



Seaway Claim Referendum Regulation

As approved by

Mohawk Council Resolution # _____

Dated

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Preamble

The Government of Canada and the Mohawks of Akwesasne, as represented by its Council, have negotiated terms of settlement of the Seaway Claim of the Mohawks of Akwesasne, as contained in a Settlement Agreement, hereinafter defined;

The Mohawks of Akwesasne must vote to accept or reject the Settlement Agreement in a referendum;

Now, therefore, the Mohawk Council of Akwesasne hereby adopts the Seaway Claim Referendum Regulation, as follows:

1.0 Title

1.1 This Regulation shall be known as the Seaway Claim Referendum Regulation.

2.0 Definitions

2.1 In this Regulation:

“**Ballot Question**” means the question asked of Eligible Referendum Voters in the Referendum set out in the Referendum Resolution, which shall be inserted in this Regulation as Attachment “A”;

“**Chief Referendum Officer**” means the person appointed by the Executive Director 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 a person appointed by the Executive Director to assist the Chief Referendum Officer 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) Kawehnoke (Cornwall Island) and any island within the territory of Akwesasne in Ontario,
- b) Kana:takon (St. Regis Village) and Enskatsikahwenote (St. Regis Island), or
- c) Tsi Snaihne (Chenail/Snye) and any island within the territory of Akwesasne in Quebec, except St. Regis Island;

“**Eligible Referendum Voter**” means a person who is a Member who is or will be at least eighteen (18) years of age by the date on which the Referendum closes, and is included on the

Referendum Voters List;

“Executive Director” means the person holding the principal non-political management position for Council;

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

“Majority” means fifty percent plus one (50%+1);

“Member” means a person who is enrolled on the Akwesasne Membership Roll in accordance with the *Akwesasne Membership Code* and who is not a Probationary Member under such Code;

“Mohawk Interpreter” means a person who is fluent in the Mohawk language and able to translate between English and Mohawk;

“Online Voting” means a procedure which allows Eligible Referendum Voters to cast their votes in the Referendum by utilizing a secure internet website;

“Referendum” means the referendum conducted under this Regulation;

“Referendum Appeal Administrator” means the person appointed by the Executive Director who is responsible for administering any appeal of the result of the Referendum under this Regulation;

“Referendum Appeal Adjudicator” means the person designated to adjudicate any Referendum appeal in accordance with this Regulation;

“Referendum Officer” means the Chief Referendum Officer and the Deputy Referendum Officers;

“Referendum Polling Station” means the area or areas designated by the Chief Referendum Officer for voting in the Referendum;

“Referendum Resolution” means a Resolution made under section 4.1 of this Regulation;

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

“Referendum Voters List” means the alphabetical list of Eligible Referendum Voters prepared pursuant to article 6.0;

“Regulation” means this Seaway Claim Referendum Regulation;

“Resolution” means a resolution formally adopted by the Council pursuant to its governing authority;

“Settlement Agreement” means the Seaway Claim Settlement Agreement between the Mohawks of Akwesasne, Her Majesty the Queen in Right of Canada, the Federal Bridge Corporation Limited, and the Seaway International Bridge Corporation which has been initialed by the negotiators of the said parties.

3.0 Interpretation

- 3.1 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, MCA declared holidays, or the day of an event are not included in the calculation of the number of days for completing an act or meeting a deadline; and
 - 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.
- 3.2 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.
- 3.3 If inclement weather prohibits carrying out of an act under this Regulation, the act may be done on the next available day.

4.0 Calling for a Referendum

- 4.1 Council shall pass a Resolution with respect to the Referendum containing the following information:
- a) the Ballot Question;
 - b) the dates and times for opening and closing of Online Voting;
 - c) the dates and times for opening and closing of Referendum Polling Station voting, provided the opening date must be after the closing date of all Online Voting;
 - d) the date and the time the Referendum shall close;
 - e) the date and the time when the Online Voting result will be announced, and the counting of the ballots cast at Referendum Polling Stations will commence, at the St. Regis Recreation Center;
 - f) the name of the Referendum Appeal Adjudicator; and
 - g) a direction to the Executive Director to initiate the Referendum process in accordance with this Regulation.
- 4.2 A person is eligible to vote in the Referendum if that person is an Eligible Referendum Voter.
- 4.3 Voting in the Referendum shall be by:
- a) Online Voting, or
 - b) Voting at a Referendum Polling Station in accordance with this Regulation.
- 4.4 The Ballot Question shall be considered approved if a Majority of votes cast in the Referendum are a “Yes” vote to the Ballot Question.
- 4.5 In the event of an equal number of “Yes” and “No” votes, the Chief Referendum Officer will break the tie.
- 4.6 Ballots that have been marked “VOID”, “DECLINED”, “REJECTED” or “DISALLOWED”

under this Regulation shall not be taken into account for the purposes of sections 4.4 and 4.5.

5.0 Appointment of Referendum Officers and Referendum Security Personnel

- 5.1 Upon receipt of the Referendum Resolution passed under section 4.1, the Executive Director shall immediately appoint the person designated as Chief Electoral Officer under the *Akwesasne Election Law* as the Chief Referendum Officer and shall appoint the Referendum Appeal Administrator.
- 5.2 The Chief Referendum Officer shall recommend to the Executive Director the number of Deputy Referendum Officers and Referendum Security Personnel required.
- 5.3 To qualify for appointment as a Deputy Referendum Officer or Referendum Security Personnel, 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 Court; and
 - c) not be a sitting member of the Akwesasne Review Commission.
- 5.4 The Executive Director shall appoint qualified Deputy Referendum Officers and Referendum Security Personnel to administer the procedures for the Referendum.
- 5.5 The Referendum Officers and Referendum Security Personnel shall swear or affirm and sign an Oath or Affirmation of Office on the appropriate form as set out in Attachment “B”, attached to this Regulation, before a Justice of the Peace, Notary Public, or duly appointed Commissioner of Oaths.
- 5.6 Each Referendum Officer and Referendum Security Personnel shall file the sworn or affirmed Oath of Office with the Executive Director before assuming his or her duties.
- 5.7 If a Referendum Officer or a Referendum Security Personnel has not filed a sworn or affirmed Oath of Office with the Executive Director within seven (7) days of his or her appointment, the Executive Director shall revoke the appointment.
- 5.8 The Executive Director’s role will be to provide the Referendum Officers and Referendum Security Personnel with support, assistance, and guidance in the administration of the Referendum.
- 5.9 The Executive Director may make such orders and issue such instructions, consistent with the provisions of this Regulation, as necessary for the effective administration of the Referendum.
- 5.10 The Executive Director may remove from office any Deputy Referendum Officer or Referendum Security Personnel who has failed to discharge his or her duties under this Regulation.
- 5.11 If the Chief Referendum Officer resigns, or is unable to serve, or is removed from office, the Executive Director shall appoint a Chief Referendum Officer from among the active Deputy Referendum Officers.
- 5.12 Where a Deputy Referendum Officer or Referendum Security Personnel resigns, or is unable to serve, or is removed from office, the Executive Director may appoint a replacement who meets the qualifications in section 5.3.

6.0 Referendum Voters List

- 6.1 Within ten (10) days of receiving the appointment as set out in section 5.1, the Chief Referendum Officer shall obtain the names, registry numbers if applicable, and dates of birth of all Eligible Referendum Voters from the Office of Vital Statistics.
- 6.2 The Manager of the Office of Vital Statistics shall provide the Chief Referendum Officer with the names of Eligible Referendum Voters and other information required.
- 6.3 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; and
 - c) the date of birth of each Eligible Referendum Voter, if the Eligible Referendum Voter does not have a Certificate of Indian Status registration number.
- 6.4 The Chief Referendum Officer shall cause the Referendum Voters List to be posted in one or more conspicuous areas in each District at least ten (10) days before the first day of voting set by the Referendum Resolution.
- 6.5 The Referendum Voters List posted pursuant to section 6.4 shall not contain the information set out in paragraphs 6.3(b) and (c).
- 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 Regulation, 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 prior to the deadline identified in section 6.16.
- 6.8 Upon receiving a request under section 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 section 6.7 of his or her determination as soon as possible after the decision and in all cases prior to the deadline identified in section 6.16.
- 6.10 After the completion of the process in sections 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 Prior to the posting of the final Referendum Voters List pursuant to section 6.16, a Member may submit a request in writing to the Chief Referendum Officer to review an individual's eligibility to vote, if they have reasonable grounds to believe that an individual listed on the Referendum Voters List does not meet the criteria of an Eligible Referendum Voter set out in this Regulation.
- 6.12 After a written request is received in accordance with section 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 section 6.12 is not eligible to vote, their name shall be 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.

- 6.14 Members are responsible for updating their current address with the Office of Vital Statistics.
- 6.15 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.
- 6.16 Five (5) 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.
- 6.17 The final Referendum Voters List prepared by the Chief Referendum Officer mentioned in section 6.16 is the official record of all the names of Eligible Referendum Voters who can vote in the Referendum.
- 6.18 Any person whose name does not appear on the Referendum Voters List by the date set out in section 6.16 is not eligible to vote in the Referendum.

7.0 Notice of the Referendum

7.1 At least fifteen (15) days before the first day of voting set in the Referendum Resolution, the Chief Referendum Officer shall provide notice of the upcoming Referendum to Members by posting a notice in public places within each District and on the Mohawk Council of Akwesasne website as well as publishing a notice in a community newspaper with circulation throughout the Districts. The notice shall contain the following information:

- a) a summary of the background surrounding the Settlement Agreement;
- b) a summary of the Referendum process;
- c) notification that a full copy of this Regulation and the Settlement Agreement can be obtained by Members at the Mohawk Council of Akwesasne Administration Building 1;
- d) the Ballot Question;
- e) a statement of who is eligible to vote in the Referendum;
- f) the dates and times for opening and closing of Online Voting;
- g) how to obtain instructions for Online Voting;
- h) the dates and times for opening and closing of Referendum Polling Station voting;
- i) the location of the Referendum Polling Stations;
- j) a statement that a Member must be on the Referendum Voters List to vote in the Referendum;
- k) where a copy of the Referendum Voters List can be examined;
- l) the deadline for contacting the Chief Referendum Officer to add their name to the Referendum Voters List if it is not included;
- m) the name, telephone number, fax number and e-mail address of the Chief Referendum Officer;
- n) the date the Referendum shall close;
- o) the date the results of the Referendum are released and 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 prior to the first day of voting.
- 8.2 At least five (5) days before any Information Meeting is held pursuant to section 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 the Districts. The dated notice shall contain the following information:
- a) the date, time, and virtual or physical location of the Information Meeting;
 - b) a summary of the background surrounding the Settlement Agreement and the Ballot Question;
 - c) a statement that a full copy of this Regulation and the Settlement Agreement can be obtained by Members at the Mohawk Council of Akwesasne Administration Building 1;
 - d) a summary of the Referendum process;
 - e) the Ballot Question; 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 procedure of the Referendum, the Settlement Agreement and the Ballot Question, and Members shall have the opportunity to thoroughly discuss and ask questions and to express their views regarding the Settlement Agreement and the Referendum.

9.0 Choice of Voting Method

- 9.1 An Eligible Referendum Voter may cast a single vote, either by means of Online Voting or by voting in-person at one single Referendum Polling Station.
- 9.2 The Chief Referendum Officer, in collaboration with the consultant managing the Online Voting, will take all necessary steps to ensure that no Eligible Referendum Voter casts more than one vote.

10.0 Online Voting

- 10.1 Online Voting shall open and close on the dates specified in the Referendum Resolution.
- 10.2 The Chief Referendum Officer shall work with the consultant managing the Online Voting to design the Online Voting credentials.
- 10.3 To participate in Online Voting, Eligible Referendum Voters shall be required to provide their name as registered under the *Akwesasne Membership Code* and their date of birth or such online voting credentials as may be required by the Chief Referendum Officer.
- 10.4 The Eligible Referendum Voter shall enter the information described in section 10.3 in order to login to the Online Voting website and, once this is complete, shall vote either “Yes” or “No” in response to the ballot question or decline to vote. By declining to vote after providing the information described in section 10.3, an Eligible Referendum Voter shall be deemed to have cast

a ballot marked “DECLINED”.

- 10.5 Once an Eligible Referendum Voter has voted online, an indication that they have done so will be made on the Referendum Voters List so that they will not be able to vote again at a Referendum Polling Station.
- 10.6 At the close of the Online Voting, the consultant managing the Online Voting shall send a report of the overall results of Online Voting to the Chief Referendum Officer by electronic mail with no identification as to how any individual Eligible Referendum Voter may have voted.
- 10.7 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 Service for safekeeping until all voting in the Referendum has terminated.
- 10.8 The envelope containing the results of Online Voting shall be opened and the results announced when the ballots cast through Referendum Polling Station voting are counted.

11.0 Preparation of Referendum Ballots

- 11.1 The Chief Referendum Officer shall prepare the ballots for Referendum Polling Station voting setting out the Ballot Question.
- 11.2 The Chief Referendum Officer shall prepare two (2) ballot boxes at each Referendum Polling Station.
- 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 question.

12.0 Referendum Polling Stations

- 12.1 The Referendum Polling Stations shall remain open on the days and times specified by the Referendum Resolution.
- 12.2 The Chief Referendum Officer shall arrange to have at least one Referendum Polling Station open in each District and one Referendum Polling Station open within the jurisdiction of the Saint Regis Mohawk Tribe during the times the Referendum Polling Stations are open.
- 12.3 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.
- 12.4 The Chief Referendum Officer shall, before the Referendum Polling Station is opened, supply each Deputy Referendum Officer with:
 - a) enough 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.
- 12.5 The Chief Referendum Officer shall ensure that a compartment be provided at each Referendum Polling Station within which an Eligible Referendum Voter can mark his or her ballot free from observation except as provided for under section 13.10.
- 12.6 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;
 - c) remove any person from the Referendum Polling Station or Designated Voting Premises, as necessary, to maintain peace and order; and
 - d) ensure that within 300 feet of each Referendum Polling Station, no person shall be allowed to take any action to influence the voting of Eligible Referendum Voters.

13.0 Referendum Polling Station Voting Procedures

- 13.1 The Deputy Referendum Officers shall, immediately before the commencement of voting at each Referendum Polling Station:
- a) open the 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 “C”);
 - b) lock and properly seal each ballot box in a manner to prevent it from being opened without breaking the seal; and
 - c) place the ballot boxes in public view.
- 13.2 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.
- 13.3 An Eligible Referendum Voter shall be entitled to vote only once during the Referendum period, and if voting in-person rather than online, their vote may only be cast at one single Referendum Polling Station, and they may only attend at a Referendum Polling Station during the hours of voting, to vote. To ensure compliance, the Chief Referendum Officer shall arrange for real time internet communication between all Referendum Polling Stations so that once an Eligible Referendum Voter has voted, this fact will be immediately communicated to the Referendum Officers at all Referendum Polling Stations.
- 13.4 Each Eligible Referendum Voter attending a Referendum Polling Station to vote shall sign the sign-in sheet, provide their Certificate of Indian Status registration number if applicable, and if

requested provide government-issued photo identification.

- 13.5 Where an Eligible Referendum Voter complies with section 13.4, the Deputy Referendum Officer shall:
- a) verify the Eligible Referendum Voter's name as set out in the Referendum Voters List;
 - b) determine that the Eligible Referendum Voter is not impaired by alcohol or drugs; and
 - c) provide the Eligible Referendum Voter with a ballot initialed by the Deputy Referendum Officer.
- 13.6 When requested to do so, the Deputy Referendum Officer shall explain the method of voting to an Eligible Referendum Voter.
- 13.7 Where a Deputy Referendum Officer is not fluent in the Mohawk language and translation services are required, the Referendum Officer shall summon a Mohawk Interpreter to translate the method of voting to an Eligible Referendum Voter.
- 13.8 The Deputy Referendum Officer shall indicate on the Referendum Voters List the name of every Eligible Referendum Voter receiving a ballot.
- 13.9 Upon receiving the ballot, each Eligible Referendum Voter shall:
- a) immediately proceed to the voting compartment;
 - b) mark the ballot by placing a "X", check mark, or other mark under the word "YES" or "NO", within the appropriate box clearly indicating 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.
- 13.10 Notwithstanding section 12.5, 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.
- 13.11 Except as provided for in section 13.10, no Eligible Referendum Voter may authorize another person to vote on his or her behalf.
- 13.12 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 section 13.7 or 13.10, if applicable, and shall note the reasons.
- 13.13 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.
- 13.14 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.

- 13.15 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.
- 13.16 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 to conduct the Referendum.
- 13.17 Save and except for the Referendum Officers, Referendum Security Personnel, Eligible Referendum Voters present for the purpose of voting, or persons assisting Eligible Referendum Voters pursuant to sections 13.7 and 13.10, and other persons who the Chief Referendum Officer deems necessary to conduct the Referendum according to this Regulation, no one is permitted to be within the Designated Voting Premises or the Referendum Polling Station during the hours set for voting.
- 13.18 A Referendum Officer may request the Referendum Security Personnel to remove any person from the Referendum Polling Station who is in violation of section 13.16 or 13.17.
- 13.19 An Eligible Referendum Voter who is present in the Referendum Polling Station at the designated closure time shall be entitled to vote.
- 13.20 The Referendum Officer shall close polls at the time specified in the Referendum Resolution.
- 13.21 At the close of each day during the Referendum period, the Chief Referendum Officer shall transport the unopened, sealed ballot boxes to the Akwesasne Mohawk Police Service station where they shall be deposited for safekeeping until the next date for Referendum Polling Station voting.
- 13.22 At the close of the last day for voting during the Referendum period, the Chief Referendum Officer shall, if required, transport the unopened, sealed ballot boxes to the Akwesasne Mohawk Police Service station where they shall be deposited for safekeeping until the date for counting ballots in the Referendum.

14.0 Counting Procedures

- 14.1 The counting of ballots shall take place at the St. Regis Recreation Center starting at the time and on the date specified in the Referendum Resolution.
- 14.2 On the date when the ballots are to be counted, prior to the time set for 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 from the Akwesasne Mohawk Police Station to the St. Regis Recreation Center for the counting of the ballots.
- 14.3 Subject to section 14.4, Members shall be entitled to be present at the St. Regis Recreation Center for the counting of the ballots and receipt of the Online Voting results report, provided there is compliance with the capacity limit of the building as determined in light of any social distancing rules in effect.
- 14.4 The Chief Referendum Officer may request Referendum Security Personnel to remove any person from the St. Regis Recreation Center who causes a disturbance or disrupts the counting of the ballots.

- 14.5 At the beginning of the counting of ballots, 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”.
- 14.6 Immediately after the results of the Online Voting are announced, 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 the Chief Referendum Officer or Deputy Referendum Officer;
 - b) that are marked in such a way that the Eligible Referendum Voter’s choice cannot clearly be determined;
 - c) that contain any marks made by the Eligible Referendum Voter by which the Referendum Voter can be identified;
 - d) that contain more than one response; or
 - e) that contain marks other than a mark within the appropriate “Yes” or “No” box.
- 14.7 In the event of a ballot being declared “REJECTED” the Deputy Referendum Officer shall note, on the form set out as Attachment “E” attached to this Regulation, the reason(s) for each rejection.
- 14.8 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.
- 14.9 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.
- 14.10 The ballot subject to an objection and the decision under section 14.8 shall be kept by the Chief Referendum Officer until the expiry of the period prescribed in section 16.2.
- 14.11 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 section 13.13;
 - b) marked “DECLINED” under section 13.14;
 - c) marked “REJECTED” under section 14.6; or
 - d) marked “DISALLOWED” under section 14.9.
- 14.12 At the conclusion of the ballot count, the Deputy Referendum Officer shall:
- a) complete and sign a ballot tally sheet on the form in 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.
- 14.13 The Referendum Security Personnel, present during the counting procedure, shall sign the ballot tally sheet, as a witness for the ballot counting results.
- 14.14 Immediately after the completion of the counting of the ballots, the Chief Referendum Officer shall:
- a) make a determination on whether the Ballot Question has been approved or not according to the conditions set out in section 4.4;
 - b) publicly announce the unofficial results of the Referendum to the local media; and
 - c) deliver a copy of the signed ballot tally sheet to the Executive Director.

15.0 Official Statements

- 15.1 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;
 - h) the total number of valid “No” votes; and
 - i) his or her determination as to whether the Ballot Question has been approved or not.
- 15.2 The Chief Referendum Officer shall forward the statement under section 15.1 to Council and to the Executive Director and keep one of the originals.
- 15.3 The statement of results by the Chief Referendum Officer shall be the final result of the Referendum upon the expiration of the appeal period as provided in section 18.1, in the event that no appeal is filed.
- 15.4 If an appeal is filed, the result of the Referendum shall be as determined by the Referendum Appeal Adjudicator’s decision on the appeal.
- 15.5 Upon the expiration of the appeal period provided in section 18.1, or, in the event of an appeal, upon receipt of a final decision on the appeal, the results of the Referendum shall be final and

Council shall acknowledge the final result of the Referendum by Resolution.

16.0 Disposal of Ballot Papers

- 16.1 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.
- 16.2 The Akwesasne Justice Department shall retain in its office all ballots received under section 16.1 for a minimum of three (3) weeks, or until a decision on an appeal is rendered, whichever date is later.
- 16.3 After the period prescribed in section 16.2 has expired, the Chief Referendum Officer shall, unless otherwise directed by Council, destroy the ballot papers.

17.0 Appeals

- 17.1 Any Eligible Referendum Voter may appeal the referendum result:
 - a) on the ground that there was a corrupt practice in connection with the Referendum that materially affected the result of the Referendum; or
 - b) on the ground that there was a violation of this Regulation that materially affected the result of the Referendum.
- 17.2 For the purpose of paragraph 17.1, a corrupt practice is:
 - a) any deliberate interference by any person with the exercise by one or more Eligible Referendum Voters of their right to vote; or
 - b) the actual or promised provision of a gift of money or other inducement to one or more Eligible Referendum Voters in connection with the exercise or non-exercise of their right to vote.

18.0 Procedure on Appeals

- 18.1 An appeal is commenced by filing a notice of appeal with the Referendum Appeal Administrator no later than 1:00 pm E.S.T. five (5) days after the unofficial results of the Referendum are publicly released pursuant to paragraph 14.15 (b).
- 18.2 Every notice of appeal shall be accompanied by a statement affirmed before a Commissioner of Oaths presenting the allegations of fact and the documents relied on by the person bringing the appeal (the "appellant") to establish one or more grounds of appeal in accordance with 17.1.
- 18.3 If more than one appeal is filed, the appeals shall be consolidated and shall thereafter be treated as a single proceeding for the purposes of the procedure set out in this section.
- 18.4 The Referendum Appeal Administrator shall provide a copy of each notice of appeal and the accompanying statement and documents without delay to the Executive Director and the Chief Referendum Officer who will be co-respondents in each appeal.
- 18.5 The filed notices of appeal in conjunction with the sworn statements and supporting documents of the appellants shall constitute the Appeal Record. Any person may inspect the Appeal Record and obtain copies of each notice of appeal and the accompanying statements and documents.

- 18.6 The Referendum Appeal Administrator shall forward the Appeal Record to the Referendum Appeal Adjudicator with notification to the parties.
- 18.7 The Referendum Appeal Adjudicator may hold preliminary hearings in person in the Mohawk Territory of Akwesasne or by telephone or videoconference. The Referendum Appeal Adjudicator shall convene a preliminary hearing to establish time limits for the filing of a Response Record by the respondents and, if requested, a Reply by the Appellants.
- 18.8 Upon the receipt of the Response Record and the Reply, if any, the Referendum Appeal Adjudicator shall set a date and virtual or physical location for the hearing in consultation with the parties.
- 18.9 The respondents and each appellant shall submit a list of witnesses and statements of their anticipated testimony to the Referendum Appeal Administrator at least ten (10) days before the scheduled date of the hearing. The Referendum Appeal Administrator shall ensure that the Referendum Appeal Adjudicator and each party receives all submitted lists of witnesses and statements of anticipated evidence.
- 18.10 A party may serve a person with a notice, issued by the Referendum Appeal Administrator, requiring the person to attend and give evidence at the hearing. A witness shall be reimbursed for reasonable expenses of attendance at the hearing by the party that required the person to attend.
- 18.11 The Referendum Appeal Adjudicator shall ensure that all parties have a fair opportunity to present their case during the time allotted for the hearing.
- 18.12 The Referendum Appeal Adjudicator shall issue a final decision, supported by reasons:
 - a) confirming the result of the Referendum; or
 - b) declaring the Referendum result invalid.
- 18.13 The Referendum Appeal Adjudicator will render the final decision within thirty days of the close of the hearing, unless the Referendum Appeal Adjudicator, for good reason, extends that time after consultation with the parties.
- 18.14 The Referendum Appeal Administrator shall give the parties a copy of the decision and shall publish a copy of the decision in a community newspaper with circulation throughout the Districts.

19.0 Jurisdiction of the Referendum Appeal Adjudicator

- 19.1 The Referendum Appeal Adjudicator shall have the necessary powers to exercise his or her jurisdiction.
- 19.2 The Referendum Appeal Adjudicator may rule on his or her own jurisdiction to determine the appeal but shall not rule on the validity of the Regulation.
- 19.3 The Referendum Appeal Adjudicator may determine the procedure to be followed in the proceeding in accordance with this Regulation.
- 19.4 The Referendum Appeal Adjudicator may allow the filing of a dispositive motion if the Referendum Appeal Adjudicator determines that the moving party has shown that the motion is likely to succeed and dispose of or narrow the issues in the proceedings.
- 19.5 In deciding an appeal, the Referendum Appeal Adjudicator shall apply the law that would be

applied by the Akwesasne Court in accordance with the Akwesasne Court Law.

19.6 The decision of the Referendum Appeal Adjudicator on an appeal is final.

20.0 Appointment of an Alternate Referendum Appeal Adjudicator

20.1 In the event that the designated Referendum Appeal Adjudicator is unable to act, a replacement will be appointed in accordance with this article.

20.2 The Referendum Appeal Administrator shall prepare a list of between three and seven eligible and available candidates for appointment as Referendum Appeal Adjudicator. Each candidate shall meet the following criteria:

- a) The candidate shall be an Indigenous person with an affiliation to a recognized Indigenous community in Canada or the United States; and
- b) The candidate shall be either:
 - i) A member of the bar of a province of Canada or a state of the United States with 10 years of standing or more; or
 - ii) A retired judge of a federal or provincial court of Canada, a federal or state court of the United States, or a First Nation or Tribal Court in North America.

20.3 The Referendum Appeal Administrator shall forward the list of candidates to the parties with any available information on the qualifications of the candidates.

20.4 The appellants may remove one candidate from the list. The respondents may also remove one candidate from the list. If there is more than one remaining candidate on the list, the Chief Referendum Officer shall make the final selection of an alternate Referendum Appeal Adjudicator from those candidates that remain.

Attachment “A”

Ballot Question

As a Voter of the Mohawks of Akwesasne, do you **agree to and approve** the terms and conditions of the Seaway Claim Settlement Agreement initialed by the negotiators for the Mohawks of Akwesasne, Canada, the Federal Bridge Corporation Limited, and the Seaway International Bridge Corporation Ltd. which settles and releases the Seaway Claim?

YES

NO

Mark this Ballot by placing a “X”, check mark, or other mark under the word “YES” or “NO” within the appropriate box, clearly indicating your response to the question asked, but without identifying yourself.

Attachment “B”

Oath or Affirmation of Office for the Chief Referendum Officer

NOTE: Print name on the first line and sign where signature is indicated.

I, _____, hereby accept my appointment to the position of Chief Referendum Officer under the Seaway Claim Referendum Regulation and agree to maintain confidentiality during my term.

In the capacity of Chief Referendum Officer, I will do my utmost to serve the Members of Akwesasne with impartiality, integrity, and honesty.

In the performance of my duties, I will adhere to the provisions of the Seaway Claim Referendum Regulation.

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.

Signature of Chief Referendum Officer

SWORN/AFFIRMED BEFORE ME

At _____ on this _____ day of _____, 2020.

Signature of Justice of the Peace, Notary Public,
or Commissioner of Oaths

Attachment “B”

Oath or Affirmation of Office for the Deputy Referendum Officer

NOTE: Print name on the first line and sign where signature is indicated.

I, _____, hereby accept my appointment to the position of Deputy Referendum Officer under the Seaway Claim Referendum Regulation and agree to maintain confidentiality during my term.

In the capacity of Deputy Referendum Officer, I will do my utmost to serve the Members of Akwesasne with impartiality, integrity, and honesty.

In the performance of my duties, I will adhere to the provisions of the Seaway Claim Referendum Regulation.

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.

Signature of Deputy Referendum Officer

SWORN/AFFIRMED BEFORE ME

At _____ on this _____ day of _____, 2020.

Signature of Justice of the Peace, Notary Public,
or Commissioner of Oaths

Attachment “B”

Oath or Affirmation of Office for Referendum Security Personnel

NOTE: Print name on the first line and sign where signature is indicated.

I, _____, hereby accept my appointment to the position of Referendum Security Personnel under the Seaway Claim Referendum Regulation and agree to maintain confidentiality during my term.

In the capacity of Referendum Security Personnel, I will do my utmost to serve the Members of Akwesasne with impartiality, integrity, and honesty.

In the performance of my duties, I will adhere to the provisions of the Seaway Claim Referendum Regulation.

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.

Signature of Referendum Security Personnel

SWORN/AFFIRMED BEFORE ME

At _____ on this _____ day of _____, 2020.

Signature of Justice of the Peace, Notary Public,
or Commissioner of Oaths

Attachment "C"

Attestation of Empty Ballot Boxes

NOTE: Print name on the first line and sign where signature is indicated.

I, _____, hereby declare that at the commencement of the polling the ballot box was inspected and determined to be empty pursuant to the Seaway Claim Referendum Regulation, paragraph 13.1(a).

Signature of Deputy Referendum Officer

Date

Signature of Referendum Security Personnel as Witness

Date

Attachment “D”
Ballot Tally Sheet

	Online Voting	Polling Station Voting	Total
“Yes”			
“No”			
“DECLINED”			
“VOID”	N/A		
“REJECTED”	N/A		
“DISALLOWED”	N/A		
Total			

 Signature of Deputy Referendum Officer

 Date

 Signature of Referendum Security Personnel as Witness

 Date

Attachment “E”

Record of Ballot Rejections

Deputy Referendum Officer: _____

Rejection Number*	Reason for Rejection

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