

VOTING GUIDELINES
CONCERNING THE UNITED CHIEFS AND COUNCILS OF MNIDOO MINISING
MANITOULIN PROJECT

BETWEEN:

Aundeck Omni Kaning First Nation, M'Chigeeng First Nation,
Sheguiandah First Nation, Sheshegwaning First Nation
and Zhiibaahaasing First Nation,

(the "First Nations")

as represented by

The United Chiefs and Councils of Mnidoo Mnising ("UCCMM")

AND:

His Majesty the King in Right of Canada,
as represented by the Minister of Crown-Indigenous Relations

("Canada")

PREAMBLE

WHEREAS:

- A. The UCCMM on behalf of the First Nations, have shared (but did not file) three draft Statements of Claim against Canada for breaches of fiduciary duty.
- B. The UCCMM, the First Nations and Canada have been in ongoing discussions through a special out-of-court settlement process established to resolve the First Nations' fiduciary claims against Canada following the 1862 Articles of Agreement (the "Manitoulin Project").
- C. In 2005, the Parties settled Phase 1 of the Manitoulin Project, the Jessie Bell I & II claims related to the mismanagement of the sale and proceeds of sale of two lots on Manitoulin Island.
- D. In 2016, the Parties settled Phase 2 of the Manitoulin Project, for the Crown's improper dealings related to five other lots on Manitoulin Island.
- E. On July 16, 2019, the UCCMM, the First Nations and Canada signed a Framework Agreement underscoring the parameters of working towards a negotiation mandate with linkages to reconciliation via the Manitoulin Project.
- F. In June 2020, the UCCMM on behalf of the First Nations, delivered three submissions to Canada in relation to Phase 3 of the Manitoulin Project, which includes the following claims related to:
 - Lots;
 - Roads; and
 - Indian Land Management Fund.(Collectively the "Claims")
- G. By letter dated January 13, 2023, Canada offered to negotiate a settlement of the Claims on the basis set out in that letter, which is attached hereto as Schedule 1. By letter dated March 17, 2023, Canada provided a Settlement Offer for the Claims on the basis set out in that letter, which is attached hereto as Schedule 2.
- H. The Parties are committed to reconciliation, including strengthening their relationships and Canada acknowledges that these must be consistent with the Honour of the Crown.

NOW THEREFORE, in consideration of the mutual promises contained in this Settlement Agreement, the First Nations and Canada agree as follows:

1.0 DEFINITIONS

1.1 In these Voting Guidelines:

- a. **“Advanced Voting Day”** means a date during the Voting Period which may be set by the First Nation(s) for In-Person Voting prior to the Final Voting Day;
- b. **“Ballot Question”** means the question asked of the Eligible Voters in the Ratification Vote, as set out in 5.6 of the Manitoulin Project Settlement Agreement;
- c. **“Consultant”** means the consultant contracted by UCCMM to manage the Ratification Vote for the First Nations;
- d. **“In-Person Voting”** means a procedure which allows Eligible Voters to cast their votes in person and at a voting station;
- e. **“Independent Assessor”** means a person who is not an Eligible Voter and has experience in elections, referendum or administrative law processes. The Independent Assessor will be appointed by the UCCMM prior to the start of the Voting Period in order to assess objections as set out under Article 20;
- f. **“Notice of Vote”** means the form listed at Appendix “B” of these Voting Guidelines;
- g. **“Online Voting”** means a procedure which allows Eligible Voters to cast their votes in the Ratification Vote by utilizing a secured internet website;
- h. **“Ratification Assistant”** means a person(s) appointed by the Ratification Officer to carry out their duties as set out in these Voting Guidelines;
- i. **“Ratification Officer”** means a person(s) designated by UCCMM to oversee the conduct of the Ratification Vote;
- j. **“Ratification Vote”** means the procedure for each First Nation’s approval of the Manitoulin Project Settlement Agreement;
- k. **“Ratification Threshold”** means a minimum of 25% + 1 of a First Nation’s Eligible Voters vote “Yes”, and those who vote “Yes” represent a majority of those who voted;
- l. **“Spoiled Ballot”** means a ballot that is described in section 13.1 of these Voting Guidelines that is found by the Ratification Officer or Ratification Assistant to be spoiled;
- m. **“Voters’ List”** means a list provided by each First Nation to the Ratification Officer at least 45 days before the Voting Period and updated from time to time pursuant to these Voting Guidelines. The Voters’ List will contain each Eligible Voter’s name, in alphabetical order; their last known address, where available; and their respective “Indian” registration numbers and dates of birth;
- n. **“Final Voting Day”** means the last day set by the First Nations for the holding of their Ratification Vote; and
- o. **“Voting Period”** means the two-week period set aside by the First Nations to vote electronically and including the last day where Eligible Voters may vote in person at the voting station(s).

- 1.2 Any definitions in the Manitoulin Project Settlement Agreement will have the same meaning in these Voting Guidelines, except as otherwise indicated.
- 1.3 Where there is a reference to a number of days between two events, in calculating that number of days, the day on which the first event happens is excluded and the day on which the second event happens is included.

2.0 TRIBAL COUNCIL RESOLUTION

- 2.1 By Tribal Council Resolution from the UCCMM will resolve to:
 - a. designate a Ratification Officer;
 - b. order that the Ratification Vote be taken by secret ballot;
 - c. approve and post the Notice of Vote in each First Nation; and
 - d. recommend the Manitoulin Project Settlement Agreement be put to the Members for a Ratification Vote.
- 2.2 A copy of the Tribal Council Resolution shall be provided to Canada's representative as soon as practicable after the resolutions are passed.

3.0 DESIGNATION OF RATIFICATION OFFICER AND APPOINTMENT OF RATIFICATION ASSISTANTS IN EACH FIRST NATION

- 3.1 The Ratification Officer must be designated prior to posting the Notice of Vote.
- 3.2 As soon as practicable prior to the start of the Voting Period, the Ratification Officer will appoint one (1) Ratification Assistant for each First Nation.
- 3.3 Upon the appointment of the Ratification Assistants, the Ratification Officer and the Ratification Assistants will execute an "Appointment of a Ratification Assistant" form.
- 3.4 The Ratification Officer will provide direction to the Ratification Assistants on the conduct of the Ratification Vote.
- 3.5 The Ratification Officer may delegate any of their duties set out in these Voting Guidelines to the Ratification Assistants.
- 3.6 The Ratification Officer may exercise their discretion, and in accordance with the direction of the Chiefs, to alter the Voting Period or location as necessary.

4.0 RATIFICATION ASSISTANTS

- 4.1 Each Ratification Assistant will ensure these Voting Guidelines are followed and ensure orderly voting at their voting station(s).

5.0 INTEGRITY OF THE RATIFICATION VOTE

5.1 An Eligible Voter may vote only once and by only one of:

- a. Online Voting; or
- b. In-person Voting.

The Ratification Officer and each Ratification Assistant will take all necessary measures to ensure that each Eligible Voter votes only once.

6.0 NOTICE OF VOTE

6.1 The Ratification Officer will post a Notice of Vote substantially in the form attached as Appendix “B” at least 30 days prior to the Final Voting Day.

6.2 The Ratification Officer will share the Notice of Vote to the First Nations to post online and in a visible place on each reserve.

6.3 The Notice of Vote will contain the following information:

- a. the dates, places, and times of the Information Meeting(s);
- b. the dates, places and hours of the Ratification Vote;
- c. the dates, period of time and other information of the Online Voting and In-Person Voting;
- d. the name of the Ratification Officer, the Ratification Assistant for each First Nation, and their office address and telephone number; and
- e. the procedure for a Member to confirm their name is on the Voters’ List and to make any request to have their name added to the Voters’ List.

6.4 The Ratification Officer will, at least 30 days prior to the Final Voting Day:

- a. mail or deliver to each Eligible Voter on the Voters’ List for whom an address is available:
 - (i) a copy of the Notice of Vote with the information described in Article 6.3;
 - (ii) the Ballot Question;
 - (iii) instructions regarding voting by Online Voting;
 - (iv) a summary of the Manitoulin Project Settlement Agreement without schedules (full version of the Settlement Agreement available by request to the Ratification Officer); and
 - (v) any other information concerning the Manitoulin Project Settlement Agreement that UCCMM determines may be needed.

6.5 The Ratification Officer will maintain the Voters’ List identifying those to whom and the addresses to which each voting package was mailed or otherwise delivered.

- 6.6 If an Eligible Voter has voted by any combination of online and in person, only one vote will be counted. Each Eligible Voter is only permitted to cast one vote that will be counted in the Ratification Vote. Where the votes differ, a single vote will be recorded in the following order of preference:
- a. In-person ballot; and
 - b. Online ballot.
- 6.7 The Ratification Officer will, upon request, provide a complete copy of these Voting Guidelines to any Eligible Voter.

7.0 VOTERS' LIST AND REVISIONS

- 7.1 The Ratification Officer will ensure that they have received the Voters' List from the First Nations at least 45 days prior to the Final Voting Day.
- 7.2 The Ratification Assistant for each First Nation will review the Voters' List five (5) days prior to the Voting Period and make any necessary revisions if the Ratification Assistant determines that:
- a. the name of an Eligible Voter has been omitted from the Voters' List; or
 - b. the name of an Eligible Voter is incorrectly set out or should no longer be included on the Voters' List.
- 7.3 A Member of the First Nations may, up to and including the Final Voting Day, apply to the Ratification Assistant to have their name added to the Voters' List if that Member provides:
- a. proof of eligibility to vote by completing the "Declaration of Membership and Eligibility to Vote" form. This proof shall include documentation that verifies that the Eligible Voter's name is recorded on the Band List, and that the Eligible Voter is at least eighteen years old on the date of the Ratification Vote and not disqualified from voting at band elections.
 - b. Upon receipt and confirmation of the information in the "Declaration of Membership and Eligibility to Vote" form, the Ratification Officer will revise the Voters' List.
- 7.4 Where the Ratification Assistant is satisfied that a revision of the Voters' List is necessary, they will make the revision accordingly.

8.0 INFORMATION MEETINGS

- 8.1 UCCMM and each First Nation will set the date, place and time for the Information Meeting(s).

- 8.2 At least one (1) Information Meeting will be held for the purpose of providing an opportunity for UCCMM’s legal counsel to explain the Settlement Agreement to the Members, with a view to ensuring that all Eligible Voters have an opportunity to be informed prior to casting their votes on the Ballot Question.
- 8.3 At least one (1) Information Meeting will be held at least seven (7) days after posting the Notice of Vote and at least 14 days prior to the Final Voting Day.
- 8.4 The Information Meeting(s) will be open to all Members.
- 8.5 A representative from UCCMM will also attend the Information Meeting(s) to answer any questions.

9.0 PRELIMINARY PROCEDURES

- 9.1 The Ratification Assistant for each First Nation will:
- a. designate the place of each voting station and ensure it is available for voting;
 - b. ensure there are sufficient ballots;
 - c. obtain a sufficient number of ballot boxes;
 - d. properly seal the ballot box in such a manner that ballots can only be placed within it through a slit at the top, and place their signature on the seal in a manner that would make any subsequent opening of the ballot box apparent;
 - e. provide for voting booths at each voting station so an Eligible Voter can mark the ballot free of observation, furnishing each voting booth with appropriate voting instructions designed to prevent the Eligible Voter from spoiling their ballot and instructing the Eligible Voter of what to do if they spoil their Ballot;
 - f. provide pens or pencils for marking the ballot; and
 - g. ensure that examples of the Ballot Question are posted or available for examination by Eligible Voters at the voting station(s).

10.0 END OF EACH IN PERSON VOTING DAY

- 10.1 After the end of the each In Person voting day, each Ratification Assistant will:
- a. complete a “Daily Count” form;
 - b. forward a copy of the “Daily Count” form to the Ratification Officer at the close of voting on each day;
 - c. seal and secure each ballot box to prevent any further insertion of ballots;
 - d. sign across the seal in a manner that would make any subsequent opening of the ballot box apparent;
 - e. have a witness sign the same seal immediately thereafter; and

- f. secure all sealed ballot boxes and unused ballots in a location deemed appropriate by the Ratification Officer.

11.0 VOTING STATION PROCEDURES

- 11.1 The voting station(s) on an Advanced Voting Day set by the First Nation(s) will be open from 12:00 p.m. until 6:00 p.m.
- 11.2 The voting station(s) in each First Nation will be open from 9:00 a.m. until 8:00 p.m. on the Final Voting Day.
- 11.3 All voting will be by secret ballot only.
- 11.4 An Eligible Voter, regardless of their place of residence, may vote online or in person at the voting station(s) on their First Nation.
- 11.5 When a person requests to vote, the Ratification Assistant will, in the following order:
 - a. ensure that the person is an Eligible Voter by requesting to see photo identification that includes a signature or in the case where the Eligible Voter does not have photo identification, visually confirm their identity or confirm their band registry number, date of birth and mailing address;
 - b. if required, add the person's name to the Voters' List pursuant to these Voting Guidelines;
 - c. check to ensure that the person has not already voted;
 - d. provide an unmarked ballot to each Eligible Voter; and
 - e. explain the method of voting to each Eligible Voter.
- 11.6 Except for an Eligible Voter requiring special assistance, each Eligible Voter receiving a ballot at the voting station(s) will:
 - a. proceed immediately to a designated voting booth;
 - b. mark the ballot by placing a mark either in the box marked "YES" or in the box marked "NO", or in any manner that clearly indicates the voters intention;
 - c. fold the ballot to conceal the mark; and
 - d. immediately place the ballot in the ballot box under the supervision of the Ratification Assistant.

12.0 SPECIAL ASSISTANCE

- 12.1 The Ratification Assistant, where considered appropriate by that person, will provide special assistance to an Eligible Voter who requests such assistance by:
- a. marking the ballot, as directed by the Eligible Voter, either in secret or in the presence of a witness chosen by the Eligible Voter; and
 - b. immediately deposit the ballot into the ballot box in the view of the Eligible Voter.
- 12.2 In the circumstances described in Article 10.1, the Ratification Assistant, after assisting the Eligible Voter, will make an entry on the Voters' List opposite the name of the Eligible Voter indicating that the ballot was completed by the Ratification Assistant at the request and on behalf of the Eligible Voter.

13.0 ONLINE VOTING

- 13.1 Online Voting shall open and close on the dates specified in the Notice of Vote.
- 13.2 The Eligible Voter shall enter the information required by the Online Voting website to login, and once this is complete, shall vote either "YES" or "NO" in response to the Ballot Question or decline to vote. After entering in the Eligible Voter's information in the Online Voting website to login, if no vote is cast, an Eligible Voter shall be deemed to have cast a ballot marked "DECLINED."

14.0 ORDERLY VOTING

- 14.1 No person will interfere or attempt to interfere with an Eligible Voter when they are voting, nor obtain or attempt to obtain information as to how an Eligible Voter is about to vote or has voted.
- 14.2 The Ratification Assistant for each First Nation will ensure that peace and good order are maintained at the voting station(s).
- 14.3 The Ratification Assistant for each First Nation will allow only one (1) Eligible Voter at a time into a voting booth.
- 14.4 An Eligible Voter who is in line to vote at the voting station before the set closing time will be entitled to vote. An Eligible Voter who is in line to vote at the voting station before the set closing time may vote after 6:00 p.m. on an Advanced Voting Day or 8:00 p.m. on the Final Voting Day by paper ballot.

15.0 SPOILED AND UNUSED BALLOTS

- 15.1 A cast ballot will be rejected and set aside as a Spoiled Ballot, counted along with other Spoiled Ballots, and reported in the “Certification of Ratification Assistant” form if it:
- a. has not been handled by an Eligible Voter in such a manner that it is ruined and cannot be used;
 - b. was not marked as either “YES” or “NO”;
 - c. was marked as both “YES” and “NO”;
 - d. has any writing or mark which can identify the Eligible Voter;
 - e. was torn and any printed words on the ballot are missing;
 - f. is a ballot from an Eligible Voter who is noted as having already voted; or
 - g. marked in such a way the Ratification Assistant cannot reasonably determine the voter’s intent.
- 15.2 All unused ballots must be counted, set aside and reported in the “Certification by Ratification Assistant” form.

16.0 COUNTING OF RESULTS OF VOTES AT VOTING STATION

- 16.1 At the close of the Ratification Vote, the Consultant managing the Online Voting shall send a report for each First Nation of the overall results of Online Voting to the Ratification Officer by electronic mail with no identification as to how an Eligible Voter may have voted.
- 16.2 The Ratification Assistant for each First Nation, in the presence of one (1) witness from that First Nation, will count any paper ballots cast.
- 16.3 The Ratification Assistant for each First Nation, and the one (1) witness, will then record all counts within the “Certification by Ratification Assistant” form and provide a copy to the Ratification Officer.
- 16.4 The Ratification Officer will then tabulate the totals for the First Nation as well as a grand total for all First Nations and shall complete a “Certification by Ratification Officer” form.

17.0 CERTIFICATION OF RESULTS

- 17.1 Immediately following the determination of the results of the Ratification Vote:
- a. each Ratification Assistant will execute the “Certification by Ratification Assistant” form for each First Nation and provide a copy to the Ratification Officer;

- b. the Ratification Officer will then execute the “Certificate of Ratification Officer” form;
- c. the Ratification Officer will provide a copy of the tabulated results to each First Nation to post in a public place and any such other location as determined by the First Nation; and
- d. publish the tabulated results in such other locations determined by the Ratification Officer.

17.2 Any tabulated results posted by the Ratification Officer will contain:

- a. the number of votes cast for each First Nation;
- b. the number of “YES” votes for each First Nation;
- c. the number of “NO” votes for each First Nation;
- d. the number of votes required for each First Nation to ratify the Manitoulin Project Settlement Agreement; and
- e. a notice of whether the First Nation’s Ratification Threshold was achieved.

17.3 The Ratification Officer will, within two (2) days of the Final Voting Day, prepare and submit to each First Nation, the UCCMM and Canada:

- a. a formal report setting out the tabulated results;
- b. all forms set out in these Voting Guidelines; and
- c. any other information or report required by these Voting Guidelines or deemed requisite by the UCCMM and Canada.

18.0 RETENTION OF BALLOTS

18.1 The Ratification Assistant for each First Nation will:

- a. seal in separate envelopes all Spoiled Ballots, all cast ballots marked “YES”, all cast ballots marked “NO”, and all unused ballots; and
- b. deliver all aforementioned envelopes and ballots to the Ratification Officer and the UCCMM.

18.2 The UCCMM will:

- a. retain and secure all aforementioned envelopes for the greater of a period of 60 days or a period allowing for the completion of proceedings regarding any objections, including any litigation;

- b. after the period set out in 18.2 a., of these Voting Guidelines, destroy all aforementioned envelopes and ballots; and
- c. document all information regarding the destruction referred to in 18.2 b., of these Voting Guidelines in writing, and forward a copy of the same to the First Nations.

19.0 PROCEDURAL AMENDMENTS

- 19.1 In order to give effect to and carry out the objectives and purpose of the Ratification Vote, the Ratification Officer and the UCCMM may agree on a departure from the procedural requirements of these Voting Guidelines where they deem it necessary and where they believe it will not result in any substantive change. The Ratification Officer and the UCCMM will state in writing the nature and basis of such departure and the UCCMM will retain a copy of the statement for the duration of the appeal period.

20.0 OBJECTIONS

- 20.1 An Eligible Voter of a First Nation may file an objection within 10 days from the Final Voting Day of their First Nation's Ratification Vote, provided the Eligible Voter has reasonable grounds for believing that:
 - a. there was a violation of these Voting Guidelines that may have affected the results of the Ratification Vote; or
 - b. there was illegal practice that may have affected the results of the Ratification Vote.
- 20.2 In accordance with Article 20.1, the objection must be forwarded by electronic or registered mail, or by hand-delivering, to UCCMM, a notice of their objection, a sworn declaration setting out the grounds for the objection, the contact information of the person making the objection, and any information or evidence in support of the objection.
- 20.3 Where an objection is filed under Article 20.2, UCCMM will acknowledge receipt of the objection, and, within 10 days of receiving it, forward a copy of the objection by facsimile or overnight courier to an Independent Assessor appointed by the UCCMM.
- 20.4 Where the information or evidence sent is not sufficient to decide the validity of the objection, the Independent Assessor may conduct such further investigations as they deem necessary.
- 20.5 The Independent Assessor will, within 14 days of receiving the objection, forward to UCCMM, a sworn declaration containing a response to the particulars stated in the Eligible Voter's declaration and a written opinion on whether the objection should be allowed or dismissed.

20.6 Based on the response from the Independent Assessor, the UCCMM will notify the objector:

- a. that the evidence presented and reviewed allows for a reasonable conclusion that a violation under Article 20.1 has taken place that affected the result of the Ratification Vote, and accordingly, allow the objection and recommend a new vote for the First Nation(s), as necessary; or
- b. that the evidence presented and reviewed does not establish a violation under Article 20.1, the results of the Ratification Vote have not been affected, and accordingly, the objection is dismissed.

20.7 The response from the Independent Assessor shall be considered final.

21.0 SECOND VOTE

21.1 If a second vote is required, these guidelines will apply to that vote with any necessary modification the parties deem appropriate.

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MANITOULIN PROJECT SETTLEMENT AGREEMENT

**APPENDIX "A"
VOTING GUIDELINES**

APPOINTMENT OF AN ASSISTANT FOR EACH FIRST NATION

Date _____

I, _____, Ratification Officer, do hereby appoint _____ to act as my assistant for _____ First Nation in carrying out the duties in accordance with the Voting Guidelines of the Manitoulin Project Settlement Agreement for the purpose of the Ratification Vote.

Ratification Officer's Signature

I, _____, agree to act as an assistant to the Ratification Officer for the purpose of the Ratification Vote and promise to carry out all assigned duties to the best of my abilities and in accordance with the Voting Guidelines of the Manitoulin Project Settlement Agreement.

Signature of Ratification Assistant

MANITOULIN PROJECT SETTLEMENT AGREEMENT

APPENDIX “B” VOTING GUIDELINES

NOTICE OF VOTE

DATE: _____

TO: THE MEMBERS OF Aundeck Omni Kaning First Nation, M’Chigeeng First Nation, Sheguiandah First Nation, Sheshegwaning First Nation and Zhiibaahaasing First Nation

TAKE NOTICE that a Ratification Vote will be held [*voting period*] to determine if the voters approve and assent to the Manitoulin Project Settlement Agreement between Canada and the First Nations as summarized and attached in this Notice.

The following Ballot Question will be asked of the voters by secret ballot:

As a voter of the (First Nation name), do you agree to the terms and conditions of the Manitoulin Project Settlement Agreement?

The Ratification Vote will take place online during the Voting Period from [dates] and there will be one or two in-person voting stations in each First Nation on:

FINAL VOTING DAY DATE: _____

TIME: _____

LOCATION: _____

ADVANCED VOTING DAY DATE: _____

TIME: _____

LOCATION: _____

A summary of the Settlement Agreement will also be delivered to all Members for whom an address is available, and copies will be available for Members at each Band Office, and by request to the Ratification Officer.

AND FURTHER TAKE NOTICE that a Voters' List has been determined prior to posting this Notice of Vote. Articles 6.2 of the Voting Guidelines provide:

A Member of the First Nations may, up to and including the Final Voting Day, apply to the Ratification Officer or Ratification Assistant to have their name added to the Voters' List if that Member provides:

- a. proof of eligibility to vote by completing the Declaration of Membership and Eligibility to Vote Form substantially in the form of Appendix D. This proof shall include documentation that verifies that the Eligible Voter's name is recorded on the Band List, and that the Eligible Voter is at least eighteen years old on the date of the Ratification Vote and not disqualified from voting at band elections.
- b. Upon receipt and confirmation of the information in the Declaration of Membership and Eligibility to Vote form, the Ratification Officer will revise the Voters' List.

DATED at the Town/City of _____, in the Province of Ontario, this ____ day of _____, 2023.

An application to have your name added to the Voters' List or a request for a copy of the Voting Guidelines or forms should be made to the Ratification Assistant for each First Nation as set out below:

ADDRESS:
CONTACT INFO:

Signature of Ratification Officer

***Note that the Ratification Officer may need to revise this Notice in special circumstances**

An Information Meeting will be held on: [date, time, location]

MANITOULIN PROJECT SETTLEMENT AGREEMENT

**APPENDIX “C”
VOTING GUIDELINES**

DECLARATION OF MEMBERSHIP & ELIGIBILITY TO VOTE FORM

In the matter of the Ratification Vote for the Manitoulin Project Settlement Agreement held during the Voting Period from _____ 2024:

I, _____, of _____ First Nation

DO SOLEMNLY DECLARE THAT:

1. I am a registered Member of _____ First Nation, and my name is recorded on the Band List of _____. My membership/ registration number is _____;
2. I am or will be at least 18 years old on the date of the Ratification Vote;
3. I am not disqualified from voting in band elections; and
4. I am eligible to vote in the Ratification Vote regarding the Manitoulin Project Settlement Agreement.

Signature of Member

Signature of Witness

Name of Witness

MANITOULIN PROJECT SETTLEMENT AGREEMENT

APPENDIX “D” VOTING GUIDELINES

DAILY COUNT

I, _____, Ratification Assistant for _____
[First Nation], in the Province of Ontario,

DO SOLEMNLY DECLARE THAT:

I was present at

DATE: _____

TIME: _____

LOCATION: _____

and the daily count for the Voting Station was:

- a) Number of ballots used at the start of the day: _____ (insert #)
- b) Number of cast ballots used at the end of the day: _____ (insert #)
- c) Number of Spoiled Ballots at the end of the day: _____ (insert #)
- d) Number of unused ballots at the end of the day: _____ (insert #)

Signature of Ratification Assistant

Signature of Witness

Name of Witness

MANITOULIN PROJECT SETTLEMENT AGREEMENT

APPENDIX “E” VOTING GUIDELINES

CERTIFICATION BY RATIFICATION ASSISTANT

C A N A D A,
PROVINCE OF ONTARIO

I, _____, Ratification Assistant for _____ [First Nation],
in the Province of Ontario

DO SOLEMNLY DECLARE THAT:

5. I was present at

DATE: _____

TIME: _____

LOCATION: _____

when members voted concerning a proposed Settlement Agreement for the Manitoulin Project in accordance with the Voting Guidelines of the Manitoulin Project Settlement Agreement (the “Voting Guidelines”).

6. A true copy of the Notice of Vote is attached as Exhibit “1” to this Declaration.
7. In accordance with Article 6.1 of the Voting Guidelines, the Notice of Vote was posted at least 30 days prior to the Voting Day.
8. In accordance with Article 6.4 of the Voting Guidelines, a copy of the Notice of Vote together with a summary of the Settlement Agreement without schedules (full version of Settlement Agreement available by request to the Ratification Officer) were mailed or delivered to each Voter on the Voters’ List for whom an address is available at least 30 days prior to the Voting Period. The summary and full version of the Settlement Agreement were also available for Members at each Band Office, and by request to the Ratification Officer.
9. The voting procedure was conducted in accordance with the provisions of the Voting Guidelines.

10. The results of the Ratification Vote are as follows:
- a) the number of Eligible Voters who were entitled to cast a vote was _____.
 - b) ballots were cast in the Ratification Vote in accordance with the provisions of the Voting Guidelines;
 - c) _____ ballots were marked “YES”;
 - d) _____ ballots were marked “NO”;
 - e) _____ ballots were rejected in accordance with the Voting Guidelines; and
 - f) _____ ballots were spoiled and were not counted in accordance the Voting Guidelines.
11. The results of both the online voting and the in-person voting were provided to the Ratification Officer.

Signature of Ratification Assistant

Name of Witness

Name of Witness

MANITOULIN PROJECT SETTLEMENT AGREEMENT

APPENDIX "F" VOTING GUIDELINES

CERTIFICATION BY WITNESS

C A N A D A
PROVINCE OF ONTARIO

I, _____, an Eligible Voter for the _____ First Nation,
in the Province of Ontario

DO SOLEMNLY DECLARE THAT:

1. I was present at the [First Nation] voting station on:

DATE: _____

TIME: _____

LOCATION: _____

when members voted concerning a proposed Settlement Agreement for the Manitoulin Project in accordance with the Voting Guidelines of the Manitoulin Project Settlement Agreement (the "Voting Guidelines").

2. I served as the witness to the counting of ballots at the in person voting station by the Ratification Officer.

3. I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Signature of Witness

Name of Witness

MANITOULIN PROJECT SETTLEMENT AGREEMENT

APPENDIX “G” VOTING GUIDELINES

CERTIFICATION BY RATIFICATION OFFICER

C A N A D A,
PROVINCE OF ONTARIO

I, _____, Ratification Officer for the Manitoulin Project Settlement Ratification Vote, in the Province of Ontario

DO SOLEMNLY DECLARE THAT:

1. I received the sworn certification from the Ratification Assistant for each First Nation, who were present at the voting stations when members voted concerning a proposed Settlement Agreement for the Manitoulin Project in accordance with the Voting Guidelines of the Manitoulin Project Settlement Agreement (the “Voting Guidelines”).
2. A true copy of the Notice of Vote is attached as Exhibit “1” to this Declaration.
3. In accordance with Article 6.1 of the Voting Guidelines, the Notice of Vote was posted at least 30 days prior to the Voting Period.
4. In accordance with Article 6.4 of the Voting Guidelines, a copy of the Notice of Vote together with a summary of the Settlement Agreement without schedules (full version of Settlement Agreement available by request to the Ratification Officer) were mailed or delivered to each Voter on the Voters’ List for whom an address is available at least 30 days prior to the Voting Day. The summary and full version of the Settlement Agreement were also available for Members at each Band Office, and by request to the Ratification Officer.
5. The voting procedure was conducted in accordance with the provisions of the Voting Guidelines.
6. The results of the Ratification Vote are as follows:

AOK

- the number of Eligible Voters who were entitled to cast a vote was _____;

- ballots were cast in the Ratification Vote in accordance with the provisions of the Voting Guidelines;
- _____ ballots were marked “YES”;
- _____ ballots were marked “NO”;
- _____ ballots were rejected in accordance with the Voting Guidelines; and
- _____ ballots were spoiled and were not counted in accordance the Voting Guidelines.

Sheshegwaning

- the number of Eligible Voters who were entitled to cast a vote was _____;
- ballots were cast in the Ratification Vote in accordance with the provisions of the Voting Guidelines;
- _____ ballots were marked “YES”;
- _____ ballots were marked “NO”;
- _____ ballots were rejected in accordance with the Voting Guidelines; and
- _____ ballots were spoiled and were not counted in accordance the Voting Guidelines.

M’Chigeeng

- the number of Eligible Voters who were entitled to cast a vote was _____;
- ballots were cast in the Ratification Vote in accordance with the provisions of the Voting Guidelines;
- _____ ballots were marked “YES”;
- _____ ballots were marked “NO”;
- _____ ballots were rejected in accordance with the Voting Guidelines; and
- _____ ballots were spoiled and were not counted in accordance the Voting Guidelines.

Zhiibiihaasing

- the number of Eligible Voters who were entitled to cast a vote was _____;
- ballots were cast in the Ratification Vote in accordance with the provisions of the Voting Guidelines;
- _____ ballots were marked “YES”;
- _____ ballots were marked “NO”;
- _____ ballots were rejected in accordance with the Voting Guidelines; and

- _____ ballots were spoiled and were not counted in accordance the Voting Guidelines.

Sheguiandah

- the number of Eligible Voters who were entitled to cast a vote was _____;
- ballots were cast in the Ratification Vote in accordance with the provisions of the Voting Guidelines;
- _____ ballots were marked “YES”;
- _____ ballots were marked “NO”;
- _____ ballots were rejected in accordance with the Voting Guidelines; and
- _____ ballots were spoiled and were not counted in accordance the Voting Guidelines.

7. The proposed Settlement Agreement was:

approved; or

not approved;

by the voters.

Signature of Ratification Officer

Signature of Witness

Name of Witness