



## **Beaverhouse First Nation**

### *Community Approval Process*

#### *Rules and Procedures*

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## PART 1 - INTRODUCTION

We are Beaverhouse First Nation (“BHFN”) - an Anishinaabeg-Algonquin people. We possess the inherent and inalienable right of Inaaknigewin<sup>1</sup> (self-governance). This includes the right of Inaaknigewin<sup>2</sup> (self-government) and autonomy over ourselves, our community, our Members, and our Territory. This inherent right to govern ourselves continues to inform how we live and relate to each other according to Anishinaabe Mino-Bimaadziwin, or “living the way of a good life.”

Council of BHFN, deems it advisable, and in the best interests of Beaverhouse First Nation, through the enactment of the BHFN *Community Approval Process*, also referred to as the BHFN Community Approval Law, to enact the said Community Approval Law and the following Rules and Procedures by which BHFN will operate all of its Ratification Votes.

## PART 2 - INTENTION

1. The purpose of the *Community Approval Process* is to outline the process by which BHFN will make community decisions that are put forward to Members for ratification, as it relates to the approval of any naaknige,<sup>3</sup> by-law, act, agreement, policy, or proposal, when a Ratification Vote by the Members is required.

2. Any reference to a ratification procedure in any naaknige<sup>4</sup>, by-law, act, agreement, policy, or proposal, will be superseded by the *Community Approval Process*.

3. The rules and procedures outlined herein are associated with the *Community Approval Process* and shall be applied and followed in accordance with the *Community Approval Process*.

4. This *Community Approval Process* may be cited as the “BHFN Community Approval Law.”

## PART 3 - INTERPRETATION

5. In this document:

“**Appeal Body**” means the appeal body or decision-making body established under the Appeal Body Law, to review and make decisions concerning Eligible Voter appeals in accordance with Part 11 of these Rules and Procedures;

“**Appeal Body Law**” means the law and associated rules and procedures that establishes the Appeal Body;

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<sup>1</sup> Inaaknigewin means self-governance or self-government.

<sup>2</sup> Inaaknigewin means self-governance or self-government.

<sup>3</sup> naaknige means law.

<sup>4</sup> naaknige means law.

**“Appellant”** means an individual who submits an application for appeal in accordance with these Rules and Procedures with respect to a Ratification Vote;

**“ballot question”** means the question asked of the Eligible Voters in a Ratification Vote (Form B);

**“Band Council Resolution”** means a resolution of Council approved by, and signed by, a Quorum of Council, and accepted at a duly convened meeting of Council, and is shortened to “BCR”, from time to time;

**“Band List”** means a list of persons that is maintained under section 8 of the *Indian Act*, by a band or in the Department of Indigenous Services Canada;

**“Band Manager”** means the person responsible for the administration and management of the BHFN organization, including the overseeing of staff and the coordination of activities, or their designate, from time to time;

**“Beaverhouse First Nation”** means the Beaverhouse Band of Indians, and may be shortened to “BHFN” from time to time;

**“Community Approval Process”** means the Naaknige<sup>5</sup> under which these Rules and Procedures are created and govern the ratification process by which Members will make community decisions, when required, and may be shortened to the “BHFN Community Approval Law”, from time to time;

**“Council”** means the Beaverhouse First Nation Government; a body composed of those persons elected pursuant to the *Beaverhouse First Nation Election Law*, and any associated regulations adopted by BHFN, from time to time, and which consists of one (1) chief and four (4) councillors;

**“corrupt or fraudulent practice”** includes, but is not limited to, direct or indirect bribery or providing a financial or material incentive to a Member in exchange for a vote;

**“Department’s Registrar”** means the officer in the Department of Indigenous Services Canada who is in charge of the Indian Register and the Band Lists maintained in the Department of Indigenous Services Canada;

**“Deputy Ratification Officer”** means a person or persons appointed by the Ratification Officer to assist with the Ratification Vote;

**“Designated Public Locations”** include:

- (a) Administration Building;
- (b) official BHFN website (<https://beaverhousefn.com/>); or

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<sup>5</sup> Naaknige means the Community Approval Law.

- (c) any additional locations as deemed prudent;

**“electronic ballot”** means a ballot submitted electronically in accordance with Part 8 of these Rules and Procedures;

**“electronic device”** means a device, such as a desktop or laptop computer, handheld device, smartphone, tablet, or other electronic product or device, that has a platform on which to download, install, or run any software program, code, script, or other content, and is designed for and capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data;

**“Electronic Voting Service Provider”** means the contracted online voting and membership management service;

**“Eligible Voter”** means a person who:

- (a) is a Member of BHFN; and,
- (b) is at least eighteen (18) years of age on the date of any given Ratification Day;

**“Forms”** means the forms appended to these Rules and Procedures, for use with the *Community Approval Process* and that have been developed to meet the basic requirements of the described actions and shall only be modified by adding, not removing, detail;

**“Indian Act”** means the *Indian Act*, RSC 1985, c I 5, and any regulations thereto, as amended from time to time;

**“Indian Register”** means the register of persons that is maintained under section 5 of the *Indian Act*;

**“interpreter”** means an individual, other than the Ratification Officer or Deputy Ratification Officer, who understands the language spoken by an Eligible Voter where the language is not English, or where the Eligible Voter is hearing or visually impaired, and shall assist the Eligible Voter at a polling station, by translating communications between the Ratification Officer or Deputy Ratification Officer and the Eligible Voter or translating written communications or documents;

**“Master Voters List”** means the list that shall include the information outlined in section 10 of these Rules and Procedures, and for greater clarity may be a paper or electronic list;

**“Member”** means a registered member of BHFN, whose name appears on a list maintained by the Department’s Registrar, Indigenous Services Canada;

**“Membership Clerk”** means the BHFN staff member responsible for maintaining the addresses of BHFN’s Members, as set out in the official electoral list provided by the Department’s Registrar, Indigenous Services Canada;

**“polling station”** means a building, hall, or room which is selected as the site(s) at which voting takes place;

**“Proposed Document”** means a naaknige,<sup>6</sup> act, legislation, agreement, consultation, or any possible written document that is to be voted on by BHFN Members;

**“Quorum”** of Council means at least three (3) members of Council as set out in the *Beaverhouse First Nation Election Law* and any regulations adopted by BHFN, from time to time;

**“Ratification Day”** means the day(s) set for holding the Ratification Vote;

**“Ratification Officer”** means a person, selected by the Band Manager and approved of by Council before each Ratification Vote, who has been authorized to conduct the Ratification Vote under the *Community Approval Process* or means the person whom is contracted by the Band Manager and approved of by Council to conduct the Ratification Vote;

**“Ratification Officer Handbook”** means the handbook prepared for the Ratification Officer to conduct a Ratification Vote in accordance with the *Community Approval Process* and these Rules and Procedures, and is to assist the Ratification Officer in carrying out their duties;

**“Ratification Vote”** means a general BHFN vote held pursuant to the provisions of the *Community Approval Process* and these Rules and Procedures;

**“rejected ballots”** means those ballots that cannot be counted but have been submitted into the ballot box, due to improper marking by an Eligible Voter, and shall be marked as such;

**“spoiled ballots”** means those ballots that are not placed in the ballot box, but rather are marked as spoiled by the Ratification Officer and are set aside. An Eligible Voter will be given another ballot;

**“sponsoring BHFN department”** means the individual BHFN Department or Departments that oversee the creation of a Proposed Document;

**“substantive amendment”** means an amendment to the *Community Approval Process* that substantially alters the *Community Approval Process*;

**“technical amendment”** means an amendment to the *Community Approval Process*, as a result of changes in naaknige,<sup>7</sup> defects in the *Community Approval Process*, or to improve the administrative efficiency of the *Community Approval Process*;

**“Territory of Beaverhouse First Nation”** means the geographical area in which Beaverhouse First Nation Council holds jurisdiction, and is shortened to “Territory,” from time to time;

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<sup>6</sup> naaknige means law.

<sup>7</sup> naaknige means law.



**“Valid Photo Identification”** means a form of identification which is clear and contains the name and photograph of the Member, including such identification as, but not limited to a:

- (a) driver’s license;
- (b) health card;
- (c) age of majority card;
- (d) current student card;
- (e) Certificate of Indian Status card; or
- (f) passport; and

**“voters list”** means the list of Members eligible to vote in any given Ratification Vote and is posted in the Designated Public Locations, as well as on the Members-only website.

6. The division of these Rules and Procedures into parts, sections, paragraphs, subsections, and clauses, and the insertion of headings and subheadings are for convenience of reference only and shall not affect the legality or interpretation of these Rules and Procedures or the *Community Approval Process*.

7. Unless otherwise specified, words in the singular include words in the plural and words in the plural include words in the singular. Unless otherwise specified, the use of “they,” “their,” or “them,” includes all sexes, social genders, and gender identities.

8. When calculating time, a reference to a number of days between two events is calculated by excluding the day on which the first event occurs and including the day on which the second event occurs. Any reference to days will mean consecutive calendar days, and is inclusive of Saturdays, Sundays, and any holidays. Schedule 1 (*Model Law Ratification Process Flow Chart*) may assist with the ratification process and in calculating time.

#### **PART 4 - COUNCIL RESPONSIBILITIES**

9. Council shall pass a BCR in the manner of Form A attached to these Rules and Procedures, to:

- (a) order that a Members’ vote be held, where applicable, to determine if the Members approve of the Proposed Document;
- (b) confirm the wording of the ballot question;
- (c) confirm the Ratification Officer; and

- (d) set the Ratification Day jointly with the Band Manager and the sponsoring BHFN department, where necessary, with sufficient advance notice so that the Ratification Officer can comply with all of the requirements of these Rules and Procedures.

## **PART 5 - VOTERS LIST**

**10.** At least sixty (60) days before the day on which a Ratification Vote is to be held, Council shall pass a BCR directing the Membership Clerk to provide to the Ratification Officer a Master Voters List, that shall include:

- (a) the names of all Eligible Voters;
- (b) the registry number of all Eligible Voters set forth in paragraph (a);
- (c) the dates of birth of all Eligible Voters set forth in paragraph (a);
- (d) the last known addresses, if any, of all Eligible Voters who have consented to share their address, set forth in paragraph (a); and
- (e) the last known e-mail addresses, if any, of all Eligible Voters who have consented to share their email address, set forth in paragraph (a).

**11.** In relation to these Rules and Procedures, and with the exception of providing the information of Eligible Voters to the Ratification Officer, in accordance with section 10, the Ratification Officer shall not disclose any personal information noted in paragraphs 10(b)-(e).

**12.** To fulfill the requirements of Part 7 of these Rules and Procedures, all Members are responsible for providing the Membership Clerk with their current address and email address. For greater clarity, BHFN assumes no responsibility where a Member fails to provide their accurate address or email address to the Membership Clerk.

**13.** To be eligible to vote online, each Eligible Voter is responsible for registering with the Electronic Voting Service Provider with their own, separate, email address. A link to the Electronic Service Provider's website will be provided to Eligible Voters at the beginning of every voting event, so as to proceed through a self-guided, step by step process to register. It is the responsibility of each Eligible Voter to ensure their online profile with the Electronic Voting Service Provider is up to date and that they abide by the terms and conditions of use.

### **Preparation of Voters List**

**14.** A minimum of fifty-three (53) consecutive days before the day of the Ratification Vote, the Ratification Officer shall prepare and post a voters list containing only the names of all of the Members in alphabetical order. The voters list shall be posted at the Designated Public Locations, as well as on the Members-only website.

**15.** For greater clarity, such personal information, as identified in paragraph 10 (b)-(e) of these Rules and Procedures shall not be posted to the voters list.

### **Revisions to Voters List**

**16.** The Ratification Officer shall revise the voters list upon presentation of documentary evidence by a Member, which demonstrates that:

- (a) the name of a Member has been omitted from the voters list;
- (b) the name of a Member is incorrectly set out in the voters list; or
- (c) the name of a person not qualified to vote is included in the voters list.

### **Voting Where Name is Not on the Voters List**

**17.** A person whose name does not appear on the voters list shall be entitled to vote on the day(s) of the Ratification Vote if, to the Ratification Officer's satisfaction, they present documentary proof to the Ratification Officer demonstrating their qualifications as an Eligible Voter.

## **PART 6 - RATIFICATION OFFICER**

### **Selection**

**18.** The Band Manager shall be responsible for selecting a Ratification Officer through a tendering process that shall conclude, a minimum of sixty (60) days before Ratification Day.

**19.** Upon the Band Manager selecting a Ratification Officer, Council shall approve the recommendation by Quorum, unless Council provides a suitable reason otherwise.

### **Service Contract**

**20.** Upon the selection of a Ratification Officer through a tendering process, in accordance with section 18, the Band Manager and the Ratification Officer shall enter into a contract for services in which the contract shall include, but not be limited to, the following provisions:

- (a) the Ratification Officer's full name, address, and email address;
- (b) the responsibilities of the Ratification Officer;
- (c) the remuneration of the Ratification Officer;
- (d) the term of the contract for services;
- (e) the date of the Ratification Vote;
- (f) the type of Ratification Vote that is to be conducted, including the Proposed Document;

- (g) that the Ratification Vote shall be conducted in accordance with the Community Approval Law and these Rules and Procedures;
- (h) the participation of the Ratification Officer in any ratification appeal;
- (i) the completion of the “Appointment of Ratification Officer / Deputy Ratification Officer / Interpreter and Oath of Office” Form (Form C); and
- (j) any special instructions.

### **Qualifications**

- 21.** The Ratification Officer must be a person who:
- (a) is at least eighteen (18) years of age;
  - (b) is not a Member of BHFN;
  - (c) is not an immediate family member of a Member of BHFN; and
  - (d) has experience in conducting Ratification Votes; or
  - (e) has received appropriate training, as outlined in the Ratification Officer Handbook, as may be amended from time to time.

### **Responsibilities**

- 22.** The Ratification Officer is responsible for conducting the Ratification Vote, and by their appointment by BCR, has the powers necessary for this function.
- 23.** The Ratification Officer will be required to use the Electronic Voting Service Provider to manage the vote, therefore, the Ratification Officer must have access to an electronic device that is kept secure and has access to Internet services.
- 24.** The Ratification Officer shall appoint at least two (2) Deputy Ratification Officers, as set out in section 31. Upon the appointment of a Deputy Ratification Officer, the Ratification Officer and each Deputy Ratification Officer must execute an “Appointment of Ratification Officer / Deputy Ratification Officer / Interpreter and Oath of Office” Form (Form C).
- 25.** The Ratification Officer may appoint at least one (1) interpreter. Upon the appointment of an interpreter, the Ratification Officer and each interpreter must execute an “Appointment of Ratification Officer / Deputy Ratification Officer / Interpreter and Oath of Office” Form (Form C).
- 26.** The Ratification Officer may delegate any of their duties set out in the *Community Approval Process* or the Rules and Procedures to the Deputy Ratification Officers, except for:

- (a) the initialing of ballots;
- (b) the counting of ballots; or
- (c) where this procedure demands their declaration, certification, or affidavit to confirm that the procedure was followed.

**27.** For greater clarity, a Deputy Ratification Officer may assist the Ratification Officer in the counting of the votes.

**28.** If the Ratification Officer becomes incapacitated and no longer is able to perform their functions because of sickness or other reason, the Band Manager may appoint one of the Deputy Ratification Officers to become the Ratification Officer, and the functions of the Ratification Officer shall be transferred to a Deputy Ratification Officer, or such other person as appointed by BCR.

**29.** The Ratification Officer shall establish a Ratification Vote file and place in this file copies of all Forms required under this procedure associated with the Ratification Vote. The file shall remain open until such time as the appeal period has expired, as set out in section 90. The file shall then be closed and, unless directed otherwise by the Band Manager, be destroyed by the Ratification Officer, in accordance with section 78, whom shall then make a declaration confirming destruction of the file (Form J).

**30.** A Deputy Ratification Officer shall have such powers as described in the Rules and Procedures, or as delegated by the Ratification Officer.

**31.** Every Deputy Ratification Officer and interpreter shall be a person who:

- (a) is at least 18 years of age;
- (b) is not a Member of BHFN;
- (c) is not an immediate family member of a Member of BHFN; and
- (d) has experience in conducting Ratification Votes and/or has received appropriate training, as outlined in the Ratification Officer Handbook, as may be amended from time to time; or
- (e) has experience in interpreting and/or has received appropriate training.

**32.** The Ratification Officer may remove from office any Deputy Ratification Officer or interpreter who has failed to discharge their duties competently, as set out in these Rules and Procedures.

## **PART 7 - NOTIFICATION**

### **Notice of Vote**

**33.** The Ratification Officer shall, without undue delay, post a “Notice of Vote” (Form D) at least fifty-three (53) days prior to the Ratification Day in the Designated Public Locations, as well as on the Members-only website, where it can be read by the Members. The “Notice of Vote” will contain the following information:

- (a) the date, place, and time of the Vote;
- (b) that Eligible Voters may vote by electronic ballot or in person;
- (c) the ballot question;
- (d) instructions for obtaining paper copies of the Proposed Document;
- (e) the name of the Ratification Officer and their office address, email address, and telephone number;
- (f) how to register for online voting; and
- (g) a statement that the voters list is posted for public viewing and its location, and that the voters list is posted for public viewing on BHFN’s Members-only website.

### **Information to Members**

**34.** The Ratification Officer will send, at least fifty-three (53) days prior to Ratification Day, in one or more packages, the following to each Eligible Voter at their last known address or email address, if it has been provided:

- (a) a copy of the “Notice of Vote”; and
- (b) a link to an electronic copy of the Proposed Document.

### **Available Documents**

**35.** Any Member may, on request, obtain a paper copy of the Proposed Document from the BHFN Administration Building or the Ratification Officer.

**36.** The Band Manager shall ensure that sufficient copies of the Proposed Document, the *Community Approval Process*, and these Rules and Procedures are available to Members and are made available to the Ratification Officer.

**37.** The Proposed Document must be posted on the BHFN Members-only website.

## **Outreach**

**38.** For the purpose of ensuring that Eligible Voters are fully informed prior to casting their votes on the ballot question, the Band Manager, in working with the sponsoring BHFN department, shall engage with Members.

**39.** For the purpose of ensuring that Eligible Voters are fully informed prior to casting their votes on the ballot question, the following practices may be used to undertake engagement with Members:

- (a) scheduled local information sessions;
- (b) live stream of in person information sessions to membership; or
- (c) urban information sessions for off-reserve membership.

## **Preliminary Ratification Procedure**

**40.** The Ratification Officer will:

- (a) establish the polling station or stations;
- (b) prepare sufficient copies of ballots, which will be uniform in size, appearance, quality, and weight;
- (c) prepare sufficient copies of the voting instructions;
- (d) obtain a sufficient number of ballot boxes;
- (e) provide a space for voting at the polling station so an Eligible Voter can mark the ballot free from observation and maintain their privacy;
- (f) provide a sufficient number of permanent marking instruments for marking the ballot;
- (g) provide all other equipment as necessary to establish and properly equip the polling station; and
- (h) ensure that samples of the ballot question are posted or available for examination by Eligible Voters at the polling station.

## **PART 8 - VOTING METHODS**

### **Electronic Ballots**

**41.** Any Eligible Voter may cast an electronic ballot.

42. Instructions on how to register and vote online will be mailed, emailed, or posted to the BHFN Members-only website for Eligible Voters.
43. For greater clarity, a Member who turns 18 years of age on Ratification Day, will only have access to a ballot as of Ratification Day, and not before.
44. On-line voting shall open to Eligible Voters fourteen (14) days before Ratification Day, at 12:01am (ET).
45. To cast an electronic ballot, an Eligible Voter must:
- (a) at minimum, register with the Electronic Voting Service Provider to receive log-in information, in accordance with section 13;
  - (b) go through the verification process outlined by the Electronic Voting Service Provider by using their own, separate, email address;
  - (c) provide any further information, as required; and
  - (d) mark the ballot by clicking either in the box marked “YES” or in the box marked “NO”.
46. On-line voting shall be closed to Eligible Voters at 7:00pm (ET) on Ratification Day.

### **In-Person**

47. An Eligible Voter may cast a ballot in-person on Ratification Day, so long as they have not voted by any other method outlined in the Rules and Procedures.

## **PART 9 - RATIFICATION DAY**

### **Opening the Poll**

48. The polling station shall be kept open from 8:00 am until 7:00 pm (ET) on Ratification Day.
49. All voting at the polls will be by secret ballot only.
50. At the polling station, the Ratification Officer shall, immediately before the opening of the poll:
- (a) open each ballot box and ask an Eligible Voter to witness that each ballot box is empty before any ballot is placed in it;
  - (b) properly seal the ballot box and place their signature on the seal in front of the witness (witness must be an Eligible Voter), and ask the witness to place their signature on the seal; and



- (c) keep the ballot box in view of the public for the reception of the ballots.
- 51.** When a person at a poll requests to vote, the Ratification Officer will:
- (a) ensure that the person is an Eligible Voter, by having the Eligible Voter present Valid Photo Identification;
  - (b) check the Master Voters List to ensure that the person has not already voted; and,
  - (c) if the Eligible Voter has not already voted, provide the Eligible Voter with a pre-folded ballot, on the back of which are affixed the initials of the Ratification Officer so that the initials can be seen when the ballot is folded.
- 52.** Any person who is a Member of BHFN over the age of 18 years, but whose name does not appear on the Master Voters List, shall present Valid Photo Identification and evidence of membership, to be verified by the Ratification Officer. If the Ratification Officer is satisfied that the person is eligible to vote pursuant to these Rules and Procedures, the person shall be added to the Master Voters List and allowed to vote at the polling station.
- 53.** The Ratification Officer will place, on the Master Voters List, a line through the name of every Eligible Voter receiving a ballot at a poll, or who has previously voted by electronic ballot.
- 54.** The Ratification Officer will explain the method of voting upon request.
- 55.** An Eligible Voter may request special assistance from the Ratification Officer or a Deputy Ratification Officer at a poll if the Eligible Voter declares that they:
- (a) are not able to read;
  - (b) are incapacitated by blindness or other physical limitation; or
  - (c) require assistance for any other reason.
- 56.** The Ratification Officer or a Deputy Ratification Officer will, on request, and in view of a witness of the Eligible Voter's choice, provide special assistance to the Eligible Voter at a poll by marking their ballot in secret as directed by the Eligible Voter and immediately folding and depositing it into the ballot box.
- 57.** The Ratification Officer or Deputy Ratification Officer will, after providing special assistance to the Eligible Voter, make an entry on the Master Voters List opposite the name of the Eligible Voter indicating that the ballot was marked by the Ratification Officer or Deputy Ratification Officer at the request of the Eligible Voter, the witness's name, and the reason for the Eligible Voter's request.
- 58.** Except for an Eligible Voter requiring special assistance, as set out in section 55, 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) or check mark (✓) that clearly indicates the Eligible Voter's choice either in the box marked "YES" or in the box marked "NO;" and
  - (c) fold the ballot concealing the mark, exposing the initials of the Ratification Officer, and, immediately give the folded ballot to the Ratification Officer.
59. Upon receiving a marked ballot, the Ratification Officer, without unfolding it, will:
- (a) verify their initials; and
  - (b) deposit the ballot into the ballot box.
60. An Eligible Voter at a poll who receives a spoiled or improperly printed ballot, or who accidentally spoils their ballot when marking it, is entitled to receive another ballot from the Ratification Officer after returning the original ballot. The returned ballot will be recorded as spoiled.
61. 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. The Ratification Officer will make an entry on the Master Voters List stating that the Eligible Voter left the designated voting area without delivering the ballot and the ballot will be recorded as rejected.
62. At the time set for closing the polls, the Ratification Officer will declare the polls closed and entry will be denied to the polling station with the exception of all remaining Eligible Voters in the polling station at the time of the close of the polls. For greater clarity, all remaining Eligible Voters inside the polling station at the close of polls shall have the right to vote.
63. The Ratification Officer shall indicate upon opening of the polling station, which time piece is being used to measure the appropriate closing time of the polling station.

### **Orderly Voting**

64. The Ratification Officer will ensure that peace and good order is maintained at the polling station.
65. The Ratification Officer will allow only one Eligible Voter at a time into a designated voting area, except for an Eligible Voter receiving special assistance as provided for in section 55.
66. The Ratification Officer shall note upon the Master Voters List any irregularities in connection with voting.
67. An Eligible Voter who is present and available to vote at a poll before the closing of the poll, will be entitled to vote.
68. During the vote, no person shall:

- (a) interfere or attempt to interfere with an Eligible Voter when they are voting. If they do, they will be removed from the polling station; or
- (b) obtain or attempt to obtain information as to how an Eligible Voter is about to vote or has voted at a poll. If they do, they will be removed from the polling station.

**69.** For greater clarity, the Ratification Officer may appoint security to assist in maintaining order at a polling station.

### **At the Closing of the Polls**

**70.** At the close of the polls, the Ratification Officer will, with respect to electronic ballots, execute the “Declaration of Ratification Officer, Electronic Ballots” Form (Form E).

**71.** The Ratification Officer, in the presence of a witness, and any other Eligible Voters who may be present, will print the electronic voting online report at the close of polls and deposit it into a ballot box.

## **PART 10 - RESULTS**

**72.** After the electronic voting online report has been deposited into a ballot box, the Ratification Officer, in the presence of any other Eligible Voters who may be present, will:

- (a) examine all ballots contained in the ballot boxes;
- (b) reject any ballots required by section 79;
- (c) identify any spoiled ballots and set them aside;
- (d) subject to recount or appeal, take note of any objections made by an Eligible Voter to any of the ballots found in the ballot box on the Objections Form (Form F), decide any questions arising out of an objection, sign to acknowledge the objection, and place the corresponding number on the back of the ballot with the word “allowed” or “disallowed” with their initials;
- (e) count the number of ballots marked “YES,” the number marked “NO,” and the number of rejected and spoiled ballots and add the results to the electronic voting online report results; and,
- (f) declare the results of the vote as a percentage of the total number of votes cast, as well as whether a simple majority was achieved, on the “Statement As To Voting Results” Form (Form G).

**73.** The Ratification Officer will then, within 48 hours of the final count, execute three copies of the “Ratification Officer Certification” (Form H): one copy to be posted to the Designated Public Locations, one copy to be sent to the Band Manager, and one copy to be kept with the voting file.

**74.** In the event of a tie vote, the following applies:

- (a) a recount may be held by the Ratification Officer immediately following the Ratification Vote; and
- (b) the results of the recount shall be final, subject to appeal.

**75.** For greater clarity, if, following a recount, as set out in section 74, a tie vote is still maintained, the Ratification Officer will declare the Proposed Document rejected and the Proposed Document will be returned to the Band Manager and Council.

**76.** The Ratification Officer will declare the Proposed Document approved by the Eligible Voters who voted, if fifty percent (50%) plus one (+1) (a simple majority), vote “YES.” For greater clarity, there shall be no minimum threshold of participation required to validate a vote.

**77.** The Ratification Officer will seal in separate envelopes: spoiled ballots, rejected ballots, ballots cast in favour, ballots cast against, and any unused ballots. The Ratification Officer will then affix their signature to the seals and will retain the separate envelopes in a sealed box, for at least sixty (60) days or until a decision on an appeal is rendered, whichever date is later.

**78.** After sixty (60) days from Ratification Day, the contents of the separate envelopes, as set out in section 77, shall be destroyed by the Ratification Officer, who will then complete the Declaration of Destruction of Ballots & Ratification Material Form (Form J).

### **Rejected Ballots**

**79.** A cast ballot will be rejected if it:

- (a) was not supplied by the Ratification Officer;
- (b) was not marked as either “YES” or “NO”;
- (c) was marked as both “YES” and “NO”; or
- (d) has any writing or mark which identifies the Eligible Voter.

**80.** A ballot marked with something other than an “X” or check mark (✓) in a box, will not be rejected if:

- (a) the mark does not identify the Eligible Voter; or
- (b) the intent of the Eligible Voter is clear in the opinion of the Ratification Officer.

### **Complaints to the Ratification Officer**

**81.** Any Eligible Voter who voted may make a complaint to the Ratification Officer relating to the Ratification Vote process.

**82.** Any complaint made against the conduct of the Ratification Officer may be made directly to the Appeal Body, and section 81 will not apply. For greater clarity, Part 11 of these Rules and Procedures will apply as it relates to this section.

**83.** The Ratification Officer is responsible for determining the outcome of any written complaints made to them by an Eligible Voter regarding all pre-ratification, Ratification Day, and post-ratification processes and procedures included in the Community Approval Law and these Rules and Procedures.

**84.** A written complaint may be made at any time during the ratification process, but no later than two (2) days following the date of the Ratification Vote.

**85.** Any complaint made shall be decided by the Ratification Officer within five (5) days after receiving the complaint.

**86.** Any decision made by the Ratification Officer may be appealed to the Appeal Body, as set out in Part 11 of these Rules and Procedures.

**87.** Where an appeal has been submitted to the Appeal Body, and the Appeal Body is hearing the appeal, during the period that the appeal is being heard, and until a decision by the Appeal Body is rendered, the Proposed Document will neither be declared approved nor rejected.

## **PART 11 - APPEALS**

**88.** The Appeal Body, established under the Appeal Body Law, shall oversee and administer, in accordance with the provisions of the Appeal Body Law and any associated rules, procedures, or policies, the Community Approval Law and these Rules and Procedures, as it relates to all Community Approval Law-related appeals.

**89.** An Eligible Voter who participated in the Ratification Vote, may file an appeal to the Appeal Body if the person has reasonable grounds for believing that:

- (a) there was a violation of this *Community Approval Process* or these Rules and Procedures or an irregularity in that process; and,
- (b) the final result of the Ratification Vote might have been different but for the violation or irregularity.

**90.** The request for an appeal must be submitted in writing to the Band Manager, within twenty-one (21) days of the Ratification Vote, by mail, email, or in person, and must also:

- (a) identify the name, address, email address, and any telephone number of the objector;
- (b) summarize the grounds for the appeal; and,

(c) be accompanied by a statutory declaration or affidavit setting out the grounds for the appeal.

**91.** For greater clarity, the time set out in section 90, is inclusive of any complaint made to the Ratification Officer, following the date of the Ratification Vote, and subsequent decision made by the Ratification Officer, as set out in sections 83-85.

**92.** For greater clarity, all documents filed in accordance with section 90, shall constitute and form the record for the purpose of the Appeal Body rendering a decision.

**93.** The Ratification Officer may participate in the appeal process as may be determined by the Appeal Body.

**94.** If the material submitted by the Appellant is not sufficient to decide the validity or the grounds of the appeal, the Appeal Body will dismiss the appeal.

**95.** For greater clarity, if the Band Manager finds an application to be lacking in completion, the Band Manager will contact the Appellant and allow them the opportunity to complete the application and resubmit it for consideration by the Appeal Body, as long as the application is resubmitted within the initial twenty-one (21) days noted in section 90.

**96.** Subject to section 95, the Appeal Body may allow an appeal and recommend to the Band Manager that a new vote take place.

**97.** For greater clarity, where the Appeal Body allows an appeal, as set out in section 96, the Band Manager or designate, will recommend to Council that a new vote take place.

**98.** Based on recommendations by the Band Manager, as set out in section 97, where Council agrees that a new vote will take place, Council will approve by BCR a new Ratification Day, in accordance with Part 3 of the Community Approval Law and section 9 of these Rules and Procedures.

**99.** The Appeal Body will dismiss the appeal if it is of the opinion that:

(a) there was neither a violation of the *Community Approval Process* nor any irregularity in these Rules and Procedures; or,

(b) there was a violation or an irregularity, but the final result of the Ratification Vote was not affected by it.

**100.** The Appeal Body shall make a decision, with respect to an appeal within ten (10) days of receiving the application and supporting documentation, or following the conclusion of an oral hearing, whichever is later.

**101.** Where the Appeal Body cannot make a decision within the timeline set out in section 100, the Appeal Body shall inform the Appellant(s) and any other individual involved in the matter in writing, as soon as is practicable, and shall provide a reasonable timeline for making the decision.

**102.** Any decision of the Appeal Body rendered pursuant to sections 100 or 101 shall be given in writing to the Appellant, the Ratification Officer, the Band Manager, and any other individual involved in the matter, with substantive reasons to support its decision.

## **PART 12 - AMENDMENTS**

### **Technical Amendments**

**103.** Technical amendments to the Naaknige<sup>8</sup> or a BHFN naaknige<sup>9</sup> may be made at the direction of the Band Manager or Council, without a requirement for the Naaknige or a BHFN naaknige to be re-presented to Members for a Ratification Vote and shall be approved by passing a BCR.

### **Substantive Amendments**

**104.** Where the Band Manager proposes a substantive amendment to the Naaknige<sup>10</sup> or a BHFN naaknige,<sup>11</sup> the Band Manager will table the proposal for the amendment, in writing, to Council.

**105.** The procedure for doing so, shall be as follows:

- (a) a notice of review shall be added to the agenda of a duly called Council meeting;
- (b) Council shall be provided with a copy of the Community Approval Law, the BHFN naaknige,<sup>12</sup> if applicable, and these Rules and Procedures, as are in force at the time, for their review;
- (c) at the following or a future Council meeting, a motion shall be put forward to either accept or amend the proposed amendment to the Community Approval Law or the BHFN naaknige;<sup>13</sup>
- (d) if the proposed amendment to the Community Approval Law or the BHFN naaknige<sup>14</sup> is accepted, a BCR shall be signed to reflect that decision;
- (e) if the Community Approval Law or the BHFN naaknige<sup>15</sup> is to be amended, Council shall decide the method of revision: designate an individual(s) or Council as a whole to amend the Community Approval Law or the BHFN naaknige,<sup>16</sup> based on the proposal put forward by the Band Manager; and

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<sup>8</sup> Naaknige means the Community Approval Law.

<sup>9</sup> naaknige means law.

<sup>10</sup> Naaknige means the Community Approval Law.

<sup>11</sup> naaknige means law.

<sup>12</sup> naaknige means law.

<sup>13</sup> naaknige means law.

<sup>14</sup> naaknige means law.

<sup>15</sup> naaknige means law.

<sup>16</sup> naaknige means law.

- (f) the amended copy of the BHFN naaknige<sup>17</sup> shall be put forward to a vote by the Members upon Council approving the amended BHFN naaknige in draft. Once approved by Members, a BCR shall be signed by Council to reflect this approval.

**106.** For greater clarity, any substantive amendment to the Community Approval Law, shall be approved by Council by way of BCR, as set out in section 4.5 of the Community Approval Law.

**107.** For greater certainty, the Community Approval Law and these Rules and Procedures shall be followed to conduct a Ratification Vote on the proposed amendment.

### **Review of Community Approval Process and Rules and Procedures**

**108.** The *Community Approval Process* and these Rules and Procedures shall be reviewed by the Band Manager after the first year that the *Community Approval Process* is in force, to determine whether any proposed amendments should be brought forward for approval.

**109.** Following the first year that the *Community Approval Process* and these Rules and Procedures are in force, the Band Manager shall review the *Community Approval Process* and these Rules and Procedures every twelve to eighteen (12-18) months after an election of Council, to determine whether any proposed amendments should be brought forward for approval.

### **PART 13 - CERTIFICATION**

**110.** If the Proposed Document before the Members is approved, upon receipt of the Ratification Officer Certification (Form H) and twenty-two (22) days have passed without an appeal, Council shall approve and sign, by way of BCR (Form I), four (4) copies of the naaknige<sup>18</sup> and provide them to the Band Manager for safe keeping and posting to the public law registry<sup>19</sup> as well as the First Nations Gazette, in accordance with its policies, as amended from time to time.

**111.** For greater certainty, where an appeal occurs, as set out in these Rules and Procedures, and is dismissed by the Appeal Body, the Proposed Document will be approved in accordance with section 110, whereby twenty-two (22) days have passed since the Ratification Vote or one (1) day has passed after a decision on an appeal has been rendered, whichever date is later.

### **PART 14 - COMING INTO FORCE**

**112.** These Rules and Procedures will come into force on the 14 day of January, 2025 after the *Community Approval Process* has been made naaknige<sup>20</sup> by way of Band Council Resolution.

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<sup>17</sup> naaknige means law.

<sup>18</sup> naaknige means law.

<sup>19</sup> Where all approved naaknigewnan (laws) are registered and kept by Beaverhouse First Nation for retention purposes.

<sup>20</sup> naaknige means law.



## FORM A: COUNCIL RESOLUTION

### Commencement of Vote

**The Council of BHFN, pursuant to the Community Approval Process and the associated rules and procedures, do hereby resolve to:**

1. Direct that a vote to determine if the Members approve of the *(Proposed Document)*, be held in accordance with the Community Approval Process and the associated rules and procedures;
2. Confirm the ballot question in the form attached as Form B, Ballot Question;
3. Confirm the recommendation of the Band Manager that \_\_\_\_\_ *Name* \_\_\_\_\_ be appointed as Ratification Officer for the Ratification Vote of the *(Proposed Document)*;
4. Set the Ratification Day(s) to be the Day, Month, Year; and
5. Set the electronic voting period to begin Day, Month, Year, at 12:01am (ET) and be open until Day, Month, Year at 7:00pm (ET), at which time electronic voting will be closed.

Approved and passed at a duly convened meeting of the Council of Beaverhouse First Nation this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chief

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

**FORM B: BALLOT QUESTION**

Do you approve:

*(The Proposed Document)*, dated Day, Month, Year:

**Mark this Ballot by placing an “X” or check mark (✓) in one of the following boxes:**

**YES**

☐

**NO**

☐

# **FORM C: APPOINTMENT OF RATIFICATION OFFICER / DEPUTY RATIFICATION OFFICER / INTERPRETER AND OATH OF OFFICE**

Day, Month, Year

I, \_\_\_\_\_(name)\_\_\_\_\_, of \_\_\_\_\_(address)\_\_\_\_\_, appointed under the BHFN *Community Approval Process*, to carry out the Ratification Vote of the *(Proposed Document)*, to be held on the \_\_\_\_ day of *(month)*, 20\_\_\_\_, accept the position of \_\_\_\_*(Ratification Officer / Interpreter / Deputy Ratification Officer)* and agree to:

- *comply with this Law and the rules and procedures, and all the laws of BHFN;*
- *fulfill the duties and responsibilities of my office as set out in this Law and rules and procedures;*
- *carry out my duties faithfully, honestly, impartially, and with integrity, and to the best of my abilities;*
- *keep confidential, both during and after my term of office, any matter or information which, under this Law, community law, or policy, is considered confidential; and*
- *always act in the best interests of the Eligible Voter and BHFN in carrying out my duties.*

Any violation of this Oath or failure to discharge my duties competently, as set out in the Law or its associated rules and procedures, shall render me liable to dismissal from service by the Band Manager.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**FORM D: NOTICE OF VOTE****TO: MEMBERS of Beaverhouse First Nation**

**TAKE NOTICE** that a Ratification Vote will be held pursuant to BHFN Community Approval Law and the rules and procedures on Day, Month, Year, in order to determine if Eligible Voters approve the *(Proposed Document)*.

The following question will be asked of Beaverhouse First Nation Eligible Voters by secret ballot:

“Do you approve:  
*(The Proposed Document)* dated Day, Month, Year?”

The vote will take place on Day, Month, Year, from 8:00a.m until 7:00p.m (ET) at: *(Polling Location(s))*

Electronic voting will begin on Day, Month, Year, at 12:01a.m (ET) and close on Day, Month, Year, at 7:00p.m (ET).

Copies of the *(Proposed Document)*, BHFN Community Approval Law, and the rules and procedures may be obtained from the Ratification Officer or the BHFN Administration Building, who can be reached at PHONE NUMBER ext. XXXX, or online at WEBSITE.

**AND FURTHER TAKE NOTICE** that all Beaverhouse First Nation Members 18 years of age or over, as of the date of the Ratification Vote, are eligible to vote by electronic ballot or in-person.

To vote electronically, an Eligible Voter must register with the Electronic Voting Service Provider with their own, separate, email address. A link to register can be found here: *(include link to Electronic Voting Service Provider)*. If an Eligible Voter forgets their password, to obtain a new online password for electronic voting, an Eligible Voter should select the “forgot password” link on the Electronic Voting Service Provider’s website and follow the steps to reset the password. If an Eligible Voter has any questions regarding electronic voting, the following individuals may be contacted:

\_\_\_\_\_, Ratification Officer, *(address, phone number, and email address)*; or

\_\_\_\_\_, Deputy Ratification Officers, *(address, phone number, and email address)*

**DATED** at \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Ratification Officer Name

\_\_\_\_\_  
Ratification Officer Signature

**FORM E: DECLARATION OF RATIFICATION OFFICER, ELECTRONIC BALLOTS****(Electronic Ballots)**

I, \_\_\_\_\_ (*name*) \_\_\_\_\_, Ratification Officer for Beaverhouse First Nation,  
 in \_\_\_\_\_ (*place*), DO SOLEMNLY MAKE OATH AND  
 SAY AS FOLLOWS:

- (1) I followed the rules and procedures outlined in the Community Approval Process and the Community Approval Process rules and procedures; and
- (2) I make this affidavit in fulfillment of my role as Ratification Officer and for no improper purpose.

Sworn before me at City/Town of \_\_\_\_\_ )  
 \_\_\_\_\_, in the Province of \_\_\_\_\_ )  
 \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_ )  
 \_\_\_\_\_, 20\_\_\_\_. )  
 )  
 )  
 )  
 )  
 )  
 )

\_\_\_\_\_  
*A Commissioner, etc*

\_\_\_\_\_  
*Ratification Officer*

## FORM F: OBJECTIONS

[illegible]

**FORM G: STATEMENT AS TO VOTING RESULTS**

The following are the results of the Ratification Vote, held by Beaverhouse First Nation, for *(Proposed Document)*, held on Day, Month, Year:

- (a) \_\_\_\_\_ Members were entitled to vote;
- (b) \_\_\_\_\_ Members voted;
- (c) \_\_\_\_\_ % of eligible Members voted;
- (d) The 50% + 1 (simple majority) threshold \_\_\_\_\_ met;  
(was/was not)
- (e) \_\_\_\_\_ Members voted **in favour** of ratifying the *(Proposed Document)*;
- (f) \_\_\_\_\_ Members voted **against** ratifying the *(Proposed Document)*;
- (g) \_\_\_\_\_ ballots were rejected; and
- (h) \_\_\_\_\_ ballots were spoiled.

A simple majority \_\_\_\_\_ achieved.  
(was/was not)

Dated at \_\_\_\_\_, this \_\_\_\_\_ day, \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
*Name of Ratification Officer*

\_\_\_\_\_  
*Signature of Ratification Officer*

**FORM H: RATIFICATION OFFICER CERTIFICATION**

I, \_\_\_\_\_ (*name*) \_\_\_\_\_, Ratification Officer for Beaverhouse First Nation,  
 in \_\_\_\_\_ (*place*), DO SOLEMNLY MAKE OATH AND  
 SAY AS FOLLOWS:

- (1) I followed the rules and procedures outlined in the Community Approval Process and the Community Approval Process rules and procedures;
- (2) I have confirmed the results of the Ratification Vote for the (*Proposed Document*), and a simple majority (*was / was not*) achieved; and
- (3) I make this affidavit in fulfillment of my role as Ratification Officer and for no improper purpose.

Sworn before me at City/Town of \_\_\_\_\_ )  
 \_\_\_\_\_, in the Province of \_\_\_\_\_ )  
 \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ )  
 \_\_\_\_\_, 20 \_\_\_\_\_. )

\_\_\_\_\_  
*A Commissioner, etc*

)  
)  
)  
)  
)  
)  
)  
)

\_\_\_\_\_  
*Ratification Officer*



**FORM I: BAND COUNCIL RESOLUTION**  
**(Approval of Law following Vote)**

Whereas Beaverhouse First Nation desires to provide a naaknige (law) appropriate to our culture and traditions respecting...; and

Whereas....;

*(however many Whereas statements as the sponsoring Department or Council would like to include in its BCR regarding context of the Proposed Document, principles followed, etc)*

Whereas a Ratification Vote was held on Day, Month, Year; and

Whereas *(number of voters)* cast ballots representing *(percent)* of Eligible Voters; and

Whereas *(number of voters)* voted in favour of the *(Proposed Document)*, representing *(percent)* of the ballots cast;

Therefore, be it resolved that Beaverhouse First Nation's *(Proposed Document)* has been approved and comes into force on Day, Month, Year.

Dated at \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Chief

\_\_\_\_\_  
 Councillor

\_\_\_\_\_  
 Councillor

\_\_\_\_\_  
 Councillor

\_\_\_\_\_  
 Councillor

# **FORM J: DECLARATION OF DESTRUCTION OF BALLOTS & RATIFICATION MATERIAL**

I, \_\_\_\_\_ (*name*) \_\_\_\_\_, Ratification Officer for Beaverhouse First Nation, in \_\_\_\_\_ (*place*), DO SOLEMNLY MAKE OATH AND SAY AS FOLLOWS:

- (1) I followed the rules and procedures outlined in the Community Approval Process and the Community Approval Process rules and procedures;
- (2) I confirm that I have destroyed all of the ballots and Ratification Vote materials from the (*Proposed Document*); and
- (3) I make this affidavit in fulfillment of my role as Ratification Officer and for no improper purpose.

Sworn before me at City/Town of \_\_\_\_\_ )  
 \_\_\_\_\_, in the Province of \_\_\_\_\_ )  
 \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_ )  
 \_\_\_\_\_, 20\_\_\_\_. )

\_\_\_\_\_  
*A Commissioner, etc*

)  
)  
)  
)  
)  
)  
)  
)

\_\_\_\_\_  
*Ratification Officer*

**SCHEDULE 1: MODEL LAW RATIFICATION PROCESS FLOW CHART**