



# Mohawk Council of Akwesasne

## General Referendum Regulation

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**Contents**

Purpose..... 1

1.0 Title..... 1

2.0 Definitions..... 1

3.0 General Provisions ..... 2

4.0 Calling for a Referendum..... 3

5.0 Appointment of Referendum Officers ..... 4

6.0 Referendum Voters List..... 6

7.0 Notice of the Referendum..... 8

8.0 Information Meetings..... 8

9.0 Online Voting Instructions..... 9

10.0 Door-to-Door Voting Procedures..... 10

11.0 Preparation of Referendum Ballots..... 11

12.0 In-Home Voting Procedures ..... 11

13.0 Referendum Polling Stations ..... 13

14.0 Referendum Polling Station Voting Procedures ..... 14

15.0 Counting Procedures ..... 17

16.0 Official Statements..... 19

17.0 Disposal of Ballot Papers..... 19

18.0 Appeals ..... 20

19.0 Procedure on Appeals ..... 20

20.0 Amendments to this Regulation..... 21

Attachment “A” – Oath of Appointments..... 23

Attachment “B” – Witness Attestation ..... 28

Attachment “C” – Record of Ballot Rejections ..... 29

Attachment “D” – Ballot Tally Sheet ..... 30

## Purpose

This Regulation shall serve as the basic procedures to be followed during the calling of a Referendum and shall apply to all Referendums to be held within Akwesasne, excluding Referendums on any future land claim settlements and any matter to be determined under a Special Referendum Regulation addressing that subject matter.

### 1.0 Title

This Regulation shall be known as the General Referendum Regulation.

### 2.0 Definitions

2.1 In this Regulation:

**“Chief Referendum Officer”** means the person appointed by Council who is responsible for administering the Referendum under this Regulation;

**“Council”** means the Mohawk Council of Akwesasne as duly elected pursuant to the *Akwesasne Election Law*;

**“Deputy Referendum Officer”** means the person appointed by the Chief Referendum Officer to assist in the application of this Regulation;

**“Designated Voting Premises”** means a specific area identified by the Chief Referendum Officer as a secured zone adjacent to any Referendum Polling Station within the building where the Referendum Polling Station is located;

**“District”** means any one of the following territorial divisions of Akwesasne:

- a) Kawehno:ke (Cornwall Island);
- b) Kana:takon (St. Regis Village); or
- c) Tsi Snaihne (Chenail/Snye);

**“Door-to-Door Voting”** means a voting procedure that allows Referendum Officers to conduct unsolicited door-to-door voting at private dwellings and public buildings;

**“Eligible Referendum Voter”** means a person who is entitled to vote in this Referendum under subsection 4.3 and 4.4 of this Regulation;

**“Information Meeting”** means a meeting held to provide background and information on the subject pertaining to the Referendum;

**“In-Home Voting”** means a voting procedure which allows Eligible Referendum Voters to cast their vote on the Referendum in their homes;

**“Majority”** means fifty percent plus one (50%+1) of the Eligible Referendum Voters who have cast a ballot that has not been marked “VOID”, “DECLINED”, “REJECTED” or “DISALLOWED” under this Regulation;

**“Member”** means a person who is enrolled on Akwesasne’s Membership Roll in accordance with the *Akwesasne Membership Code*, but does not include probationary Members;

**“Mohawk Interpreter”** means a person who is fluent in the Mohawk language to translate from English to Mohawk;

**“Online Voting”** means a voting procedure which allows Eligible Referendum Voters to cast their votes on the Referendum by utilizing a secured internet website or secured telephone voting service;

**“Referendum”** means the process conducted under this Regulation to receive direction from the community on the ballot question(s);

**“Referendum Officer”** means the Chief Referendum Officer, Deputy Referendum Officers, Mohawk Interpreters and Sign Language Interpreters;

**“Referendum Polling Station”** means the area designated by the Chief Referendum Officer for voting on the Referendum;

**“Referendum Resolution”** means a Resolution made under subsection 4.2 of this Regulation;

**“Referendum Security Personnel”** means a person responsible to provide security and maintain the peace at a Referendum Polling Station and Designated Voting Premises during the Referendum;

**“Referendum Voters List”** means an alphabetical list of Eligible Referendum Voters;

**“Regulation”** means the General Referendum Regulation;

**“Resolution”** means a Mohawk Council Resolution formally adopted by the Mohawk Council of Akwesasne pursuant to its governing authority; and

**“Sign Language Interpreter”** means a person who is able to convert spoken language into sign language.

### **3.0 General Provisions**

**3.1 Calculation of Time** – When calculating the number of days for the purposes of establishing a deadline, the following guidelines shall be used:

- a) unless otherwise provided, Saturdays, Sundays, federal holidays, provincial holidays, Council declared holidays or the day of an event are not included in the calculation of number of days for completing an act or meeting a deadline;

- b) if Council administration offices are closed on a day when a time limit expires, the act may be done on the next day that the office is open; and
  - c) if there is no deadline identified, and unless otherwise provided in an Akwesasne Law or Regulation, the deadline for completion of acts is ten (10) days.
- 3.2** In the event that inclement weather prohibits carrying out of an act under this Regulation, the act may be done on the next available day.
- 3.3** **Interpretation** – Wherever the singular, or masculine or the term “person” is used in this Regulation, it shall be deemed to include the plural, feminine, body corporate or other entity where the context so requires.

#### **4.0 Calling for a Referendum**

- 4.1** Whenever a matter of great importance comes before Council and the majority of Council at a duly convened meeting has agreed to submit a ballot question(s) to a vote of the Members, Council shall determine by Resolution to hold a Referendum vote.
- 4.2** If Council determines a Referendum is to be held, a Referendum Resolution shall be passed containing the following information:
- a) the ballot question(s) to be voted on;
  - b) in consideration of the ballot question(s), a determination of who will be eligible to vote in accordance with subsection 4.3 and 4.4;
  - c) the dates for opening and closing of the In-Home Voting, Online Voting, Door-to-Door Voting and Referendum Polling Station voting, if applicable;
  - d) the date the Referendum shall close and counting procedures initiated; and
  - e) a direction to the Chief Referendum Officer to initiate the Referendum process outlined in this Regulation.
- 4.3** A person is considered eligible to vote in the Referendum if at the time of voting that person:
- a) is a Member;
  - b) has attained eighteen (18) years of age.
- 4.4** Council may select one of the following options for eligibility to vote in the Referendum in addition to the criteria identified in subsection 4.3:
- a) residency in one of the Districts;
  - b) residency in Canada; or
  - c) other criteria specified in the Referendum Resolution.
- 4.5** Voting in the Referendum shall be by secret ballot or by Online Voting as outlined in this Regulation.

- 4.6** The ballot question(s) posed shall be considered approved if a Majority in the Referendum vote “Yes” to the ballot question(s).
- 4.7** The ballot question(s) shall be considered rejected if a Majority in the Referendum vote “No” to the ballot question(s).
- 4.8** In the event of an equal number of “Yes” and “No” votes to the ballot question(s), the Chief Referendum Officer will break the tie.

## **5.0 Appointment of Referendum Officers**

- 5.1** The Referendum Resolution is passed, the person designated as Chief Electoral Officer under the *Akwesasne Election Law* shall be appointed as the Chief Referendum Officer.
- 5.2** The Chief Referendum Officer identify the number of Deputy Referendum Officers, Referendum Security Personnel, Mohawk Interpreters and Sign Language Interpreters required.
- 5.3** The Chief Referendum Officers may appoint the persons designated as Deputy Electoral Officers under the *Akwesasne Election Law* as the Deputy Referendum Officers.
- 5.4** The Chief Referendum Officer may appoint the persons designated as Uniformed Security Personnel under the *Akwesasne Election Law* as the Referendum Security Personnel.
- 5.5** In the event additional Deputy Referendum Officers or Referendum Security Personnel are required, the Chief Referendum Officer shall conduct a public call out for individuals to submit their names for consideration to the position of Deputy Referendum Officer or Referendum Security Personnel.
- 5.6** The Chief Referendum Officer shall conduct a public call out for individuals to submit their names for consideration to the position of Mohawk Interpreter or Sign Language Interpreter.
- 5.7** In order to qualify for appointment as a Deputy Referendum Officer, Referendum Security Personnel, Mohawk Interpreter or Sign Language Interpreter, a person must, as of the date of his or her appointment:
- a) be a Member eighteen (18) years of age or older;
  - b) not be a sitting member of Council or Justice of the Peace or Justice of the Akwesasne Mohawk Court;
  - c) not be a sitting member of the Akwesasne Review Commission;
  - d) be in Good Standing under Akwesasne’s Good Standing Policy; and
  - e) have a clear criminal reference check, if selected.

- 5.8** The public call out posted for referendum staff shall specify:
- a) the qualifications for appointment listed under subsection 5.7;
  - b) the deadline to submit applications;
  - c) documents required for an application;
  - d) a brief summary of the nature of the position; and
  - e) details of remuneration.
- 5.9** An application submitted for consideration as a Deputy Referendum Officer, Referendum Security Personnel, Mohawk Interpreter or Sign Language Interpreter shall be considered complete once the following documents have been received:
- a) a letter of interest signed by the applicant outlining how he or she meets the qualifications for appointment;
  - b) consent to verify Mohawk Council of Akwesasne Membership;
  - c) consent to run a Mohawk Council of Akwesasne Good Standing Policy check; and
  - d) consent to undergo a criminal reference check.
- 5.10** The Chief Referendum Officer shall review the completed applications to:
- a) develop a list of qualified applicants, which will remain on file for one-year; and
  - b) determine which candidates will be selected for appointment.
- 5.11** The Chief Referendum Officer shall appoint qualified Deputy Referendum Officers, Referendum Security Personnel, Mohawk Interpreters and Sign Language Interpreters to administer the procedures for the Referendum.
- 5.12** In the event less than the required number of applicants are received for the positions of Deputy Referendum Officers, Referendum Security Personnel, Mohawk Interpreters and Sign Language Interpreters, the Chief Referendum Officer may:
- a) recommend individuals, provided that they meet the qualifications under subsection 5.4; and
  - b) recommend individuals from among appointed Deputy Referendum Officers into the other referendum staff positions.
- 5.13** The Deputy Referendum Officers, Referendum Security Personnel, Mohawk Interpreters and Sign Language Interpreters shall swear or affirm and sign an Oath of Appointment on the appropriate form as set out in Attachment “A”, attached to this Regulation, before a Justice of the Peace, Notary Public or duly appointed Commissioner for taking oaths.
- 5.14** The Deputy Referendum Officers, Referendum Security Personnel, Mohawk Interpreters and Sign Language Interpreters shall file the sworn/affirmed Oath of Appointment with the Chief Referendum Officer before assuming his or her duties.
- 5.15** If a Deputy Referendum Officer, Referendum Security Personnel, Mohawk Interpreter or Sign Language Interpreters has not filed a sworn/affirmed Oath of Appointment with the

Chief Referendum Officer within seven (7) days of his or her appointment, the Chief Referendum Officer shall revoke the appointment.

- 5.16** The Chief Referendum Officer's role shall be to provide the Referendum Officers with support, assistance, and guidance in administration of the Referendum.
- 5.17** The Chief Referendum Officer may make such orders and issue such instructions, consistent with the provisions of this Regulation, as necessary for the effective administration of the Referendum.
- 5.18** The Chief Referendum Officer may be revoke the appointment of any Deputy Referendum Officer, Referendum Security Personnel, Mohawk Interpreter or Sign Language Interpreter, who has failed to discharge his or her duties under this Regulation.
- 5.19** The Akwesasne Review Commission may review the conduct of the Chief Referendum Officer and make a determination, including the removal of the Chief Referendum Officer.
- 5.20** If the Chief Referendum Officer resigns, or is unable to serve, or is removed from office, Council shall appoint a replacement from among the active Deputy Referendum Officers.
- 5.21** Where a Deputy Referendum Officer, Referendum Security Personnel, Mohawk Interpreter or Sign Language Interpreter resigns, or is unable to serve, or is removed from office, the Chief Referendum Officer may appoint a replacement who meets the qualifications in subsection 5.7.

## **6.0 Referendum Voters List**

- 6.1** The Chief Referendum Officer shall obtain the names, registry numbers if applicable, and birthdays of all Eligible Referendum Voters from the Office of Vital Statistics.
- 6.2** The Chief Referendum Officer shall prepare the Referendum Voters List to set out:
  - a) the names of all the Eligible Referendum Voters in alphabetical order;
  - b) the Certificate of Indian Status registration number, if applicable, of each Eligible Referendum Voter;
  - c) the date of birth of each Eligible Referendum Voter; and
  - d) where in the Referendum Resolution Council has established residency requirements, a residency address.
- 6.3** The Chief Referendum Officer shall cause the Referendum Voters List to be posted in one or more conspicuous areas in each District at least twenty (20) days before the Referendum.
- 6.4** The Referendum Voters List posted pursuant to subsection 6.3 shall not contain the information set out in subsections 6.2(b) and 6.2(c).



- 6.5** If in the Referendum Resolution Council has established a residency requirement, the Referendum Voters List posted pursuant to subsection 6.3 shall indicate the district in which the Eligible Referendum Voter resides.
- 6.6** Eligible Referendum Voters are responsible for ensuring that they are listed on the Referendum Voters List.
- 6.7** Members who are eligible to vote pursuant to the Referendum Resolution, and who are not listed on the posted Referendum Voters List, shall contact the Chief Referendum Officer to request to be added to the list subject to the deadline identified in subsection 6.17.
- 6.8** At the request of a Member under subsection 6.7, the Chief Referendum Officer shall determine whether that person is entitled to be on the Referendum Voters List.
- 6.9** The Chief Referendum Officer shall advise the person making the request under subsection 6.7 of their determination as soon as possible after the decision, and in all cases prior to the first day of voting.
- 6.10** After the completion of the process in subsections 6.7 to 6.9, the Chief Referendum Officer shall, if the member qualifies as an Eligible Referendum Voter, enter the Member's name on the Referendum Voters List.
- 6.11** A Member may submit a request in writing to the Chief Referendum Officer to review an individual's eligibility to vote, if they know an individual listed on the Referendum Voters List does not meet the criteria set in the Referendum Regulation.
- 6.12** After a written request is received in accordance with subsection 6.11, the Chief Referendum Officer shall work with the Office of Vital Statistics to determine whether the individual named is eligible to vote in the Referendum.
- 6.13** If it is determined that the individual under review in subsection 6.12 is not eligible to vote, their name shall be removed from the Referendum Voters List.
- 6.14** If a name is removed from the Referendum Voters List, the Chief Referendum Officer shall make all reasonable efforts to contact the individual in person or by telephone, and a notice shall be mailed to the address for that individual that is on file with the Office of Vital Statistics.
- 6.15** Members are responsible for updating their current address with the Office of Vital Statistics.
- 6.16** A document shall be considered properly provided if it was mailed or delivered to the most recent contact address of the Member available from the Office of Vital Statistics.
- 6.17** Two (2) days prior to the first day of voting set by the Referendum Resolution, the Chief Referendum Officer shall post a final Referendum Voters List in one or more conspicuous areas in each District.

- 6.18** The Referendum Voters List prepared by the Chief Referendum Officer is the official record of all the names of Eligible Referendum Voters who can vote in the Referendum.
- 6.19** Any person whose name does not appear on the Referendum Voters List by the deadline under subsection 6.17 is not eligible to vote in the Referendum.

## **7.0 Notice of the Referendum**

- 7.1** At least twenty (20) days before the Referendum is to be opened, the Chief Referendum Officer shall provide notice of the upcoming Referendum to Members by posting a notice in public places within each District as well as publishing notice in a community newspaper with circulation throughout each District. The notice shall contain the following information:
- a) a brief summary of the background surrounding the ballot question(s);
  - b) a brief summary of the Referendum process;
  - c) notification that a full copy of the General Referendum Regulation can be obtained by Members at the Council administration offices;
  - d) the ballot question(s) to be voted on;
  - e) a statement of who is eligible to vote in the Referendum;
  - f) the dates for opening and closing of the In-Home Voting, Online Voting, Door-to-Door Voting and/or Referendum Polling Station voting;
  - g) how to obtain instructions for Online Voting, Door-to-Door Voting and In-Home Voting, if applicable;
  - h) the date, time, and location of the Referendum Polling Stations, if needed;
  - i) a statement that a Member must be on the Referendum Voters List to vote in the Referendum;
  - j) where a copy of the Referendum Voters List can be examined;
  - k) the deadline for contacting the Chief Referendum Officer to add their name to the Referendum Voters List if it is not included;
  - l) the name, telephone number, fax number and e-mail address of the Chief Referendum Officer; and
  - m) the date the Referendum shall close and information on how to obtain the results of the Referendum.

## **8.0 Information Meetings**

- 8.1** Council shall ensure that an Information Meeting is held in each District for the purpose of providing information concerning the Referendum procedure and explaining the background surrounding the ballot question(s).

- 8.2** At least five (5) days before any Information Meeting is held pursuant to subsection 8.1, the Chief Referendum Officer shall provide notice of the upcoming meeting to Members by posting a notice in public places within each District as well as publishing the notice in a community newspaper with circulation throughout each District. The dated notice shall contain the following information:
- a) the date, time and place of the Information Meeting;
  - b) a brief summary of the background surrounding the ballot question(s);
  - c) a statement that a full copy of the General Referendum Regulation can be obtained by Members at the Council administration offices;
  - d) a brief summary of the Referendum process;
  - e) the ballot question(s) posed in the Referendum Resolution; and
  - f) the name, telephone number, fax number, and e-mail address of the Chief Referendum Officer.
- 8.3** At the Information Meetings, Council or its designated officials shall explain the background surrounding the ballot question(s) and Members shall have the opportunity to thoroughly discuss and ask questions with regard to the Referendum.

## **9.0 Online Voting Instructions**

- 9.1** Online Voting shall open and close on the dates specified by the Referendum Resolution.
- 9.2** The Chief Referendum Officer shall work with the consultant managing the Online Voting to design the Online Voting credentials.
- 9.3** In order to participate in Online Voting, Eligible Referendum Voters shall be required to provide their:
- a) Certificate of Indian Status registration number, if applicable;
  - b) date of birth;
- 9.4** If an Eligible Referendum Voter does not have a Certificate of Indian Status registration number, they may request an alternate form of identification from the Chief Referendum Officer to facilitate their participation in Online Voting.
- 9.5** The Eligible Referendum Voter shall enter the information described in subsection 9.3 or 9.4 in the Online Voting website or telephone voting service, and once this is complete, shall vote either “Yes” or “No” in response to the ballot question(s) or decline to vote.
- 9.6** At the close of the Online Voting period, the consultant managing the Online Voting shall send a report of the results to the Chief Referendum Officer by electronic mail with no identification as to how an individual Eligible Referendum Voter may have voted.

**9.7** The Chief Referendum Officer shall seal the results in an envelope and deliver the sealed envelope as soon as possible to the Akwesasne Mohawk Police Department for safekeeping until the close of the Referendum period for all voting.

## **10.0 Door-to-Door Voting Procedures**

**10.1** Deputy Referendum Officers conducting Door-to-Door Voting shall utilize the Door-to-Door Voting procedure outlined in the section below.

**10.2** Door-to-Door Voting may take place during the dates specified by the Referendum Resolution in each District and within the Saint Regis Mohawk Tribal reservation lands and other areas where Eligible Referendum Voters can be reached that are approved by the Chief Referendum Officer.

**10.3** An Eligible Referendum Voter who has not completed an electronic ballot may participate in Door-to-Door Voting on the dates specified by the Referendum Resolution in accordance with the Door-to-Door Voting procedures set out in this Regulation.

**10.4** An Eligible Referendum Voter may request a Mohawk Interpreter or Sign Language Interpreter, as needed, to translate the method of voting to the requestor.

**10.5** Where an Eligible Referendum Voter is entitled to vote by Door-to-Door Voting, a Deputy Referendum Officer shall facilitate their voting participation in the Referendum.

**10.6** Prior to explaining the Door-to-Door Voting procedures and providing the Eligible Referendum Voter with their voting credentials, the Referendum Officer shall confirm the identity of the Eligible Referendum Voter and that they have not yet completed an electronic ballot.

**10.7** Each Eligible Referendum Voter voting by Door-to-Door Voting procedures shall sign the sign-in sheet, provide their date of birth or other identifier confirming their identity, and if requested, provide government issued photo identification.

**10.8** Utilizing an internet enabled tablet, the Deputy Referendum Officer will provide access to the Online Voting website for the Eligible Referendum Voter to complete their electronic ballot.

**10.9** An Eligible Referendum Voter who requires assistance may request that a Deputy Referendum Officer assist that Eligible Referendum Voter by entering a response on his or her ballot in the manner directed by the Eligible Referendum Voter, in the presence of a second Deputy Referendum Officer present as a witness.

**10.10** No Eligible Referendum Voter may authorize another person to vote on his or her behalf, except as provided for in subsection 10.9.

## **11.0 Preparation of Referendum Ballots**

- 11.1** The Chief Referendum Officer shall prepare the ballots for In-Home Voting and Referendum Polling Station voting, setting out the ballot question(s) as accepted by the Referendum Resolution.
- 11.2** For greater certainty, the Referendum may contain more than one ballot question.
- 11.3** The ballots shall indicate that the Eligible Referendum Voter is to signify his or her choice by placing a mark within the appropriate “Yes” or “No” box to indicate his or her answer to the ballot question.

## **12.0 In-Home Voting Procedures**

- 12.1** Any Eligible Referendum Voter who meets the criteria in subsection 12.2 or 12.3 may participate in In-Home Voting on the dates specified by the Referendum Resolution.
- 12.2** Any Eligible Referendum Voter who has not participated in Online Voting and is resident in a community care or health facility within a District is eligible to vote in accordance with the In-Home Voting procedures set out in this Regulation.
- 12.3** An Eligible Referendum Voter who has not participated in Online Voting and who does not satisfy the criteria in subsection 12.2 may request to vote in accordance with the In-Home Voting procedures set out in this Regulation if they contact the Chief Referendum Officer at least two (2) days before the commencement of In-Home Voting and provide reasons why they are unable to vote through Online Voting or at one of the Referendum Polling Stations, if applicable.
- 12.4** Upon receipt of the request under subsection 12.2 or 12.3 the Chief Referendum Officer shall, if satisfied as to the reasons provided, notify the Eligible Referendum Voter that they may vote by In-Home Voting procedures.
- 12.5** Upon receipt of the request under subsection 12.3 the Chief Referendum Officer shall, if not satisfied as to the reasons provided, notify the Eligible Referendum Voter that they may not vote by In-Home Voting but that they are entitled to vote at a Referendum Polling Station in accordance with procedures in this Regulation.
- 12.6** Prior to scheduling an appointment for In-Home Voting, the Eligible Referendum Voter making the request shall identify whether they require a Mohawk Interpreter or Sign Language Interpreter to translate the method of voting to the requestor.
- 12.7** Where an Eligible Referendum Voter is entitled to vote by In-Home Voting procedures on instructions from the Chief Referendum Officer, a Referendum Officer shall attend at an Eligible Referendum Voter’s home within a District to facilitate their voting participation in the Referendum.

- 12.8** Prior to explaining In-Home Voting procedures and providing the Eligible Referendum Voter with a ballot the Referendum Officer shall confirm that the Eligible Referendum Voter has not yet cast a ballot at a Referendum Polling Station or voted through Online Voting.
- 12.9** Each Eligible Referendum Voter voting by In-Home Voting procedures shall sign the sign-in sheet, provide their Certificate of Indian Status registration number if applicable, and if requested provide government issued photo identification.
- 12.10** An Eligible Referendum Voter, voting through In-Home Voting procedures, shall be provided with a ballot initialed by the Referendum Officer and an envelope in which the completed ballot can be deposited and sealed.
- 12.11** The Eligible Referendum Voter shall:
- a) immediately proceed to a private area in their home;
  - b) mark the ballot by placing a mark, either “X” or “√”, in the box that clearly indicates the Eligible Referendum Voter’s choice;
  - c) fold the ballot and place it in the envelope provided by the Referendum Officer, seal the envelope; and
  - d) return the sealed envelope to the Referendum Officer to be depositing into a secured container.
- 12.12** An Eligible Referendum Voter who inadvertently spoils his or her ballot may return it to the Referendum Officer in order to obtain a replacement ballot.
- 12.13** Upon the return of a ballot under subsection 12.12, the Referendum Officer shall:
- a) write the word “VOID” on the returned ballot;
  - b) deposit the returned ballot into a secured container; and
  - c) provide the Eligible Referendum Voter with another initialed ballot.
- 12.14** An Eligible Referendum Voter who has received a ballot and subsequently decides not to vote must return the ballot to the Referendum Officer, who shall:
- a) write the word “DECLINED” upon the returned ballot;
  - b) fold the ballot and place it in the envelope provided by the Referendum Officer, seal the envelope; and
  - c) return the sealed envelope to the Referendum Officer to be depositing into a secured container.
- 12.15** An Eligible Referendum Voter who requires assistance may request that a Referendum Officer assist that Eligible Referendum Voter by marking his or her ballot in the manner directed by the Eligible Referendum Voter, in the presence of the Referendum Officer present as a witness.

- 12.16** No Eligible Referendum Voter may authorize another person to vote on his or her behalf, except as provided for in subsection 12.15.
- 12.17** At the close of each day during the In-Home Voting period, the Referendum Officer shall transport the secure container for In-Home Voting ballots to the location designated by the Chief Referendum Officer for safekeeping.
- 12.18** Once at the location identified in subsection 12.17, the Referendum Officer shall deposit the contents of the secured container into a ballot box identified for In-Home Voting.
- 12.19** When the counting procedures as outlined in section 15.0 commence, the ballot box for In-Home Voting shall be opened at the same time and in the same manner as the ballot boxes for the other Referendum Polling Stations.

### **13.0 Referendum Polling Stations**

- 13.1** The Referendum Polling Stations shall remain open on the days specified by the Referendum Resolution and during the hours set out in the notice under subsection 7.1.
- 13.2** The Chief Referendum Officer shall arrange to have at minimum one Referendum Polling Station open in each District during the time the Referendum Polling Stations are open.
- 13.3** The Chief Referendum Officer may arrange to have one Referendum Polling Station open in the Saint Regis Mohawk Tribal reserve lands during the time the Referendum Polling Stations are open.
- 13.4** The Chief Referendum Officer shall:
- a) approve each Referendum Polling Station within a Designated Voting Premises;
  - b) clearly mark the Designated Voting Premises;
  - c) designate the appropriate number of Deputy Referendum Officers for each Referendum Polling Station; and
  - d) ensure that there is no activity within the Designated Voting Premises, other than the scheduled Referendum voting.
- 13.5** The Chief Referendum Officer shall, before the Referendum Polling Station is opened, supply each Deputy Referendum Officer with:
- a) a sufficient number of ballots which shall be counted and logged by the Deputy Referendum Officer;
  - b) an electronic copy of the Referendum Voters List, indicating which Eligible Referendum Voters have participated in Online Voting;
  - c) necessary materials for marking ballots;
  - d) a sufficient number of directions for voting as is deemed necessary for that Referendum Polling Station;

- e) a sign-in sheet for Eligible Referendum Voters receiving ballots; and
- f) a sufficient number of ballot boxes.

**13.6** The Chief Referendum Officer shall ensure that a compartment be provided at each Referendum Polling Station within which a Eligible Referendum Voter can mark his or her ballot free from observation.

**13.7** The Chief Referendum Officer shall arrange to have an appropriate number of Referendum Security Personnel at each Referendum Polling Station to:

- a) maintain peace and order at the Referendum Polling Station and Designated Voting Premises;
- b) keep a written log, which will be submitted to the Chief Referendum Officer at the end of the day, of any notable events occurring during the performance of his or her duties; and
- c) remove any person from the Referendum Polling Station or Designated Voting Premises, as necessary, in order to maintain peace and order.

## **14.0 Referendum Polling Station Voting Procedures**

**14.1** The Deputy Referendum Officers shall, immediately before the commencement of each Referendum Polling Station:

- a) open two (2) ballot boxes and in the presence of any Referendum Security Personnel and Eligible Referendum Voters present, confirm that the ballot boxes are empty, and complete a written statement to that effect (Attachment “B”);
- b) lock and properly seal the ballot boxes in a manner to prevent it from being opened without breaking the seal; and
- c) place the ballot boxes in public view for Eligible Referendum Voters to deposit their ballot.

**14.2** The Deputy Referendum Officers shall ensure that the seal is not tampered with and that the ballot boxes remain locked, until the close of voting and counting of the ballots.

**14.3** An Eligible Referendum Voter who has not previously voted through Online Voting or In-Home Voting shall be entitled to vote only once, at not more than one Referendum Polling Station during the Referendum period.

**14.4** An Eligible Referendum Voter may only attend at a Referendum Polling Station during the hours of voting, for the purpose of voting.

**14.5** Each Eligible Referendum Voter attending at a Referendum Polling Station for the purpose of voting shall sign the sign-in sheet, provide their Certificate of Indian Status registration number if applicable, and if requested provide government issued photo identification.



- 14.6** Where an Eligible Referendum Voter complies with subsection 14.5, the Deputy Referendum Officer shall:
- a) verify the Eligible Referendum Voter's name as set out in the Referendum Voters List;
  - b) determine the Eligible Referendum Voter is not impaired by alcohol or drugs;
  - c) confirm that the Eligible Referendum Voter has not voted through either Online Voting or In-Home Voting; and
  - d) provide the Eligible Referendum Voter with a ballot initialed by the Deputy Referendum Officer.
- 14.7** When requested to do so, the Deputy Referendum Officer shall explain the method of voting to an Eligible Referendum Voter.
- 14.8** Where a Referendum Officer is not fluent in the Mohawk language or sign language, and translation services are required, the Referendum Officer shall summon a Mohawk Interpreter or Sign Language Interpreter, as the case may be, to translate the method of voting to an Eligible Referendum Voter.
- 14.9** The Deputy Referendum Officer shall indicate on the Referendum Voters List the name of every Eligible Referendum Voter receiving a ballot.
- 14.10** Upon receiving the ballot, each Eligible Referendum Voter shall:
- a) immediately proceed to the voting compartment;
  - b) mark the ballot by placing a mark, either "X" or "√", in the box that clearly indicates the Eligible Referendum Voter's choice;
  - c) fold the ballot in a manner that conceals his or her choice, but exposes the initials of the Deputy Referendum Officer; and
  - d) without unfolding the ballot paper, have the Deputy Referendum Officer verify the Deputy Referendum Officer's initials and at once deposit the ballot into the ballot box in the presence of the Referendum Security Personnel and other persons entitled to be present in the Referendum Polling Station.
- 14.11** Any Eligible Referendum Voter who requires assistance may request that a Deputy Referendum Officer assist that Eligible Referendum Voter by marking his or her ballot in the manner directed by the Eligible Referendum Voter, in the presence of any other person chosen by the Eligible Referendum Voter, as a witness.
- 14.12** No Eligible Referendum Voter may authorize another person to vote on his or her behalf, except as provided for in subsection 14.11.
- 14.13** The Deputy Referendum Officer shall note on the sign-in sheet, in the column provided, that assistance was provided to an Eligible Referendum Voter pursuant to subsection 14.8 or 14.11, if applicable, and shall note the reasons.

- 14.14** An Eligible Referendum Voter who inadvertently spoils his or her ballot may return it to the Deputy Referendum Officer in order to obtain a replacement ballot and the Deputy Referendum Officer shall write the word “VOID” upon the returned ballot, deposit it into the ballot box and provide the Eligible Referendum Voter with another initialed ballot.
- 14.15** An Eligible Referendum Voter who has received a ballot and subsequently decides not to vote must return the ballot to the Deputy Referendum Officer who shall write the word “DECLINED” upon it and deposit it into the ballot box.
- 14.16** An Eligible Referendum Voter forfeits his or her right to vote if, after being provided a ballot by the Deputy Referendum Officer, that person leaves the Referendum Polling Station without delivering the ballot to the Deputy Referendum Officer for deposit into the ballot box.
- 14.17** On the days of the Referendum Polling Station vote, no person shall distribute any printed materials at the Designated Voting Premises except such materials as may be distributed by the Deputy Referendum Officer for the purpose of conducting the Referendum.
- 14.18** No one is permitted to be within the Designated Voting Premises or the Referendum Polling Station during the hours set for voting, save and except for the:
- a) Referendum Officers;
  - b) Referendum Security Personnel;
  - c) Mohawk Interpreters, as needed;
  - d) Sign Language Interpreters, as needed;
  - e) Eligible Referendum Voters present for the purpose of voting;
  - f) persons assisting Eligible Referendum Voters pursuant to subsection 14.8 and 14.11; and
  - g) other persons whom the Chief Referendum Officer deems necessary to conduct the Referendum according to this Regulation.
- 14.19** A Referendum Officer may request the Referendum Security Personnel to remove any person from the Referendum Polling Station who is in violation of subsection 14.17 or 14.18.
- 14.20** An Eligible Referendum Voter who is present in the Referendum Polling Station at the designated closing time shall be entitled to vote.
- 14.21** The Referendum Officer shall close polls at the time specified in the notice provided under subsection 7.1(f).
- 14.22** At the close of the last day for voting during the Referendum period, Referendum Officers shall transport the unopened, sealed ballot boxes to the designated facility to commence counting procedures as outlined in section 14.0.

## **15.0 Counting Procedures**

- 15.1** The counting of ballots shall take place beginning after the Referendum Polling Stations close and the Referendum Officers transport the ballot boxes to the designated facility as identified by the Chief Referendum Officer on the date identified by the Referendum Resolution.
- 15.2** Prior to the counting of the ballots, the Chief Referendum Officer shall have the sealed ballot boxes and the sealed envelope with the Online Voting results transported to the designated facility for the counting of the ballots.
- 15.3** Members shall be entitled to be present at the designated facility for the counting of the ballots and receipt of the Online Voting results report, provided there is compliance to the capacity limit of the building.
- 15.4** The Chief Referendum Officer may request Referendum Security Personnel to remove any person from the designated facility who causes a disturbance or is disrupting the counting of the ballots.
- 15.5** At the beginning of the counting of ballots, if applicable, the Chief Referendum Officer shall:
- a) open the sealed envelope with the results of the Online Voting;
  - b) announce the results to Members present; and
  - c) record the results of the Online Voting on the ballot tally sheet attached in Attachment “D”.
- 15.6** After opening the Online Voting results, the Chief Referendum Officer shall open the sealed envelopes containing In-Home Voting ballots pursuant to subsection 12.18, and without opening the ballots, place them in one of the ballot boxes from a Referendum Polling Station;
- 15.7** The Deputy Referendum Officers, in the presence of the Referendum Security Personnel and any Member present, shall open the ballot boxes, examine the ballots and mark the word “REJECTED” on all the ballots:
- a) that have not been initialed by a Chief Referendum Officer or Deputy Referendum Officer;
  - b) that are marked in such a way that the Referendum voter’s choice cannot clearly be determined;
  - c) that contain any marks made by the Referendum voter by which the Referendum voter can be identified;
  - d) that contain more than the number of responses they are allowed to answer the ballot question(s); or
  - e) that contain marks other than a mark within the appropriate “Yes” or “No” box.

- 15.8** In the event of a ballot being declared “REJECTED” the Deputy Referendum Officer shall note, on the form set out as Attachment “C” attached to this Regulation, the reason(s) for each rejection.
- 15.9** Should a Member present during counting of the ballots, object to an acceptance or rejection of any ballot in the ballot boxes, the objection shall be ruled upon by the Chief Referendum Officer.
- 15.10** The Chief Referendum Officer’s decision under subsection 15.9 can be appealed in writing to the Akwesasne Mohawk Court after completion of the counting of the ballots.
- 15.11** The Deputy Referendum Officer shall take note of any objection by numbering the objection on the form provided by the Chief Referendum Officer, and place a corresponding number on the back of the ballot paper with the word “ALLOWED” or “DISALLOWED”, as the case may be, with his or her initial.
- 15.12** The objected ballot, and the decision under subsection 15.9, shall be kept by the Chief Referendum Officer as evidence until the expiration of the appeal period for matters in this Regulation.
- 15.13** In the presence of the Member(s) present and Referendum Security Personnel, the Deputy Referendum Officer shall count the response for each ballot that has not been:
- a) marked “VOID” under subsections 14.14 or 12.12;
  - b) marked “DECLINED” under subsections 14.15 or 12.14;
  - c) marked “REJECTED” under subsection 15.7; or
  - d) marked “DISALLOWED” under subsection 15.11.
- 15.14** At the conclusion of the ballot count, the Deputy Referendum Officer’s shall:
- a) complete and sign a ballot tally sheet on the form Attachment “D”, recording:
    - i. the number of valid “Yes” votes,
    - ii. the number of valid “No” votes,
    - iii. the number of “VOID” ballots,
    - iv. the number of “DECLINED” ballots,
    - v. the number of “REJECTED” ballots, and
    - vi. the number of “DISALLOWED” ballots; and
  - b) deliver a copy of the signed ballot tally sheet witnessed by the Referendum Security Personnel to the Chief Referendum Officer.
- 15.15** The Referendum Security Personnel, present during the counting procedure, shall sign the ballot tally sheet, as a witness for the ballot counting results.

**15.16** Immediately after the completion of the counting of the ballots, the Chief Referendum Officer shall:

- a) publicly announce unofficial results of the Referendum for the local media; and
- b) deliver a copy of the signed ballot tally sheets to Council.

## **16.0 Official Statements**

**16.1** Within three (3) days after completion of the ballot counting, the Chief Referendum Officer shall prepare in triplicate a statement showing:

- a) the number of Eligible Referendum Voters who voted;
- b) the number of “VOID” ballots;
- c) the number of “DECLINED” ballots;
- d) the number of “REJECTED” ballots;
- e) the number of “DISALLOWED” ballots;
- f) the total number of Eligible Referendum Voters who cast valid ballots;
- g) the total number of valid “Yes” votes; and
- h) the total number of valid “No” votes.

**16.2** The Chief Referendum Officer shall forward the statement under subsection 16.1 to Council and keep one of the originals for the file.

**16.3** The statement of results by the Chief Referendum Officer shall be final results of the Referendum upon the expiration of the appeal period set out in section 18.0, in the event that no appeal is filed.

**16.4** In the event that an appeal is filed, the result of the Referendum shall be as determined by the Akwesasne Mohawk Court’s decision on the appeal.

**16.5** Upon the expiration of the appeal period in section 18.0, or in the event of an appeal, upon a decision by the Akwesasne Mohawk Court on the appeal, the results of the Referendum shall be final and Council shall acknowledge the final result of the Referendum by Resolution.

## **17.0 Disposal of Ballot Papers**

**17.1** The Chief Referendum Officer shall deposit all ballots that were prepared for the Referendum which remain in his or her custody and associated statements with the Akwesasne Justice Department.

**17.2** The Akwesasne Justice Department shall retain in its office all ballots received under subsection 17.1 for a minimum of three (3) weeks, or until a decision on an appeal is rendered, whichever date is later.

**17.3** After the period prescribed in subsection 17.2 has expired, the Chief Referendum Officer shall, unless otherwise directed by Council, destroy the ballot papers.

## **18.0 Appeals**

**18.1** Any Eligible Referendum Voter may appeal the Referendum results by filing an appeal and paying the prescribed fee at the Akwesasne Mohawk Court no later than 5:00 pm EST five (5) days after the results of the Referendum are publicly released.

**18.2** The appeal shall be in writing to the attention of the Akwesasne Mohawk Court Administrator requesting that the result of the Referendum be declared invalid.

**18.3** The appeal shall be based on at least one of the following grounds:

- a) that there was corrupt or fraudulent practice in connection with the Referendum; or
- b) that there was a violation of any part of the Regulation that might have affected the results of the Referendum.

**18.4** Every appeal shall also set out, in an affidavit sworn before a Commissioner for taking Oaths, the facts substantiating the grounds alleged for declaring the Referendum result invalid and shall be accompanied by any documents relied on to support the appeal.

**18.5** Upon receipt of the appeal, the Akwesasne Mohawk Court Administrator shall deliver a copy of the appeal and documents received to the Chief Referendum Officer.

**18.6** The Akwesasne Mohawk Court Administrator shall provide written confirmation to the appellant that the appeal has been received.

**18.7** The Chief Referendum Officer may, within five (5) days of receiving the copy of the appeal and related documents, file a written reply and related documents with the Akwesasne Mohawk Court Administrator.

**18.8** The Akwesasne Mohawk Court Administrator shall provide a copy of the written reply and related documents filed under subsection 18.7 to the appellant who shall have three (3) days from the receipt of the reply to file a written response with the Akwesasne Mohawk Court Administrator.

## **19.0 Procedure on Appeals**

**19.1** Except as outlined in these Regulations, the Akwesasne Mohawk Court Justice shall follow the procedures of the Akwesasne Mohawk Court.

**19.2** Following the three (3) day response period in which the appellant may provide his or her response, the Court Administrator shall immediately submit the appeal, the reply, the response, if any, and all supporting documents filed in accordance with section 17.0 to an Akwesasne Mohawk Court Justice for review.

- 19.3** The Akwesasne Mohawk Court Justice shall review the appeal, the reply, the response, if any, and all supporting documents submitted under section 17.0 within five (5) days of receipt from the Court Administrator to determine if the appeal meets the threshold to proceed to a full hearing.
- 19.4** A full hearing shall be convened if the appeal documents can show, based on a balance of probabilities, that a demonstrated corrupt or fraudulent practice or a demonstrated violation of these Regulations could have materially altered the outcome of Referendum.
- 19.5** The full hearing shall be held within ten (10) days of determination to proceed to a full hearing made under subsection 19.3.
- 19.6** The parties will be required to submit their list of witnesses and “will say” statements to the Akwesasne Mohawk Court Administrator at least five (5) days before the scheduled date of the full hearing.
- 19.7** Any further written documents by either party must be submitted in writing to the Akwesasne Mohawk Court Administrator at least five (5) days before the scheduled date of the full hearing.
- 19.8** Where the Akwesasne Mohawk Court Justice is satisfied that an appeal does not meet the threshold in subsection 18.4, the appeal shall be dismissed and the Referendum results confirmed in accordance with subsection 18.10(a).
- 19.9** The result of the Referendum shall not be declared invalid by reason only of any irregularity or non-compliance with this Regulation or any mistake in the use of form, if it appears to the Akwesasne Mohawk Court Justice that the Referendum was conducted in good faith, unless the non-compliance, irregularity or mistake materially affected the result of the Referendum.
- 19.10** The Akwesasne Mohawk Court Justice shall as soon as possible after considering the appeal, related documents and any reply or responses filed, or after a full hearing, provide a written decision with reasons:
- a) confirming the result of the Referendum; or
  - b) declaring the Referendum results invalid and ordering another Referendum to be held within a specified time period.
- 19.11** The Akwesasne Mohawk Court Administrator shall give the person filing the appeal, and the Chief Referendum Officer a copy of the decision and shall publish a copy of the decision in a community newspaper with circulation throughout the Districts.
- 19.12** The decision of the Akwesasne Mohawk Court on an appeal is final.

## **20.0 Amendments to this Regulation**

- 20.1** Any member of Council may make a motion to amend this Regulation.

- 20.2** Notice of the proposed amendment shall be given to Council at least one week prior to the vote for the proposed amendment.
- 20.3** The Council shall consider the proposed amendment at a duly convened meeting and shall conduct a vote in accordance with the Mohawk Council of Akwesasne Procedure Regulations.
- 20.4** No changes to this Regulation shall be made after a Referendum date has been set by a Referendum Resolution.



General Referendum  
OATH OF APPOINTMENT  
for the Chief Referendum Officer

I, \_\_\_\_\_, hereby accept my appointment to the position of Chief Referendum Officer for the General Referendum and agree to maintain confidentiality during my term.

1. In the capacity of Chief Referendum Officer I will do my utmost to serve the Members of Akwesasne with impartiality, integrity, and honesty.
2. In the performance of my duties, I will adhere to the provisions of the General Referendum Regulation.
3. I solemnly swear/affirm that I will diligently perform my duties as required by the Regulation and my actions will not bring disgrace to this position or to the community of Akwesasne.

SWORN/AFFIRMED BEFORE ME

At \_\_\_\_\_

on this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Justice of the Mohawk Court, Commissioner  
for Oaths, or Notary Public

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Position

General Referendum  
OATH OF APPOINTMENT  
for the Deputy Referendum Officer

I, \_\_\_\_\_, hereby accept my appointment to the position of Deputy Referendum Officer for the General Referendum and agree to maintain confidentiality during my term.

1. In the capacity of Deputy Referendum Officer I will do my utmost to serve the Members of Akwesasne with impartiality, integrity, and honesty.
2. In the performance of my duties, I will adhere to the provisions of the General Referendum Regulation.
3. I solemnly swear/affirm that I will diligently perform my duties as required by the Regulation and my actions will not bring disgrace to this position or to the community of Akwesasne.

SWORN/AFFIRMED BEFORE ME

At \_\_\_\_\_

on this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Justice of the Mohawk Court, Commissioner  
for Oaths, or Notary Public

\_\_\_\_\_  
Position

General Referendum  
OATH OF APPOINTMENT  
for the Referendum Security Personnel

I, \_\_\_\_\_, hereby accept my appointment to the position of Referendum Security Personnel for the General Referendum and agree to maintain confidentiality during my term.

1. In the capacity of Referendum Security Personnel I will do my utmost to serve the Members of Akwesasne with impartiality, integrity, and honesty.
2. In the performance of my duties, I will adhere to the provisions of the General Referendum Regulation.
3. I solemnly swear/affirm that I will diligently perform my duties as required by the Regulation and my actions will not bring disgrace to this position or to the community of Akwesasne.

SWORN/AFFIRMED BEFORE ME

At \_\_\_\_\_

on this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

Signature

\_\_\_\_\_  
Justice of the Mohawk Court, Commissioner  
for Oaths, or Notary Public

\_\_\_\_\_

Position

General Referendum  
OATH OF APPOINTMENT  
for the Mohawk Interpreter

I, \_\_\_\_\_, hereby accept my appointment to the position of Mohawk Interpreter for the General Referendum and agree to maintain confidentiality during my term.

1. In the capacity of Mohawk Interpreter I will do my utmost to serve the Members of Akwesasne with impartiality, integrity, and honesty.
2. In the performance of my duties, I will adhere to the provisions of the General Referendum Regulation.
3. I solemnly swear/affirm that I will diligently perform my duties as required by the Regulation and my actions will not bring disgrace to this position or to the community of Akwesasne.

SWORN/AFFIRMED BEFORE ME

At \_\_\_\_\_

on this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Justice of the Mohawk Court, Commissioner  
for Oaths, or Notary Public

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Position

General Referendum  
OATH OF APPOINTMENT  
for the Sign Language Interpreter

I, \_\_\_\_\_, hereby accept my appointment to the position of Sign Language Interpreter for the General Referendum and agree to maintain confidentiality during my term.

1. In the capacity of Sign Language Interpreter I will do my utmost to serve the Members of Akwesasne with impartiality, integrity, and honesty.
2. In the performance of my duties, I will adhere to the provisions of the General Referendum Regulation.
3. I solemnly swear/affirm that I will diligently perform my duties as required by the Regulation and my actions will not bring disgrace to this position or to the community of Akwesasne.

SWORN/AFFIRMED BEFORE ME

At \_\_\_\_\_

on this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Justice of the Mohawk Court, Commissioner  
for Oaths, or Notary Public

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Position

**Witness Attestation of Empty Ballot Boxes**

I, \_\_\_\_\_, hereby declare that at the commencement of the polling the ballot box was inspected and determined to be empty pursuant to the General Referendum Regulations subsection 12.1a.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

**General Referendum  
Record of Ballot Rejections**

Deputy Referendum Officer: \_\_\_\_\_

Rejection Number*	Reason for Rejection

\*The rejection number MUST be written on the corresponding rejected ballot.

**General Referendum  
Ballot Tally Sheet**

	Online Voting	Referendum Polling Station voting	In-Home Voting	Total
“Yes”				
“No”				
“DECLINED”				
“VOID”				
“REJECTED”				
“DISALLOWED”				
Total				

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness