

SCHEDULE 'C'

QALIPU MI'KMAQ FIRST NATION BAND REFERENDUM REGULATIONS

1.0 DEFINITIONS

- 1.1 **"Ballot"** means either:
- (i) an image on a computer screen, or any web enabled device, of a ballot face depicting a Question and containing spaces in which a Voter may cast his or her vote on the Question in the affirmative or negative;
 - (ii) when voting using a telephone or wireless phone, an audio set of instructions which describe all choices available to the Voter and instructions to mark the Voter's selection of an affirmative or negative response to the Question by depressing the numbered touchtone keypad; or
 - (iii) for the purpose of section 3.8, a printed paper depicting all choices available to the Electors and containing spaces in which the Electors mark their votes.
- 1.2 **"Band"** means the Qalipu Mi'kmaq First Nation Band.
- 1.3 **"Council"** means the Council of the Band.
- 1.4 **"Deputy Electoral Officer"** means a person appointed by the Council to assist the Electoral Officer in administering a referendum.
- 1.5 **"Electoral Officer"** is a person appointed by the Council for the purposes of administering a referendum.
- 1.6 **"Electoral Ward"** means an area named in Rule 5.2 and shown on Schedule 'A' of the Code.
- 1.7 **"Electronic Voting"** means the method by which a Voter may cast his or her vote on a Question in the affirmative or negative through the use of an "Internet Enabled Connection Service" and/or an "Interactive Voice Response Service".
- 1.8 **"Interactive Voice Response Service"** means the capability for a Voter to listen to voting options and to vote through a telephone system including wireless phones.

“Internet Enabled Connection Service” means the capability for a Voter to connect through the internet to a website and to read voting options and to vote through the internet connection.

1.8 **“List of Voters”** means the List of all Band members eighteen years of age or over on Voting Day.

1.9 **“Personal Identification Number”** means a unique personal identification number assigned to each Voter.

1.10 **“Question”** means the question posed on the referendum ballot to which a Voter can answer in the affirmative or the negative.

1.11 **“Regulations”** means the Qalipu Mi’kmaq First Nation Band Referendum Regulations.

1.12 **“Rules”** means the Qalipu Mi’kmaq First Nation Band Custom Election Rules.

1.13 **“Voter”** means a person on the List of Voters.

1.14 **“Voting Window”** means a minimum period determined by the Council of no less than 168 consecutive hours immediately preceding a date and time set by the Council for the holding of a referendum vote or addition, amendment, or repeal to the Code.

2.0 REFERENDUM CALL

2.1 Where it appears to the Council that an expression of opinion of the Voters is desirable on a matter of concern to the Band or that the Rules should be added to, amended, or repealed, the Council may direct that a referendum be held to obtain the expression of opinion or determine support amongst the Band members for the addition, amendment or repeal sought to the Rules.

2.2 Except where specifically modified by the Regulations, the provisions of Rules 23, 24, 25, 26, 28, 31, and 34 of the Rules relating to the holding of elections and Rule 32 relating to a referendum held to add to, amend, or repeal the Rules shall be read with such changes in wording as may be necessary to make them applicable to a referendum held under section 2.1 of these Regulations.

2.3 Except where Rule 32 of the Rules applies, when the Council directs that a referendum be held, the Electoral Officer shall publish a Notice of Referendum in the form prescribed by the Council at least 7 clear days prior to the Voting Window:

- a) in the Band Administration Office;
- a) on the Band Web Page;
- b) in any other location or by other means that the Electoral Officer deems appropriate.

2.4 The Notice of Referendum referenced in section 2.3 shall contain, at a minimum, the following information:

- a) the Voting Window for the referendum;
- b) the Question to be submitted to the Voters;
- c) instructions as to how to receive a copy or view a copy of the List of Voters;
- d) the name and contact information for the Electoral Officer;
- e) the Internet address of the Band Web Page;

2.5 At least 7 clear days before the commencement of the Voting Window, the Electoral Officer will ensure that the List of Voters is prepared from the membership list of the Band.

2.6 On request, the Electoral Officer will confirm whether the name of a person is on the List of Voters.

2.7 The Electoral Officer will revise the List of Voters where it is demonstrated that:

2.7.1 the name of a Voter has been omitted from the List of Voters;

2.7.2 the name of a Voter is incorrectly set out in the List of Voters; or

2.7.3 the name of a person not qualified to vote is included in the List of Voters.

3.0 VOTING

- 3.1 Where the Electoral Officer or Deputy Electoral Officer is satisfied that a Voter is named on the Voter's List, the Voter will be provided with a Personal Identification Number by the Electoral Officer or Deputy Electoral Officer for the purpose of allowing the Voter to authenticate himself or herself for the purpose of Electronic Voting.
- 3.2 It shall be within the discretion of the Electoral Officer or Deputy Electoral Officer to request identification from the Voter for the purpose of confirming the identity of the Voter prior to providing him or her with a Personal Identification Number.
- 3.3 In order to participate in Electronic Voting, a Voter must submit his or her Personal Identification Number before being able to cast a vote on a Question.
- 3.4 The Interactive Voice Response Service shall enable a Voter to telephone a telephone number approved by the Electoral Officer and provided to the Voter and, upon entering the Voter's Personal Identification Number, to vote by that method of Electronic Voting on a Question.
- 3.5 The Internet Enabled Connection Service shall enable a Voter to connect to a website address approved by the Electoral Officer and provided to the Voter and, upon entering the Voter's Personal Identification Number, to vote by that method of Electronic Voting on a Question.
- 3.6 The Electoral Officer or Deputy Electoral Officer shall issue to each Voter though mail or electronic mail, whichever he or she determines to be appropriate in the circumstances, a Personal Identification Number and instructions on the manner in which Voters can participate in Electronic Voting on a Question. The Electoral Officer or Deputy Electoral Officer also may, when requested to do so, explain the Electronic Voting verbally to a Voter.
- 3.7 The Electoral Officer is vested with the authority to make decisions, policies, or procedures that in his or her sole discretion are necessary to permit a Voter to vote on a Question during the Voting Window by way of Electronic Voting.
- 3.8 If in the opinion of the Electoral Officer there is no practical means whereby a Voter is able to vote on a Question by way of Electronic Voting, the Electoral Officer is vested with the authority to make decisions, policies, or procedures that in his or her sole discretion are necessary to permit a Voter to vote on a Question during the Voting Window by way of a printed paper ballot that provides the Voter with the option to vote in the affirmative or the negative on the Question.

3.9 Any policies, or procedures may be made or adopted by the Electoral Officer relating to the conduct of a referendum that are not contrary to these regulations shall have such force and effect as if they have been contained in these regulations and shall be recorded in a manual for the purpose of being applied as the circumstances may warrant in future referenda.

4.0 BALLOTS

- 4.1 Ballots shall be prepared by the Voting System Supplier on the direction of the Electoral Officer, with the Question contained thereon with a mechanism whereby the Voter, at his or her option, can indicate his or her vote on the Question in the affirmative or the negative through Interactive Voice Response or Internet Enabled Connection Service.
- 4.2 Ballots made available pursuant to section 3.8 in the form prescribed shall be prepared by or at the direction of the Electoral Officer with the Question contained thereon with spaces whereby the Voter, at his or her option, can indicate his or her vote on the Question in the affirmative or the negative.

5.0 COUNTING OF RESULTS

- 5.1 Immediately after the close of the Election Poll the Electoral Officer or Deputy Electoral Officer shall, in the presence of at least two persons, generate the results from Electronic Voting on the Question and print them out for review.
- 5.2 Record all Ballots marked in the affirmative or the negative to the Question, record all Ballots that were rejected, and record all votes made under subsection 3.8 marked in the affirmative or the negative or were rejected. A rejected Ballot is void and will not be counted as a vote cast either in the affirmative or the negative to the Question.
- 5.3 As soon as is practicable after the results of the voting on the Question are known, the Electoral Officer will, in a form approved by the Council, post in the same places in which the Notice of Referendum was posted a statement which shall indicate:
 - 5.3.1 The number of Voters who were entitled to vote;
 - 5.3.2 The number of Voters who voted;
 - 5.3.3 The number of votes cast in favor of and against the Question; and

5.3.4 The number of rejected ballots.

5.4 Where the number of votes in the affirmative and the negative to the Question is equal, the Question shall be deemed to have been answered in the negative.

6.0 REVIEW PROCEDURE

6.1 A Voter may, in the manner set out in subsection 6.2 below, request a review of the referendum by the Electoral Officer where the Voter believes that:

6.1.1. there was a contravention of these Regulations that may affect the result of the Referendum; or

6.1.2 there was corrupt practice in connection with the referendum.

6.2 Within 30 days after a referendum, any Voter who gave or tendered his vote at the referendum may request a review of the conduct of the referendum by forwarding by registered mail to the Electoral Officer particulars duly verified by Affidavit supporting one or more of the following grounds for the review:

6.2.1 there was a contravention of these Regulations that may affect the result of the Referendum; or

6.2.2 there was corrupt practice in connection with the referendum.

6.3 Where a request for a review is received by the Electoral Officer pursuant to subsection 6.2 that officer shall, within 7 days of the receipt of the request for the review, forward a copy of said request, together with all supporting documents to the Council.

6.4 The Electoral Officer may, if the material that has been filed is not adequate for deciding the validity of the referendum complained of, conduct such further investigation into the matter as the Electoral Officer deems necessary, in such manner as he or she deems expedient.

6.5 Such investigation may be held by the Electoral Officer or by any person designated by the Electoral Officer for the purpose.

6.6 Where the Electoral Officer designates a person to hold such an investigation, that person shall submit a detailed report of the investigation to the Electoral Officer

for his or her consideration.

6.7 The Electoral Officer may set aside the Referendum if the Electoral Officer is satisfied that:

6.7.1 there was a contravention of these Regulations that may affect the result of the Referendum; or

6.7.2 there was corrupt practice in connection with the referendum.

7. EFFECTIVE DATE

These regulations came into full force and effect on the 24th day of October, 2018, following the conduct of a Band referendum on the 23rd day of October, 2018..