

ANR Election Process 2014

December, 2013

Introduction

Elections for Algonquin Negotiation Representatives ("ANRs") in all Communities of Algonquins have been held in 2005, 2008 and 2011.

The ANRs for Algonquins of Pikwàkanagàn First Nation ("Pikwàkanagàn") are elected every three years in accordance with their rules governing the general elections for Chief and Council.

The 2005 ANR elections for ANRs (other than those for Pikwàkanagàn) were governed by the Addendum to the March 25, 2004 Protocol Agreement dated July 30, 2004 ("the Addendum").

The 2008 ANR elections for ANRs (other than those for Pikwàkanagàn) were governed by the Addendum as supplemented by the Ongoing Identification of Electors document dated April 30, 2007 ("the OIE").

The 2011 ANR elections for ANRs (other than those for Pikwàkanagàn) were governed by the Addendum and the OIE as modified by the ANR Election Process 2011 document.

The 2014 ANR elections for ANRs (other than those for Pikwàkanagàn) will be governed by this document and the attached Election Rules and Chapter 15 of the Preliminary Draft Algonquins of Ontario Agreement-in-Principle ("PDAIP").

The Addendum, the OIE, the ANR Election Process 2011 document and the PDAIP may be accessed on the Algonquins of Ontario website www.tanakiwin.com.

Therefore the Algonquin Negotiation Representatives agree as follows:

General

- 1) The following paragraphs apply only to the elections to be held in 2014 for ANRs for the Antoine, Bancroft, Bonnechere, Greater Golden Lake, Mattawa/North Bay, Ottawa, Shabot Obaadjiwan, Snimikobi, and Whitney and Area Communities of Algonquins ("the 2014 ANR elections"). The ANRs for Pikwàkanagàn shall be the duly elected Chief and Councillors to be elected in their general election to be held in March, 2014.
- 2) The term of each ANR elected in the 2014 ANR elections shall be three (3) years from the date of the announcement of the election results.

- 3) Where there is an inconsistency between the attached Election Rules, and this document, this document shall prevail.

Eligibility

- 4) In order to be an Elector in the 2014 ANR elections, a person must be enrolled as an Algonquin Voter pursuant to the enrolment process as set out in Chapter 15 of the PDAIP.

Electors List

- 5) The Electors' List for the 2014 ANR elections shall be the Voters List within the meaning of Chapter 15 of the PDAIP.

Community Affiliation

- 6) Community affiliation for the 2014 ANR elections will be determined in accordance with the Voters List prepared in anticipation of the ratification vote on the proposed Algonquins of Ontario Agreement-in-Principle.

Electoral Officer

- 7) Vaughan Johnston is hereby appointed as the Electoral Officer to implement the ANR Election Process 2014 and to ensure that the Election Rules are complied with. The Electoral Officer may appoint Assistants or Volunteers to assist him in fulfilling his duties, and to whom he may delegate particular procedural duties. Those persons so appointed shall not be Candidates.

Timing and Co-ordination

- 8) The following schedule shall apply to the major steps in the 2014 ANR elections, subject to any modifications made by a Resolution of the ANRs prior to February 1, 2014:
 - a. Posting of Electors List: January 24, 2014
 - b. Notice of Election: January 24, 2014
 - c. Opening of nominations: January 24, 2014
 - d. Close of nominations: February 14, 2014
 - e. End of protests against nominations: February 24, 2014
 - f. Disposition of protests against nominations: March 6, 2014
 - g. Mailout of Ballots: March 14, 2014
 - h. In-person Voting Period: April 20 to April 27, 2014
 - i. Declaration of election results: April 28, 2014


Future Elections


- 9) Following the 2014 ANR elections, the ANRs shall revisit the election process to determine rules and procedures for future elections in accordance with an Algonquin Constitution or otherwise.

Execution in Counterpart

- 10) This document may be executed and delivered by facsimile and it is agreed that such execution and delivery shall be legal and binding as if the facsimile copy contained the original signatures of the parties.
- 11) This document may be executed in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.


Dated December, 2013


CLIFFORD BASTIEN JR.
Mattawa-North Bay



Witness


RONALD L. BERNARD
Pikwàkanagàn


Witness


KATHERINE CANNON
Bancroft



Witness

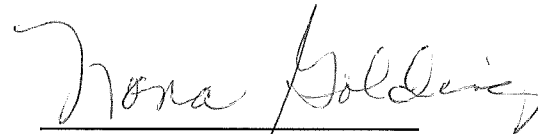

LYNN CLOUTHIER
Ottawa

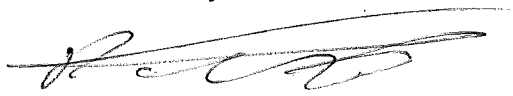

Witness



ROBERT CRAFTCHICK
Whitney and Area

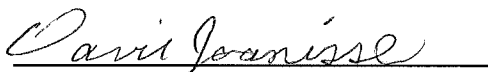

Witness



DOREEN DAVIS
Shabot Obaadjiwan


Witness


PATRICK GLASSFORD
Greater Golden Lake


Witness


DAVIE JOANNISSE
Antoine

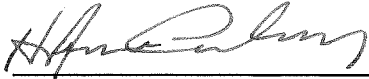

Witness


DAN KOHOKO
Pikwàkanagàn


Witness



SHERRY KOHOKO
Pikwàkanagàn



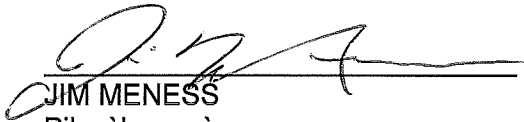
H. JERROW LAVALLEY
Pikwàkanagàn



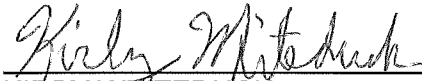
RANDY MALCOLM
Snimikobi



CLIFF MENESS
Pikwàkanagàn



JIM MENESS
Pikwàkanagàn



KIRBY WHITEDUCK
Pikwàkanagàn



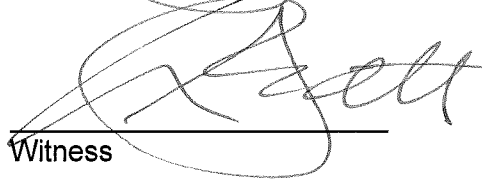
RICHARD ZOHR
Bonnechere



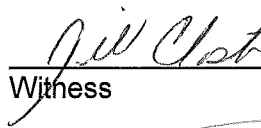
Witness




Witness




Witness



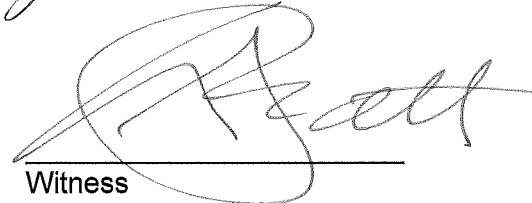
Witness



Witness



Witness



Witness

ELECTION RULES

December, 2013

1. DEFINITIONS

- (a) **“Algonquin Negotiation Representative”** means, for purposes of these Election Rules, an Algonquin Negotiation Representative for a Community of Algonquins pursuant to the ANR Election Process 2014, elected in accordance with these Election Rules or the rules governing the general elections for Chief and Council of the Algonquins of Pikwàkanagàn First Nation (“Pikwàkanagàn”).
- (b) **“Algonquins of Ontario”** means the Antoine, Bancroft, Bonnechere, Greater Golden Lake, Mattawa/North Bay, Ottawa, Pikwàkanagàn, Shabot Obaadjiwan, Snimikobi, and Whitney and Area Communities as represented by their duly elected Algonquin Negotiation Representatives.
- (c) **“Assistant(s)”** means the person (or persons) appointed by the Electoral Officer to assist him/her in fulfilling his/her duties.
- (d) **“Ballot”** is the ballot used in the Election.
- (e) **“Candidate”** means an Elector who is on the Electors’ List and who is nominated, in accordance with these Election Rules to run for election for the position of Algonquin Negotiation Representative of his or her Community.
- (f) **“Candidates’ List”** means any one of the list of Candidates in each Community seeking to be elected for the position of Algonquin Negotiation Representative of that Community.
- (g) **“Community”** means Antoine, Bancroft, Bonnechere, Greater Golden Lake, Mattawa/North Bay, Ottawa, Shabot Obaadjiwan, Snimikobi, and Whitney and Area and **“Communities”** means them collectively.
- (h) **“Election”** means the election for Algonquin Negotiation Representatives of the Communities to be held in 2014.
- (i) **“Election Day”** means the day or days set by the Electoral Officer in consultation with the Algonquins of Ontario upon which all voting, except for Mail-In Ballot voting takes place with respect to each of the Communities.
- (j) **“Election Rules”** means these Election Rules.

- (k) **“Elector”** means an individual who is eligible to vote pursuant to paragraph 4 of the ANR Election Process 2014 and whose name has been added to the Electors’ List.
- (l) **“Electoral Officer”** means the person appointed by the Algonquins of Ontario pursuant to paragraph 7 of the ANR Election Process 2014.
- (m) **“Electors List”** means the list of Electors maintained by the Electoral Officer pursuant to the ANR Election Process 2014.
- (n) **“Electoral Office”** means the office where the Electors’ List and other documents related to the elections for which the Electoral Officer is responsible are kept.
- (o) **“Enrolment Officer”** means that person appointed by the Parties pursuant to the ANR Election Process 2014.
- (p) **“Mail-In Ballot”** means a Ballot that is sent to Electors pursuant to these Election Rules.
- (q) **“Scrutineer”** means the person who may be appointed by a Candidate to witness the opening of Mail-In Ballots and the counting of Ballots. That person must be an Elector within the Community whose election results are being counted but cannot be a Candidate.
- (r) **“Volunteer”** or **“Assistant”** means a person appointed by the Electoral Officer to assist the Electoral Officer in fulfilling his or her duties, who shall not be a Candidate.

2. **THE ELECTIONS**

- (a) The Electors’ List for each of the Communities of Algonquins as maintained by the Electoral Officer shall be posted and publicized in a prominent place or places in each of the Communities in a manner deemed appropriate by the Electoral Officer.
- (b) The Election Day with respect to each of the Communities shall be determined by the Algonquins of Ontario. The announcement of that date or dates shall be made by the Electoral Officer at least 60 days before the first Election Day by posting notices of the Election in accordance with the Election Day Announcement Form annexed as Schedule A to these Election Rules at the following locations:
 - (i) The Algonquins of Pikwàkanagàn First Nation’s Administrative Office;
 - (ii) Each Community’s office;

- (iii) The Algonquin Consultation Office;
- (iv) Such locations as public buildings and other locations as the Electoral Officer deems appropriate;
- (v) Publishing the announcement in local newspapers and on such websites the Electoral Officer deems most appropriate;
- (vi) In such other manner as the Electoral Officer deems appropriate to satisfactorily alert the Electors to the impending Elections.

3. NOMINATIONS

- (a) Any Elector shall have the right to be nominated as a Candidate for the position of Algonquin Negotiation Representative of a Community of Algonquins in the election of a Algonquin Negotiation Representatives provided that:
 - (i) his or her name appears on the Electors' List as an Elector within that Community;
 - (ii) a nomination in the form attached as Schedule B is submitted to the Electoral Officer before 4:00 p.m. 30 days before the Election Day;
 - (iii) the nomination is supported by 10 Electors who are listed in the Electors' List for the Community in which the Candidate is running.

4. CANDIDATES

- (a) Once the list of Candidates in each Community has been verified by the Electoral Officer, he or she shall confirm the Candidates' List with respect to each Community and advertise each of those Candidates' Lists in a manner he deems sufficient to notify the Electors.
- (b) Any Candidate may withdraw his or her name at any time up to 48 hours prior to the Election Day by completing the Notice of Withdrawal attached as Schedule C to these Rules and delivering a copy of this form to the Electoral Officer.
- (c) If there is only one Candidate at the close of nominations that Candidate shall be acclaimed to the position of Algonquin Negotiation Representative for that Community.

5. POLLING BOOTHS, BALLOTS AND VOTING PRACTICES

- (a) A polling station will be established by the Electoral Office for each Community and shall be open on the Election Day for that Community

between 8:00 a.m. and 9:00 p.m. as posted in the Election Day Announcement Form annexed as Schedule A to these Rules.

- (b) No Candidate is allowed to loiter or campaign within 300 metres of the polling station.
- (c) Electors at the station shall have the right to vote free from any harassment or duress.
- (d) Immediately before the poll opens, the Electoral Officer shall examine the Ballot boxes in the presence of at least two witnesses to ensure that the boxes are empty. The boxes will then be closed and sealed with the Electoral Officer's signature. All of the boxes must remain sealed for the duration of the poll.
- (e) The Electoral Officer shall post voting instructions in English outside and inside the polling booth.
- (f) Only those persons within the Community whose names appear on the Electors' List for that Community shall be entitled to vote for the Candidates seeking to be elected to the position of Algonquin Negotiation Representative of that Community.
- (g) Electors will not be entitled to vote if they are, in the judgment of the Electoral Officer, intoxicated.
- (h) Secret Ballots will be used for this election process.
- (i) Each Elector is entitled to complete only one Ballot.
- (j) The Ballots for each Community must be made in accordance with Schedules D (Ballot for in-person voting) and E (Mail-In Ballot) to these Election Rules.
- (k) Each Ballot will list the name of each Candidate in alphabetical order.
- (l) One Ballot will be provided to each Elector when he or she attends at the polling booth and identifies him/herself to the Electoral Officer provided that the Elector has not already voted by means of Mail-In Ballot. After the Elector appropriately identifies him/herself to the Electoral Officer and then receives a Ballot, his or her name shall be crossed off the Electors' List.
- (m) If an Elector should spoil a Ballot, he or she will return the spoiled Ballot and be given another Ballot by the Electoral Officer and the returned Ballot will be marked spoiled.

- (n) Each Elector will vote by marking the Ballot with either an “x” or a check mark in the box beside the Candidate’s name.
- (o) When an Elector is in the polling booth for the purpose of marking a Ballot no one else is allowed into the polling booth. Special efforts will be made by the Electoral Officer to accommodate those Electors who either cannot read or are unable to mark their Ballot on their own.
- (p) Ballot boxes shall be kept at a table where the Electoral Officer is present. The Electoral Officer or a Volunteer shall take all completed Ballots from the Electors and shall place them in the Ballot box without opening them.
- (q) When the Polls in all of the Communities have closed, the Electoral Officer, in the presence of at least two Volunteers, shall open one Ballot box at a time, (including Mail-In Ballot boxes) and shall count all of the Ballots, including spoiled Ballots.
- (r) Each Candidate shall have the right to appoint a Scrutineer who may be present at the opening of all Mail-In Ballots and the counting of Ballots.
- (s) If any Ballot box has a broken seal before the Ballot box is officially opened to count the Ballots, all of the Ballots in that box shall be rejected and declared spoiled.
- (t) Any Ballot upon which there is any writing other than an “x” or a check mark, which interferes with the determination as to which Candidate was selected by the Elector or upon which there is more than one “x” or check mark, shall be rejected and declared spoiled.
- (u) When counting the votes, any Ballot marked “declined” shall be marked spoiled by the Electoral Officer.
- (v) The Electoral Officer and the Volunteers and/or Assistants present shall record the results of the count on Election Result Forms for each Community (attached to these Rules as Schedule G).
- (w) In the event of any discrepancy among the Electoral Officer’s results and the Volunteer’s and/or Assistant’s results, the Electoral Officer shall recount the Ballots in the presence of the Volunteers and/or Assistants and the Scrutineers (if any) and the Electoral Officer’s recount results will be declared final.
- (x) Once the results have been tabulated, the Electoral Officer shall place in sealed envelopes all of the election papers and Ballots, including accepted, rejected, spoiled and declined Ballots.

- (y) In the event of any future discrepancy on the election results, the materials within the sealed envelopes will be deemed to be official. If the Electoral Officer's seal is previously broken, however, the contents of the envelope will be declared spoiled and unreliable and the Electoral Officer's existing results will then be deemed official.

6. MAIL-IN BALLOTS

- (a) Mail-In Ballots in the form of Schedule E to these Election Rules will be sent by regular mail to Electors at their last known addresses. In the event an Elector chooses to vote by means of Mail-In Ballot, after completing the Mail-In Ballot, and the Declaration of Elector in the form of Schedule F to these Election Rules, duly witnessed by a person 18 years or older, shall place the Ballot inside the envelope provided for that purpose on the accompanying envelope addressed to the Electoral Officer and on which postage has been prepaid and mail it to the Electoral Officer. The Ballot must reach the Electoral Officer on or before the Election Day that has been scheduled for the Community.
- (b) Upon receipt of the Mail-In Ballots the Electoral Officer shall put them into a Ballot Box marked Mail-In Ballots and sealed by him/her. These Mail-In Ballots shall be then counted once the Polls in all of the Communities have closed.

7. RESULTS OF VOTING

- (a) The Candidate for the position of Algonquin Negotiation Representative of each Community with the most votes by the Electors in that Community will be declared elected to the position of Algonquin Negotiation Representative for that Community.
- (b) The Electoral Officer shall certify the authenticity of the election results from each Community. In the event of any discrepancy the sealed results shall be deemed official.
- (c) The Electoral Officer will retain the Ballots with respect to the Election and maintain them in a place of safe-keeping for at least sixty (60) days following the Election.
- (d) The Electoral Officer shall publicize the Election results including the number of votes each Candidate received in accordance with the Posting of Election Results Form, annexed to these Rules as Schedule G.
- (e) In the event of a tie vote, a recount shall be held. If there remains a tie vote, a run-off election shall be held with only those Candidates who tied.

8. PROTESTING CANDIDATES' NOMINATIONS OR ELECTIONS

- (a) Any Candidate or Elector listed on the Electors' List for a Community may protest the Election within their Community with respect to:
 - (i) The eligibility of any Candidate within their Community; or
 - (ii) The conduct of the election and voting process within their Community.
- (b) To protest the eligibility of a Candidate, the protest must be received by the Electoral Officer, including by facsimile or e-mail, within ten days of the close of nominations. The Electoral Officer's contact particulars, including for facsimile and e-mail, will be set out in the Election Day Announcement Form (Schedule A).
- (c) To protest the conduct of the elections or the voting process, the protest must be received by the Electoral Office, including by facsimile or e-mail, within 24 hours after the posting of the Election results as set out in the Posting of Election Results Form (Schedule H).
- (d) All such protests must be signed by the protester and ten other Electors within their Community, accompanied by a payment of \$200.00 payable to the Electoral Officer (to defray the expenses of the protest), to be returned in the event of a successful protest, and submitted in writing to the Electoral Officer on the Protest Form attached to these Rules as Schedule I.
- (e) Upon receiving a completed Protest Form, the Electoral Officer is required to:
 - (i) Read the Protest Form;
 - (ii) Contact, or attempt to contact, the protester and the ten Electors listed on the Protest Form;
 - (iii) Make notes, handwritten or otherwise, on the discussion between the Electoral Officer, the protester and each of the ten Electors;
 - (iv) Provide a copy of the Protest Form to the individual or individuals who are the subject of the complaint;
 - (v) Make all enquiries as the Electoral Officer deems necessary in making a decision regarding the protest;
 - (vi) Provide a written report, which sets out the decision the Electoral Officer, with respect to the protest within ten days of receiving the Protest Form. Copies of the written report containing the Electoral Officer's decision shall be provided to the protester, the ten

Electors and the individual or individuals being complained against.

- (f) The Electoral Officer's decision on a protest shall be final.

Schedule A

ELECTION DAY ANNOUNCEMENT

Elections for the position of Algonquin Negotiation Representative to serve a 3 year term as part of a Negotiation Team to negotiate the terms of a Treaty between the Algonquins, Canada and Ontario will take place between 8:00 a.m. and 9:00 p.m. in each instance at the following Communities on the following dates:

<u>COMMUNITY</u>	<u>POLLING STATION</u>	<u>DATE</u>
[LIST HERE THE COMMUNITIES THAT QUALIFY PURSUANT TO PARAGRAPHS 1 AND 2 OF THE ADDENDUM]	[LIST HERE THE ADDRESS OF THE POLLING STATION]	[LIST HERE THE DATE ON WHICH THE COMMUNITY ELECTION IS BEING HELD]

Nomination Forms for Candidates in each of these Communities, are available at the Electoral Office upon request from the Electoral Officer.

All eligible Electors should bring photo identification to the polling station on Election Day.

Should you have any questions regarding these Elections please contact the Electoral Officer, [insert name]

At: [insert contact information, including mailing address, telephone, fax and e-mail information]

Should you have any questions regarding your eligibility as an Elector please contact the Electoral Officer.

Schedule B

NOMINATION FOR POSITION OF ALGONQUIN NEGOTIATION REPRESENTATIVE

We, the undersigned, NOMINATE _____ as a Candidate for election to the position of the Algonquin Negotiation Representative for (*insert name of the Community here*) _____.

Name of
Nominator (1)
Address:

Telephone:
Nominator's
Signature:

Name of Nominator (2)
Address:

Telephone:
Nominator's Signature:

These will be sufficient particulars for a total of **ten** nominators.

Schedule C

WITHDRAWAL OF CANDIDACY FOR THE POSITION OF ALGONQUIN NEGOTIATION REPRESENTATIVE

I, _____, hereby withdraw as a Candidate for election to the position of
the Algonquin Negotiation Representative for

[insert name of community here]

Date:

Candidate's Signature

Electoral Officer

*Any Candidate may withdraw his or her candidacy at any time up to 48 hours prior to the opening of the poll on Election Day, otherwise his or her name will stand and any vote for this Candidate will be marked "spoiled".

Schedule D

BALLOT

FOR THE POSITION OF ALGONQUIN NEGOTIATION REPRESENTATIVE FOR
[insert name of Community here].

LIST OF CANDIDATES

[Candidate's Name]

☐

[Candidate's Name]

☐

Mark your choice of Candidate with an "X" or a checkmark in the box beside the Candidate's name.

Schedule E
MAIL-IN BALLOT

FOR THE POSITION OF ALGONQUIN NEGOTIATION REPRESENTATIVE FOR
[insert name of Community here].

LIST OF CANDIDATES

[Candidate's Name]

☐

[Candidate's Name]

☐

- (a) Mark your choice of Candidate with an "X" or a checkmark in the box beside the Candidate's name.
- (b) Complete and sign the Declaration of Elector Form before a witness who is over 18 years of age.
- (c) Have a witness sign and complete the Form as well.
- (d) Return your Mail-in Ballot with the completed Declaration of Elector Form by mail to the Electoral Officer using the enclosed pre-addressed pre-paid envelope. No additional postage is required.

NOTE: IF YOU MAIL IN THIS BALLOT YOU WILL NOT BE ELIGIBLE TO VOTE IN PERSON ON THE ELECTION DAY.

Schedule F
DECLARATION OF ELECTOR

I, _____, [insert name]

DO SOLEMNLY DECLARE THAT:

1. I AM AN Elector and a member of the Algonquin Community of [insert name of Community]. My date of birth is _____ [insert birthdate].

2. I live at:

_____ [full address].

3. Of my own free will and consent, without the compulsion or undue influence of anyone, I have marked the Ballot.

4. I have folded the Ballot, hiding the mark and showing the initials marked on the back, and I have placed the Ballot in the Ballot envelope.

Signed this _____ day of
_____, 2014
at _____

In the presence of)	
_____)	_____
[Witness' Signature])	[Declarant's Signature]
_____)	
[Witness Name – please print])	
_____)	
[Witness' Address and Telephone Number])	
_____)	
_____)	

Witness must be 18 years of age or older on Voting Day and is attesting to the fact that the Declarant's signature is that of the person whose name is printed in the space provided at the top of the page.

Schedule G

ELECTION RESULTS FORM

FOR [name of Community]

The Electoral Officer will complete this form when counting Election votes. A second form will be completed in the event a recount is necessary.

Box Nos.

Boxes Sealed? (y/n) If No, which Box nos.?

Candidate's Name	For

Spoiled Ballots _____
No(s) _____

Box

We swear the above results are accurate.

Date:

, in the Province of

Ontario,

this day of 2014

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Electoral Officer

Witness

A Commissioner, etc.

Witness

Schedule H

POSTING OF ELECTION RESULTS

DATE AND TIME POSTED: _____

The following is the final result of the election held on _____ [*insert date*].
Candidate _____ [*insert name*] has been elected to the position of
Algonquin Negotiation Representative for the Community of: _____ [*name of Community*]

RESULTS

CANDIDATE'S NAME	NUMBER OF VOTES	ELECTED

The time for receiving any protest regarding the election expires on _____:

[*insert time 24 hours after this form is posted*]

Protest forms are available at the Office of the Electoral Officer. All protest forms are to be delivered to: THE ELECTORAL OFFICER [*insert address, fax and telephone number*]

Schedule I

PROTEST FORM

The filing of any protest against the nomination/election process shall be subject to the paragraph 8 of the Election Rules. Strict adherence to the designated time limits will be maintained. Incomplete forms will not be accepted.

TIME:

Address:

Tel:

Signature:

Tel:

(Will need to create 10 spaces for supporters)

*Using a separate sheet, please set out in writing, the detailed basis of your protest, attached it to this form and deliver to:

THE ELECTORAL OFFICER [*insert appropriate address, telephone and fax number*]