

## ATTACHMENT J – SECRET BALLOT VOTING PROCEDURES

<p style="text-align: center;"><b>[XX] FIRST NATION</b> <b>SPECIAL MEMBERSHIP MEETING</b> <b>SECRET BALLOT VOTING PROCEDURES</b></p>
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Under the Law Enactment Procedures of the Land Code when Council refers the final draft law to a Special Membership Meeting for enactment by Electors by secret ballot the following procedures will apply for the voting process.

### **Returning Officer:**

- Appointed by the Council
- Must sign the Oath of Office for Returning Officer form
- Returning Officer has the authority to select and appoint deputy returning officer(s)

### **Before Opening the Poll:**

- Immediately before the poll opens the Returning Officer or the deputy must examine the ballot boxes in the presence of witnesses to ensure that they are empty. The boxes are then locked and must remain locked for the duration of the poll.

### **Identity of Elector:**

- When a person presents themselves to the Returning Officer or the deputy at the polling station, their name must be verified on the Electors' List before they are given a ballot.
- If a person's name doesn't appear on the Electors' List they must satisfy the Returning Officer or the deputy that the person is an Elector. If the Returning Officer or the deputy is satisfied upon presentation of an Indian Status card that the person is an Elector, their name should be added to the Electors' List during the poll, and that person should be permitted to cast a ballot in the same manner as any other Elector.

### **Preparation of Ballots:**

- The Returning Officer shall prepare ballots setting out the question to be asked of Electors at the Special Membership Meeting.

### **Issue of Ballot:**

- Once the Returning Officer or the deputy determined that a person is an Elector they will provide the person with a ballot.
- The Returning Officer or the deputy will initial the back of the ballot and fold it in a manner which will allow the initials to be visible but the front of the ballot will not be visible.

**Voting Procedures:**

- The Elector, upon receipt of a ballot shall proceed immediately to a polling booth inside the polling station and mark the ballot with an X or other mark indicating the Electors choice under the word “Yes” or “No” in the space opposite each question stated on the ballot. The Elector shall then fold the ballot so as to conceal their choice and expose the initials of the Returning Officer or the deputy on the back of the ballot.
- The Elector shall, upon leaving the polling booth, immediately return to the Returning Officer or the deputy and present the folded ballot. The ballot must be verified by the Returning Officer or deputy to be the same initialed ballot given without unfolding the ballot.

**Variations of Voting Procedures:**

- Aiding an Elector: If an Elector is unable to mark their own ballot the Returning Officer or the deputy may accompany the Elector to the polling booth and at the Elector’s request, mark the ballot according to their instructions in the presence of another Elector selected by the Elector as a witness. The ballot shall then be folded and returned to the Returning Officer or the deputy in the same manner as other ballots cast.
- Spoiled Ballot: An Elector who inadvertently spoils their ballot may return it to the Returning Officer or deputy to obtain another ballot. Upon receipt of the old ballot the Returning Officer or the deputy write the word “cancelled” on it, retain it and make note on the Electors’ List next to the Electors name. The Returning Officer or the deputy may then issue a new ballot to the Elector who should immediately proceed again to the polling booth to mark the ballot.
- Forfeited Ballot: When an Elector who has received a ballot refuses to vote, or leaves the polling station without giving the Returning Officer or the deputy the ballot. If this occurs, the Elector loses the right to vote and the Returning Officer or the deputy must mark the word “declined” on the Electors’ List beside that person’s name.

**Obstruction of Voting:**

- No person shall interfere or influence any Elector in marking his or her ballot or attempt to obtain knowledge of how another person may have voted. The only exception would be in the case of a request for the Returning Officer or the deputy to mark a ballot.
- The Returning Officer or deputy may request appointed security to remove any person from the polling station who creates an obstruction to voting.

**Closing the Poll:**

- At the designated time, the polling station should be closed. Any Elector who is inside the polling place at closing time and who has not voted, may do so without delay.

**Counting the Ballots:**

- The Returning Officer or the deputy will unseal the ballot box in the presence of witnesses and open it. Taking one ballot at a time from the box and proceed to examining the ballot papers, unfold in such a way that anyone present can see how each ballot is marked, upon acceptance of the ballot the vote mark will be called out.
- Volunteers from among the Electors present will keep a record of votes cast on the tally sheet as the votes are called.

**Rejected Ballots:**

As each ballot paper is read the Returning Officer or the deputy may reject ballots if:

- Ballot paper is not initialed by the Returning Officer or the deputy
- Ballot paper marked “cancelled” or “declined”
- Ballot paper is not marked
- Ballot paper marked for more than the number of votes required

**Record of Votes:**

- After the emptying of all the ballot boxes, the Returning Officer or the deputy will count the votes cast in favour of or against the question asked, record the number of votes cast in favour or against, record the total votes cast and the number of rejected ballots.

**Declaration of Results:**

- As soon as all the counted votes totaled the Returning Officer or the deputy will publicly declare the results of the vote.

**Notice of Results:**

- Within four (4) days the Returning Officer must sign and post in at least one conspicuous place on the reserve a signed statement showing the total number of votes cast, the number of votes cast in favour of and against the question submitted to Electors at the Special Membership Meeting and the number of rejected ballots.

**[XX] FIRST NATION  
SPECIAL MEMBERSHIP MEETING**

**OATH OF OFFICE FOR RETURNING OFFICER**

[Date]

Oath of Office for Returning Officer

I, [Name], hereby accept the office of Returning Officer for the vote by Secret Ballot to be held at the Special Membership meeting of [Date], and agree to maintain confidentiality in my capacity as Returning Officer.

In the capacity of Returning Officer, I will do my utmost to serve the Electors and Membership of the [XX] First Nation with impartiality, integrity, and honesty.

I solemnly swear that I will carry out my responsibilities honestly, conscientiously, and to the best of my abilities.

\_\_\_\_\_  
Commissioner for Oaths

\_\_\_\_\_  
[Name of Returning Officer]  
[XX] First Nation

Date: \_\_\_\_\_

**BALLOT EXAMPLE:**

<b>[XX] FIRST NATION SECRET BALLOT</b>	
Please mark an "X" next to your choice	
<b>Are you in favour of enacting [Enter Law Name &amp; No.]?</b>	
<input type="checkbox"/> YES	<input type="checkbox"/> NO

**TALLY EXAMPLE:**

**[Enter Law Name & No.] - TALLY SHEET**

**"YES" BALLOTS**

											10
											20
											30
											40
											50
											60
											70
											80
											90
											100
											110
											120

**"NO" BALLOTS**

											10
											20
											30
											40
											50
											60
											70
											80
											90
											100
											110
											120

**"REJECTED" BALLOTS**

											10
											20
											30
											40
											50
											60
											70
											80
											90
											100
											110
											120

Counters Initials: \_\_\_\_\_

[Enter Date]

**SPECIAL MEMBERSHIP MEETING  
SECRET BALLOT VOTING PROCEDURES**

**DIRECTIONS FOR VOTING**

- 1.** Go into the polling booth.
- 2.** Place an “X” or other mark in the space provided on the ballot opposite the question.
- 3.** If you make a mistake with your ballot, return it to the Returning Officer who will give you another ballot.
- 4.** Do not place any other mark any place on the ballot.
- 5.** Do not mark more than one answer.
- 6.** When you are done, fold the ballot so that the initials of the Returning Officer or the deputy can be seen (without showing how you voted), and hand the ballot to the Returning Officer or deputy.

**Returning Officer's Report  
Special Membership Meeting Secret Ballot Vote**

- |    |                    |          |
|----|--------------------|----------|
| 1. | Law for Enactment: | TITLE    |
| 2. | Date of Vote:      | DATE     |
| 3. | Location of Vote:  | LOCATION |
| 4. | Time of Vote:      | TIME     |

- |     |  |   |
|-----|--|---|
| 5.  | Total Number of Electors:                                  | # |
| 6.  | Number of ballots cast and counted:                        | # |
| 7.  | Total Number of votes cast in favour of the law enactment: | # |
| 8.  | Total Number of votes cast against the law enactment:      | # |
| 9.  | Total Number of rejected ballots:                          | # |
| 10. | Total Number of cancelled ballots:                         | # |

11. The following result has been publicly declared:

*[Enter Law Name & No.] has [not] been approved by a majority of Electors present at a Special Membership Meeting called to make a decision on whether or not to enact the law.*

12. The [Enter Law Name & No.] is in force as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

13. I, [Returning Officer], appointed to the position of Returning Officer on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ declare that the polling place was kept open between the hours of \_\_\_\_:\_\_\_\_ p.m. and \_\_\_\_:\_\_\_\_ p.m., that I have correctly counted the votes cast for each ballot and have performed all other duties require of me by the Secret Ballot Vote Procedures; and that a copy of this report will be posted in at least one conspicuous place on the reserve.

\_\_\_\_\_  
Returning Officer