

LNIB Land Code



LNIB Community Ratification Process Summary





PURPOSE

Procedure to approve the Land Code and the Individual Agreement.

CONFIRMATION BY VERIFIER – SEE SECTION 4

At least 66 days before the first Regular Voting Day, Council will pass a resolution in Form 2 to provide the Verifier with an electronic copy of:

- the proposed Ratification Process;
- the proposed Land Code; and
- the initial List of Voters,

and forthwith provide the Verifier with the above documents in quadruplicate.

LAUNCH OF THE VOTE – SEE SECTION 5

As soon as practicable after the Verifier confirms that the Land Code and this Ratification Process are consistent with the Framework Agreement and the Act, Council will pass a Resolution in Form 3 to:

- confirm the Ratification Officer, who shall be a person knowledgeable about overseeing voting processes and who has no personal interest in the outcome of the Ratification Vote;
- confirm the List of Eligible Voters;
- confirm that an Electronic Voting option will be provided;
- approve the text of the Land Code and Ratification Process;
- order that the Ratification Vote be held to determine if the community approves the Ratification Documents;
- confirm the wording of the Ballot Question; and
- set the Regular Voting Days and the Advance Polling Day.



BALLOT (BALLOT QUESTION – FORM 1 RATIFICATION PROCESS)

BALLOT QUESTION

Do you approve:

- The Lower Nicola Indian Band Land Code, dated April 1st, 2016 for reference; and
- the Individual Agreement between Lower Nicola Indian Band and Her Majesty the Queen in right of Canada?

EXPLANATION

A **“YES”** vote means that the Lower Nicola Indian Band will manage its own reserve lands under the Lower Nicola Indian Band Land Code.

A **“NO”** vote means that the Lower Nicola Indian Band lands will continue to be managed by Indigenous and Northern Affairs Canada under the *Indian Act*.

YES **NO**

Mark this Ballot by placing a mark (X) in one of the above boxes.

DUTY OF THE RATIFICATION OFFICER – SEE SECTION 6

The Ratification Officer is responsible for overseeing the conduct of the Ratification Vote and has all the powers necessary to carry out that responsibility.

The Ratification Officer may appoint one or more assistant Ratification Officers and may delegate any of the duties set out in the Ratification Process to such an assistant, except:

- the initialling of ballots;
- the deposit of the Mail-in ballots in the ballot box under section 16.6; and
- the counting of ballots under part 20.



If, at any time, the Ratification Officer is unable to perform his or her duties, Council may appoint an acting Ratification Officer.

NOTICE OF VOTE - SEE SECTION 7

The Ratification Officer, in consultation with Council, will post a Notice of Vote in Form 5 at least 35 days prior to the first Regular Voting Day in public places where it can be read by the Members.

The Verifier will publish the Notice of Vote in one or more newspapers at least 28 days prior to the first Regular Voting Day.

The Notice of Vote will contain the following information:

- the date, place and time of the poll on the Regular Voting Days;
- the date, place and time of the poll on the Advance Polling Day;
- the Ballot Question;
- the procedures for registering as a Registered Voter;
- instructions for obtaining a copy of the Framework Agreement, Individual Agreement, Lower Nicola Indian Band, the Background Documents and the ratification process;
- the name, office address and telephone number of the Ratification Officer; and
- information on options for voting.

PRELIMINARY PROCEDURES - SEE SECTION 8

The Ratification Officer, in consultation with the Lands Manager, shall:

- designate the polling place;
- prepare sufficient copies of regular ballots and Mail-in ballots, which will be uniform in size, appearance, quality and weight;
- prepare sufficient copies of the secrecy envelopes, the identification envelopes and return envelopes;
- prepare sufficient copies of the voting instructions;
- obtain a sufficient number of ballot boxes;
- provide for a designated voting area at the polling place such that a Registered Voter can mark a ballot free from observation;
- provide a sufficient number of lead pencils and blue or black ink pens for marking the ballot;



- ensure that samples of the Ballot Question are posted or available for examination at the poll; and
- ensure that a Commissioner for Taking Oaths or Notary Public will be available as required.

INFORMATION FOR MEMBERS - SEE SECTION 9

Council will send or cause to be sent, in one or more mailings, the following information to each Member on the List of Eligible Voters at the Member's last known address:

- a copy of the Notice of Vote;
- a copy of the Land Code;
- a summary of the Land Code;
- a copy of the Individual Agreement;
- a summary of the Individual Agreement;
- a summary of the Framework Agreement; and
- a summary of the Act;

The information sent in accordance with section 9.1 will be mailed at least 35 days prior to the first (1st) Regular Voting Day, unless eligible voters elect to receive information electronically.

In addition to the information provided under section 9.1 Council may conduct or cause to be conducted:

- visits at the homes of Eligible Voters;
- telephone contact with Eligible Voters;
- information meetings at the Lower Nicola Indian Band administrative offices and other appropriate places; and
- such other information activities as Council may be deemed appropriate.

INFORMATION TO THIRD PARTIES - SEE SECTION 10

At least thirty-five (35) days prior to the first (1st) Regular Voting Day, the Lands Manager will send, via regular mail to the addresses provided by Indigenous and Northern Affairs Canada, the following information to each person who holds an interest in Lower Nicola Indian Band Land but is not a Member:

- the date of the Ratification Vote;
- a communiqué from the Lower Nicola Indian Band explaining the effect of the Ratification Vote;
- a summary of the Act;



- a summary of the Framework Agreement;
- a summary of the Land Code; and
- the name, office address and telephone number of a person who may be contacted for purposes of obtaining copies of the Background Documents or further information about the management of Lower Nicola Indian Band Reserve Lands.

REGISTRATION OF ELIGIBLE VOTERS - SEE SECTION 12

The Ratification Officer will, at least 35 days before the first Regular Voting Day, send to each Eligible Voter at their last known address a registration package containing:

- a voter registration document in Form 6 and a prepaid return envelope;
- a Mail-in Voting Package; and
- instructions about the Electronic Registration Process.

The Mail-in Voting Package under section 12.1 will contain:

- a pre-folded and initialled ballot in Form 1;
- an identification envelope in Form 7;
- a secrecy envelope;
- a prepaid return envelope; and
- voting instructions.

An Eligible Voter who wishes to vote in the Ratification Vote must register with the Ratification Officer by:

- completing and signing a voter registration document in Form 6 before a witness and returning the voter registration document to the Ratification Officer by mail, courier, hand delivery or facsimile; or
- completing registration through the Electronic Registration Process.

An Eligible Voter may register under section 12.4(a) prior to the posting of the Notice of Vote.



METHODS OF VOTING – SEE SECTION 13

Once registered, a voter may cast their one vote in any of the following ways:

- Electronic Voting (including telephone voting);
- Mail-in ballot; or
- In-person voting at the polling place on an Advance Polling Day; a Regular Voting Day or, if applicable, the Additional Polling Day, in accordance with this Ratification Process.

ELECTRONIC VOTING – SEE SECTION 15

A Registered Voter may cast a vote by Electronic Voting. To cast an electronic vote, a Registered Voter will:

- enter the website address provided or call the designated telephone number provided;
- enter their unique voter identification code;
- confirm their Band registry number;
- complete the electronic voter registration process and digitally sign their declaration;
- confirm their eligibility to participate using electronic voting;
- declare their intent to vote electronically and digitally sign their declaration;
- make their Electronic vote by selecting between YES or NO; and
- confirm their Electronic vote.

Upon receipt of an email notification, the Ratification Officer will:

- confirm that the voter has registered in accordance with this Ratification Process and will record the registration;
- confirm that no other Mail-in Voting Package, In Person, electronic vote or telephone vote was received for the same voter; and
- record the date when the electronic vote was received.

Electronic voting will end automatically upon the closing of the poll on the last Regular Voting Day or, if applicable, the Additional Polling Day, and the Electronic Voting Platform will no longer be accessible by voters. Electronic Voting must be completed by this time.



MAIL IN BALLOTS - SEE SECTION 16

To cast a Mail-in ballot, a Registered Voter will:

- mark the ballot by placing a cross (“X”) in the box marked “YES” or in the box marked “NO”;
- enclose and seal the ballot in the secrecy envelope;
- enclose and seal the secrecy envelope in the identification envelope;
- sign the outside of the identification envelope;
- enclose and seal the identification envelope in the prepaid mailing envelope; and
- deliver the sealed mailing envelope to the Ratification Officer.

A Mail-in ballot may be delivered to the Ratification Officer by mail, courier or hand delivery.

A Mail-in ballot must be received by the Ratification Officer no later than the close of the poll on the last Regular Voting Day or, if applicable, the Additional Polling Day.

Immediately after the poll is closed on the Advance Voting Day and each Regular Voting Day, and, if applicable, the Additional Polling Day, the Ratification Officer will, in the presence of two or more Registered Voters who will act as witnesses:

- open a ballot box to be used only for the Mail-in ballots received by the close of this Voting Day;
- request two or more Registered Voters to witness that the ballot box is empty;
- place his or her signature on the seal;
- ask the witnesses to place their signatures on the seal;
- forthwith seal the ballot box;
- in the presence of the witnesses, open each Mail-in Voting Package;
- verify that the signature that appears on the identification envelope is the same as the signature that appears on the voter registration document;
- confirm that no other Mail-in Voting Package, electronic vote or telephone vote was received for the same voter;
- if the Registered Voter has not already voted, open the secrecy envelope and initial the ballot without looking at the response to the ballot question, and deposit the Mail-in ballot into the ballot box specified for Mail-in ballots for this Voting Day; and
- place a line through the name of the Registered Voter on the List of Registered Voters.



ADVANCE POLLING DAY - SEE SECTION 17

There will be an Advance Poll at the polling place on the Friday immediately prior to the first Regular Voting Day.

The poll will be open from 9:00am until 8:00pm on the Advance Polling Day.

REGULAR VOTING DAYS - SEE SECTION 18

The poll will be open from 9 a.m. until 8 p.m. at the polling place on each Regular Voting Day and the Ratification Officer or Assistant Ratification Officer will be present while the poll is open.

When a person at the poll wishes to vote, the Ratification Officer will:

- ensure that the person is a Registered Voter;
- check the List of Registered Voters to ensure that the person has not already voted in person, by mail or by Electronic Voting; and
- if the Registered Voter has not already voted, provide the Registered Voter with a ballot, on the back of which are affixed the Ratification Officer's initials so that the initials can be seen when the ballot is folded.

Except for a Registered Voter requiring special assistance, every Registered Voter receiving a ballot at a poll will:

- proceed immediately to a designated voting area;
- mark the ballot by placing a cross ("X") in the box marked "YES" or in the box marked "NO";
- fold the ballot so as to conceal the mark and expose the initials of the Ratification Officer; and
- immediately give the folded ballot to the Registration Officer.

OBJECTIONS - SEE SECTION 24

An Eligible Voter or the representative of Canada appointed under clause 8.2 of the Framework Agreement may file an objection with the Verifier if that Eligible Voter or representative has reasonable grounds for believing that:

- a) there was a violation of, or irregularity in, this Ratification Process; and
- b) the final result of the Ratification Vote might have been different but for the violation or irregularity.

An objection must be received by the Verifier within five days of the last day on which voting occurred.



An objection must be in writing and must:

- a) identify the name, address and telephone number of the Eligible Voter or representative of Canada making the objection;
- b) summarize the grounds for the objection; and
- c) be accompanied by a statutory declaration setting out the grounds for the objection.

The Verifier may, if the material provided under section 24.3 is insufficient to decide the validity of the objection, conduct such further investigations as he deems necessary.

If an objection is filed under this Part in accordance with sections 24.2 and 24.3, the Verifier will, within 15 days of the last day on which voting occurred, determine whether the objection is valid.

If the Verifier determines the objection is valid, he may allow the objection and call another Ratification Vote.

If the Verifier determines that:

- a) there was neither a violation of, nor an irregularity in, this Ratification Process; or
- b) there was a violation of, or an irregularity in, this Ratification Process but the final result of the Ratification Vote was not affected

the Verifier will dismiss the objection.

CERTIFICATION OF LAND CODE - SEE SECTION 26

The Land Code and the Individual Agreement will be approved if:

- a majority of Registered Voters vote in favour; and
- the total number of “yes” votes is at least 25% plus 1 of the total number of Eligible Voters.