

## **PROPOSED FEDERAL REDRAFT**

### **CHAPTER R: RATIFICATION**

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#### **R.1.0 RATIFICATION OF THE DEHCHO AGREEMENT**

- R.1.1 The chief negotiators will initial the Dehcho Agreement when they are prepared to submit it for approval.
- R.1.2 After the Dehcho Agreement has been initialed by the chief negotiators, it will be submitted to the Parties for the consideration of ratification as set out in this chapter.
- R.1.3 The Dehcho Agreement will be legally binding once ratified by all Parties in accordance with the ratification provisions set out in this chapter.
- R.1.4 Ratification of the Dehcho Agreement by one party does not obligate any of the other parties to ratify the Dehcho Agreement.

#### **R.2.0 RATIFICATION COMMITTEE**

- R.2.1 The Parties will establish a Ratification Committee as soon as practicable but no later than 60 days after the initialing of the Dehcho Agreement, consisting of one representative appointed by each Party, to be responsible for the DFN ratification process, as set out in this chapter.
- R.2.2 The Ratification Committee will:

- a) ensure that the Eligible Voters have a reasonable opportunity to have access and to review the Dehcho Agreement and the procedures pursuant to R.2.2 d);
- b) ensure that the DFN has provided Eligible Voters a reasonable opportunity to review the DFN Constitution;
- c) organize community meetings to provide Eligible Voters an opportunity to review the substance of the Dehcho Agreement;
- d) establish and publish its procedures;
- e) set its time limits, including the date or dates of the Ratification Vote; and
- f) following the initialing of the Dehcho Agreement, prepare and publish a Preliminary Voters List in each Dehcho Dene Community and elsewhere as required based on the Enrolment List provided by the Enrolment Committee under E.4.4.

R.2.3 Following decisions rendered by the Appeal Board with respect to the Preliminary Votes List in accordance with R.3.3 and R.3.4, the Ratification Committee will:

- a) publish the Official Voters List in accordance with R.3.4;
- b) update the Official Voters List by
  - i) removing from the Official Voters List the name of each individual who died on or before the last day of voting without having voted;
  - ii) removing from the Official Voters List the name of each individual who did not vote and who provides, within 4 days of the last day of voting, certification by a qualified medical practitioner that the individual was physically or mentally

- incapacitated to the point that they could not have voted on the dates set for voting; and<sup>1</sup>
- iii) removing from the Official Voters List the name of each individual who has applied, or on whose behalf application has been made, by the close of polls on the last day of voting, to have his or her name removed from the Enrolment by the Enrolment Committee, provided the individual has not already voted;<sup>2</sup>
  - c) approve the form and content of the ballots;
  - d) authorize and provide general direction to voting officers to be employed in the conduct of the votes;
  - e) establish polling stations and rules that may include advance polling and mail-in ballots;
  - f) oversee the conduct of the votes on the dates it has established;
  - g) ensure that information about the dates set for voting and location of the polling stations be made publicly available;
  - h) oversee tabulation of the results of the votes;
  - i) provide the Parties with the result of the votes;
  - j) publish the result of the vote to ratify the Dehcho Agreement; and
  - k) prepare and provide to the Parties a written report on the outcome of the vote to ratify the Dehcho Agreement within 90 days of the last day of voting.

R.2.4 The Ratification Committee will be dissolved upon submitting to the Parties the written report as referred to in R.2.3 (k).

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<sup>1</sup> Canada examining whether any additional/alternative procedures are required with respect to mentally incompetent individuals

<sup>2</sup> Should be deadline for publication of Ratification Vote.

**R.3.0 APPEALS**

R.3.1 Appeals with respect to the Preliminary Voters List will be made to the Appeal Board established under E.6.1.

R.3.2 After the publication of the Preliminary Voters List, a written appeal may be submitted to the Appeal Board within a period established by the Ratification Committee in consultation with the Appeal Board by an individual:

- a) whose name is not on the Preliminary Voters List; or
- b) who would like to have their name removed from the Preliminary Voters List

R.3.3 Decisions of the Appeal Board in respect of an appeal will be by a majority of voting members and will be final. The Appeal Board will notify the appellant, any person whose eligibility to vote has been challenged and the Ratification Committee, of its decision.

R.3.4 Within 30 days of the Appeal Board rendering its decisions on applications, the Ratification Committee will forward an amended Preliminary Voters List to all Parties. Upon receipt of this list by the parties, the Ratification Committee will publish this list as the Official Voters List.

**R.4.0 RATIFICATION VOTE**

R.4.1 The Dehcho First Nations ratification vote will be held no earlier than 30 days after the publication of the Official Voters List on such date(s) as may be agreed to by the Ratification Committee.

R.4.2 An Eligible Voter will be an individual who eligible based on the eligibility criteria set out in E.1.0 and is at least 18 years of age on the day that individual is voting

R.4.3 An individual, who is not yet a Dehcho Citizen and whose name is therefore not included on the Official Voters List, is eligible to vote if that individual:

- a) provides the voting officer with a completed enrolment application form or evidence satisfactory to the voting officer that the individual has submitted an enrolment application form to the enrolment committee;
- b) provides evidence satisfactory to the voting officer that the individual meets the requirement set out in R.4.2. b); and
- c) declares in writing that they meet the eligibility criteria set out in the Eligibility and Enrolment chapter.

R.4.4 The ballot of an individual described in R.4.3 counts in determining the outcome of the ratification vote only if the Enrolment Committee determines that the individual is a Dehcho Member.

#### **R.5.0 RATIFICATION BY THE DFN**

R.5.1 Ratification of the Dehcho Agreement by the DFN will require:

- a) that Eligible Voters have a reasonable opportunity to review the Dehcho Agreement;
- b) approval by a Dehcho Assembly;
- c) a vote by Eligible Voters, by way of a secret ballot;
- d) that at least fifty percent plus one of individuals on the List of Eligible Voters vote in favour of the Dehcho Agreement;
- e) ratification of the DFN Constitution through the process set out in the Dehcho Agreement; and
- f) the Dehcho Agreement being signed by the authorized representative of the DFN.

#### **R.6.0 RATIFICATION BY THE GOVERNMENT OF THE NORTHWEST TERRITORIES**

R.6.1 Ratification of the Dehcho Agreement by the Government of the Northwest Territories will require:

- a) ratification of the Dehcho Agreement by the Dehcho First Nations pursuant to R.1.16

- b) approval of the Dehcho Agreement by the Executive Council;
- c) signing of the Dehcho Agreement by the Minister authorized by the Executive Council; and
- d) the coming into force of territorial Settlement Legislation.

**R.7.0 RATIFICATION BY THE GOVERNMENT OF CANADA**

R.7.1 Ratification of the Dehcho Agreement by the Government of Canada will require:

- a) approval of the Dehcho Agreement by the Executive Council of the Government of the Northwest Territories pursuant to R.1.17 b) and ratification of the Dehcho Agreement by the Dehcho First Nation pursuant to R.1.16.
- b) that the Dehcho Agreement be signed by the Minister of Indian and Northern Affairs Canada as authorized by federal Cabinet; and
- c) the coming into force of federal Settlement Legislation.

**R.8.0 COSTS**

R.8.1 The Government of Canada will provide an amount of funding agreed upon by the Parties for the Ratification Committee to carry out the duties and responsibilities as set out in this chapter and in the Dehcho Agreement.