Law Vote and promise to carry out all assigned duties to the best of my abilities and in accordance with the *Nipissing First Nation Land Law Consultation, Voting and Enactment Process*.

Assistant Land Law Vote Officer

NOTICE OF VOTE

(date of vote)

TO ALL

NIPISSING NATION MEMBERS

TAKE NOTICE that a Land Law Vote will be held pursuant to the *Nipissing First Nation Land Law Consultation, Voting and Enactment Process* on _____, in order to determine if the Nipissing Nation Membership Eligible Electorate approve the proposed Nipissing First Nation Land Law.

The following question will be asked of the eligible Voters of Nipissing First Nation by ballot:

“Do you approve:

- the *Nipissing First Nation* _____ *Land Law*, dated for reference _____.”

EXPLANATION:

A “**YES**” vote means that the Eligible Voter approves of the proposed Nipissing Nation Land Law. A “**NO**” vote means that the Eligible Voter does not approve of the proposed Nipissing Nation Land Law.

The Land Law Vote will take place on the _____ day of _____, from 9:00 a.m. until 8:00 p.m. at [PLACES OF VOTING]

Copies of the Background Documents and **Land Law Vote** Documents may be obtained from:

Nipissing Land Office,
36 Semo Road, Garden Village, ON P2B 3K2
Telephone: (705) 753-2922

AND FURTHER TAKE NOTICE that Members of the Nipissing First Nation 18 years of age or over (as of the date of the **Land Law** Vote) are eligible to Vote.

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

DECLARATION OF NIPISSING LAND LAW VOTE OFFICER

(Regular or Mobile Polls)

CANADA)
)
Province of Ontario)

I, _____, Nipissing Land Law Vote Officer, of Nipissing First Nation, in the Province of Ontario, DO SOLEMNLY DECLARE THAT:

1. I was personally present at _____ on _____, when the Electorate of Nipissing First Nation voted in a Land Law Vote concerning the proposed Nipissing First Nation _____ Land Law.
2. Immediately before the opening of the polls on the date of the Land Law Vote, I opened ballot box.
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 these 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 Ontario, this)
_____ day of _____, 200 .)
)
)
)
)
A Commissioner for Oaths in and for the)
Province of Ontario.)

Nipissing Land Law Vote Officer

STATEMENT OF WITNESS

(Regular or Mobile Polls)

Date

I, _____, was personally present at _____ on _____, when the polls were opened in a Land Law Vote concerning the Nipissing First Nation _____ Land Law, and

1. I am an Eligible Voter.
2. I witnessed that the ballot box was empty before any votes were cast in the Land Law Vote.
3. I witnessed the Nipissing Land Law Vote Officer seal the ballot box and sign the seal.
4. I signed the seal, as requested by the Land Law Vote Officer.

Witness

CERTIFICATION BY LAND LAW VOTE OFFICER

(Conclusion of Vote)

CANADA)
)
Province of Ontario)

I, _____, Nipissing Nation Land Law Vote, of Nipissing First Nation in the Province of Ontario, DO SOLEMNLY DECLARE THAT:

1. I was present at Nipissing First Nation on _____, when the eligible Voters of Nipissing First Nation voted concerning the approval of the *Nipissing First Nation _____ Land Law* in accordance with the *Nipissing First Nation Land Law Consultation, Voting and Enactment Process*.
2. A true copy of the Notice of Vote is attached as Exhibit "1" to this Declaration.
3. In accordance with the Nipissing First Nation Land Code and the Land Law Consultation Voting and Enactment Process, the Notice of Vote was posted at least 21 days prior to the Voting Day.
4. In accordance with the Nipissing First Nation Land Law Consultation, Voting and Enactment Process, a copy of the Notice of Vote, a copy of the Land Law, was sent to each person on the List of Eligible Voters at his or her last known address.
5. The voting procedure and the counting of results, was conducted in accordance with the Nipissing First Nation Land Law Consultation, Voting and Enactment Process.
6. The number of Eligible Voters on the Voter's List was _____.
7. The number of Eligible Voters who cast their vote was _____.
8. The number of Eligible Voters who constituted a majority was _____.
9. The number of Eligible Voters who constituted the _____ % minimum percentage required for a quorum of Eligible Voters under section _____ of the *Nipissing First Nation Land Code* was _____.
10. The results of the **Land Law** Vote are as follows:
 - (a) _____ ballots were cast in the Land Law Vote;

- (b) ____ ballots were spoiled;
- (c) ____ ballots were deemed rejected;
- (d) ____ ballots were marked "YES" for the Question; and
- (e) ____ ballots were marked "NO" for the Question.

8. The Nipissing First Nation _____ Land Law was *approved/was not approved* by the Nipissing First Nation 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 Ontario, this)
____ day of ____.

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

)
) Nipissing Land Law Vote Officer
)

NIPISSING FIRST NATION COUNCIL RESOLUTION

Whereas the *Nipissing First Nation* _____ *Land Law* was submitted to a Land Law Vote of the Eligible voters of Nipissing First Nation;

Whereas the Nipissing Land Law Vote Officer has reported that the Land Law Vote was conducted in accordance with the *Nipissing First Nation Land Law Consultation, Voting and Enactment Process* and the *Nipissing First Nation Land Code*;

Whereas the Nipissing First Nation _____ Land Law was approved by the Eligible Electorate of the Nipissing Nation on _____;

Now therefore, the Chief and Council of Nipissing First Nation, pursuant to the Nipissing First Nation Land Code and the *Nipissing First Nation Land Law Consultation, Voting and Enactment Process*, do hereby declare and certify, the Nipissing First Nation _____ Land Law, a Land Law of Nipissing and in full force.

Dated at Nipissing on the _____ Day of _____.

A quorum for this Band consists of 5 Council Members

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor