



SAMSON CREE NATION

REFERENDUM REGULATIONS

Amended by Samson Cree Nation Chief and Council

**February 22, 2022
SCM-22-02-22-#02**

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1. PURPOSE

- 1.1 The purpose of the Referendum Regulations is to establish a procedure for the Samson Cree Nation ("Samson") for the holding of referendums on questions that require the consideration and approval of the Samson membership.

2. DEFINITIONS

- 2.1 Referendum - a vote in which all the members from Samson Cree Nation are asked to give their opinion about or decide an important political or social question regarding Samson Cree Nation.

3. HOLDING THE REFERENDUM

- 3.1 The Samson Cree Nation Chief and Council may order that a referendum be held to determine if a majority of the eligible voters casting votes are in favor of a proposed initiative.
- 3.2 The Samson Cree Nation Chief and Council may appoint an individual responsible for the carrying out of the referendum ("Referendum Officer"). The Referendum Officer may appoint a delegate or delegates to assist him/her in carrying out the Referendum.
- 3.3 Any person who is of the full age of 18 years and whose name appears on the Samson Membership List maintained by the Samson Cree Nation and the Department of Indian Affairs and Northern Development will be eligible to vote.
- 3.4 A notice shall be posted at least 60 days before the day of the referendum in at least one conspicuous place in both the Samson Reserve and the Pigeon Lake Reserve, and in at least two major local newspapers. Also must be posted on Samson Cree Nation Social Media websites and ensure postings reach eligible voters that live in Urban locations.
- 3.5 The notice of the referendum shall include the following information:
- (i) the referendum question;
 - (ii) the dates on which the referendum and the advance poll will be held;
 - (iii) the location of the polling stations and the times for voting; and
 - (iv) the name and telephone number of the Referendum Officer.
- 3.6 Mail-in ballots shall be available for both on-reserve and off-reserve eligible voters upon request. Eligible voters must request mail in ballot from the Referendum officer a minimum of 30 days in advance to allow time to mail. The Referendum Officer shall keep a record of all persons to whom a mail-in ballot is provided.
- 3.7 An advance poll may be held approximately two weeks prior to the referendum date if it is deemed necessary by Samson Chief and Council.

- 3.8 The Referendum Officer shall prepare a statement of results as soon as it is practical. Copies shall be sent to the Samson Administration office. Copies shall also be sent to Indigenous Services Canada, for information purposes.
- 3.9 Eligible voters may vote on the proposed issue(s) utilizing an electronic tabulator. Chief and Council have the option to designate a manual count. All tabulations of the referendum vote shall be done at the close of poll.
- 3.10 Eligible voters may vote virtually if it is determined by Chief and Council that virtual voting is necessary. Procedures must be drafted by the Referendum Officer and approved by Samson Chief and Council at the time the referendum is called. A motion will be made by Samson Chief and Council to approve virtual voting with procedures.

4. VOTERS LIST

- 4.1 At least 7 days before the day on which the advance poll is to be held, the Samson Membership Department shall provide an eligible voters list to the Referendum Officer and shall provide a copy of the eligible voters list to be viewed in the Membership Department.
- 4.2 A voters list shall set out the following:
 - (i) the names of eligible voters, in alphabetical order; and
 - (ii) the band membership or registry number of each eligible voter and the date of birth of the eligible voter, to ensure age of majority.
- 4.3 On request, the Referendum Officer or his/her delegate shall confirm whether the name of a person is on the voters list. If an eligible voter does not appear on the eligible voters list, then a declaration form should be signed by the Referendum Officer and the Membership Department to verify the name of the eligible voter.
- 4.4 The Referendum Officer shall revise the voters list where it is demonstrated that:
 - (i) the name of an eligible voter has been omitted from the list;
 - (ii) the name of an eligible voter is incorrectly set out in the list; or
 - (iii) the name of a person who is not qualified to vote is included in the list.
- 4.5 The Samson Chief and Council shall delegate an individual from the Membership Department to assist with the referendum.

5. INFORMATION MEETINGS ON REFERENDUM QUESTION(S)

- 5.1 Information meetings shall be held on the Samson and Pigeon Lake Reserves at least fifteen days before the advance poll and at least fifteen days prior to the referendum vote in which information regarding the subject of the referendum is provided to eligible

voters. Advance notice of the information meetings shall be provided to the eligible voters. Informational meetings must be held in Edmonton and Calgary, other urban locations can be added if needed. Information meetings can be held virtually if needed.

6. PREPARATION FOR REFERENDUM

6.1 The Referendum Officer shall:

- (i) prepare sufficient ballots stating the question to be submitted to the eligible voters;
- (ii) ensure that a sufficient number of ballot boxes are available;
- (iii) before the date of the referendum and the advance poll, ensure all stationery, supplies and forms are available for the vote; and
- (iv) ensure all mail-in ballots are retrieved on referendum day.

7. VOTING POLLING STATIONS

7.1 The Referendum Officer shall establish polling stations. In the following locations at minimum;

- (i) Samson Reserve;
- (ii) Pigeon Lake;
- (iii) Calgary;
- (iv) Red Deer;
- (v) Edmonton; and

With the option of other designated polling stations if necessary.

7.2 The Referendum Officer or his/her delegate shall provide a compartment at each polling place where the eligible voter can mark his/her ballot free from observation, unless the eligible voter requires an interpreter.

7.3 The Referendum Officer or his/her delegate shall, immediately before the opening of the poll, open the ballot box to ensure that no ballots have been cast. A witness must be present to ensure that the ballot box is empty and the Referendum Officer shall then lock and properly seal the box.

7.4 Polling stations will be kept open from 9:00 a.m. until 9:00 p.m. in Samson Reserve and Pigeon Lake and 9:00 am until 6:00pm in any other locations on the days of the advance poll and referendum.

7.5 An eligible voter who is inside a polling building at the time that the polling station is to be closed is entitled to vote.

7.6 An eligible voter shall mark the ballot as specified by the Referendum Officer or his/her delegate.

- 7.7 After an eligible voter has voted, he/she shall submit the ballot as instructed by the Referendum Officer or his/her delegate and the name of the eligible voter shall be checked on the voters list indicating that he/she has voted.
- 7.8 If an eligible voter inadvertently spoils his/her ballot, then the Referendum Officer or his/her delegate shall provide one more ballot. If the eligible voter spoils the ballot again then he/she shall not be allowed to vote a third time. The ballot shall be deemed spoiled by the Referendum Officer.
- 7.9 No person shall interfere with or attempt to influence an eligible voter who is marking his/her ballot.

8. MAIL-IN VOTING PROCEDURE

- 8.1 The Referendum Officer and his/her delegates shall ensure that packages containing the following are prepared no less than 45 days prior to the referendum day for those eligible voters that request a ballot:
- (i) a ballot (initialled by the Referendum Officer);
 - (ii) information regarding the question;
 - (iii) instructions for voting by mail;
 - (iv) contact information of the Referendum Officer;
 - (v) a declaration form for the eligible voter to swear he/she is the one marking the ballot and that it is not done in a fraudulent manner; and
 - (vi) a self-addressed stamped envelope, addressed to the Referendum Officer.
- 8.2 At least 30 days prior to the referendum, the Referendum Officer and his/her delegates shall mail or deliver the referendum package to all known Samson eligible voters who reside off reserve that have requested a ballot as per section 3.6. Such names and addresses shall be provided to the Referendum Officer and his/her delegates by the Membership Department.
- 8.3 Any eligible voter, whether residing on or off reserve, may contact the Referendum Officer and request a referendum package. This shall be sent once it is determined that the eligible voter has not already been sent a referendum package by mail. The package must be requested 30 days prior to allow time for delivery.
- 8.4 The Referendum Officer and his/her delegates shall collect all envelopes that arrive by mail, but shall not open such envelopes until referendum day, whereupon those votes shall be tabulated accordingly. This shall be carried out in the presence of 2 (two) impartial witnesses, who shall verify the veracity of the process and shall swear a declaration to that effect.
- 8.5 As each mail-in ballot is counted, the name of the eligible voter shall be checked on the voters list indicating that they have voted.

8.6 Each mail-in ballot and form must be printed on separate coloured paper:

- (i) the marked ballot; and
- (ii) a properly executed declaration form.

If both are not present, the vote shall not be counted.

8.7 Mail-in ballots shall be accepted if received by the Referendum Officer or his/her delegate before the time at which polling stations close on referendum day. Any mail-in ballots received after this time shall not be counted. The Referendum Officer or his/her delegate shall make a final check at the Post Office prior to the Post Office closing on referendum day to ensure that all mail-in ballots received before the closing of the polls are counted.

8.8 As with the ballots counted on voting day, any ballot not properly marked shall be deemed spoiled.

8.9 Each eligible voter must cast only one ballot.

9. COUNTING VOTES

9.1 The Referendum Officer shall ensure all polls are closed at the specified time.

9.2 The Referendum Officer shall tabulate the results of the vote immediately after all polls have closed. The Referendum Officer shall ensure that 2 (two) witnesses is available to verify the results of the referendum.

9.3 As soon as is reasonable, the Referendum Officer shall provide a final written report to Samson Chief and Council. The final written report will also be made available to membership no later than 30 days from date of referendum.

10. AMENDMENT PROCESS

10.1 These Referendum Regulations may be amended by quorum Samson Chief and Council at a duly constituted meeting where a majority of the those in attendance vote in favour of amendments.