

LOWER NICOLA INDIAN BAND COMMUNITY RATIFICATION PROCESS

April 01, 2016
v. 6.2

I, CERTIFY THAT THIS IS A CERTIFIED TRUE PHOTO COPY OF
THE ORIGINAL DOCUMENT WHICH, TO THE BEST OF MY
KNOWLEDGE HAS NOT BEEN ALTERED IN ANY WAY.

RECEIVED
04/12/16

For verification

VERIFIED

APR 18 2016

GERALDINE MARIE BANGHAM
Commissioner for taking affidavits
For British Columbia
Expires January 31, 2018

G. Bangham

[Signature]

**LOWER NICOLA INDIAN BAND
COMMUNITY RATIFICATION PROCESS**

1. TITLE AND PURPOSE

- 1.1 The title of this document is the *Lower Nicola Indian Band Community Ratification Process*.
- 1.2 The purpose of this document is to set out the procedure by which the Lower Nicola Indian Band will decide whether to approve its Land Code and the Individual Agreement, as required under the Framework Agreement and the Act.

2. DEFINITIONS

- 2.1 In this Ratification Process:

“Act” means the *First Nations Land Management Act*, S.C. 1999, c. 24;

“Additional Polling Day” means the date which may be established by the Ratification Officer in accordance with section 21 of this Ratification Process for voting following the Regular Voting Days;

“Advance Polling Day” means any early voting day held prior to the Regular Voting Days to permit Eligible Voters who expect to be absent on the Regular Voting Day to cast their ballots;

“Background Documents” means:

- (a) the Framework Agreement;
- (b) the Act;
- (c) a summary of the Framework Agreement;
- (d) a summary of the Act; and
- (e) a summary of the Land Code;

“Ballot Question” means the question asked in the Ratification Vote in Form 1;

“Council” means the duly elected Chief and Councillors of the Lower Nicola Indian Band;

“Electronic Registration Process” means the process by which an Eligible Voter may register to vote by Electronic Voting;

VERIFIED

APR 18 2016



“Electronic Voting” means voting via a website or touch-tone phone in accordance with this Ratification Process;

“Electronic Voting Contractor” means the contractor retained by the Lower Nicola Indian Band to provide the means by which Electronic Voting may take place;

“Electronic Voting Platform” means the electronic tool provided by the Electronic Voting Contractor to enable and record Electronic Voting;

“Eligible Voter” means a Member of Lower Nicola Indian Band who is 18 years of age or older on the last Regular Voting Day;

“Framework Agreement” means the *Framework Agreement on First Nation Land Management* entered into between the Minister of Indian Affairs and Northern Development and the Chiefs of fourteen First Nations on February 12, 1996, as amended;

“Individual Agreement” means the proposed Individual First Nation Agreement made between the Lower Nicola Indian Band and Her Majesty in right of Canada in accordance with clause 6.1 of the Framework Agreement;

“Land Code” means the proposed or ratified *Lower Nicola Indian Band Land Code*;

“Lands Manager” means the employee or contractor responsible for the management of Lower Nicola Indian Band reserve lands, and includes a designate;

“List of Registered Voters” means the list of Eligible Voters, prepared in accordance with section 12.8, who have registered to vote in the Ratification Vote;

“List of Voters” means the list of Eligible Voters prepared in accordance with section 3.2, and updated from time-to-time;

“Mail-in Ballot” means a ballot in Form 1 which is submitted by mail in accordance with this Ratification Process;

Mail-in Voting Package” means the package of materials described in section 12.3 of this Ratification Process;

VERIFIED

APR 18 2016

“Member” means a person whose name appears or is entitled to appear on the Lower Nicola Indian Band membership list;

“Ratification Documents” means the Land Code and the Individual Agreement;

“Ratification Process” means this *Lower Nicola Indian Band Community Ratification Process*;

“Ratification Officer” means the person appointed by Council and confirmed under clause 5.1(a);

“Ratification Vote” means a vote by the Registered Voters on the Ballot Question conducted according to the Ratification Process;

“Registered Voter” means an Eligible Voter who has registered to vote in accordance with section 12.4;

“Verifier” means the person appointed as Verifier under the Framework Agreement and includes any assistant appointed by the Verifier;

“Regular Voting Day” means the consecutive Friday and Saturday established as the primary dates for holding the Ratification Vote.

2.2 Unless otherwise provided, words defined in the Framework Agreement have the same meaning in this Ratification Process.

2.3 Words in the singular include the plural, words in the plural include the singular and words in the masculine include the feminine, as the context may require.

2.4 A specified time of day is a reference to Pacific Standard Time (PT).

3. INITIAL MATTERS

3.1 At least 100 days before the first Regular Voting Day, the Lower Nicola Indian Band will retain a dependable and independent Electronic Voting Contractor.

3.2 At least 90 days before the first Regular Voting Day, the Lands Manager, in consultation with Council, will ensure that an initial List of Voters is prepared containing all information in the possession of the Lands Manager about the full names, band numbers, birth dates and addresses of the

VERIFIED

APR 18 2016



Eligible Voters.

4. CONFIRMATION BY VERIFIER

4.1 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:

- (a) the proposed Ratification Process;
- (b) the proposed Land Code; and
- (c) the initial List of Voters,

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

4.2 Upon receipt of the documents under section 4.1, the Verifier will review the Land Code and the Ratification Process to determine whether they are consistent with the Framework Agreement and the Act.

4.3 In accordance with clause 8.8 of the Framework Agreement, the Verifier will, within 30 days of receiving the documents, issue a notice in Form 2A to the First Nation, the Minister and the Lands Advisory Board stating whether the Land Code and the Ratification Process are consistent with the Framework Agreement and the Act.

5. COUNCIL RESOLUTION

5.1 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:

- (a) 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;
- (b) confirm the List of Eligible Voters;
- (c) confirm that an Electronic Voting option will be provided;
- (d) approve the text of the Land Code and Ratification Process;
- (e) order that the Ratification Vote be held to determine if the community approves the Ratification Documents;
- (f) confirm the wording of the Ballot Question; and
- (g) set the Regular Voting Days and the Advance Polling Day.

5.2 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 3A to confirm the Individual Agreement.

VERIFIED

APR 18 2016

5.3 The Chief of the Lower Nicola Indian Band will then initial the Individual Agreement and send it to the Regional Director General of Indigenous and Northern Affairs to initial and return back to the Lower Nicola Indian Band.

6. DUTY OF RATIFICATION OFFICER AND APPOINTMENT OF ASSISTANT

6.1 Upon the appointment of the Ratification Officer, the Ratification Officer will execute an Appointment of Ratification Officer in Form 4.

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

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

- (a) the initialing of ballots;
- (b) the deposit of the Mail-in Ballots in the ballot box under section 16.6; and
- (c) the counting of ballots under part 20.

6.4 Upon the appointment of an assistant Ratification Officer, the Ratification Officer and each such assistant Ratification Officer will execute an Appointment of an Assistant Ratification Officer in Form 4A.

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

7. NOTICE OF VOTE

7.1 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.

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

7.3 The Notice of Vote will contain the following information:

- (a) the date, place and time of the poll on the Regular Voting Days;
- (b) the date, place and time of the poll on the Advance Polling Day;

VERIFIED

APR 18 2016



2016 04 01 (v. 6.2)

- (c) the Ballot Question;
- (d) the procedures for registering as a Registered Voter;
- (e) instructions for obtaining a copy of the Framework Agreement, Individual Agreement, Lower Nicola Indian Band Land Code, the Background Documents and the ratification process; and
- (f) the name, office address and telephone number of the Ratification Officer; and
- (g) information on options for voting.

7.4 Forthwith after posting the Notice of Vote, the Ratification Officer will fax a true copy of the Notice of Vote to the Verifier.

7.5 As soon as practicable after the Notice of Vote is posted, Council will send, or cause to be sent to the Verifier an addendum to the List of Voters, listing any changes to the initial List of Voters who will be eligible to vote.

8. PRELIMINARY ACTIVITIES OF RATIFICATION OFFICER

8.1 The Ratification Officer, in consultation with the Lands Manager, will:

- (a) designate the polling place;
- (b) prepare sufficient copies of regular ballots and Mail-in Ballots, which will be uniform in size, appearance, quality and weight;
- (c) prepare sufficient copies of the secrecy envelopes, the identification envelopes and the return envelopes;
- (d) prepare sufficient copies of the voting instructions;
- (e) obtain a sufficient number of ballot boxes;
- (f) provide for a designated voting area at the polling place such that a Registered Voter can mark a ballot free from observation;
- (g) provide a sufficient number of lead pencils and blue or black ink pens for marking the ballot;
- (h) ensure that samples of the Ballot Question are posted or available for examination at the poll; and
- (i) ensure that a Commissioner for Taking Oaths or Notary Public will be available as required.

8.2 The Ratification Officer will take and complete any necessary in-service orientation or training prescribed for managing Electronic Voting protocols, process and administration.

9. INFORMATION FOR MEMBERS

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

VERIFIED

APR 18 2016

address:

- (a) a copy of the Notice of Vote;
- (b) a copy of the Land Code;
- (c) a summary of the Land Code;
- (d) a copy of the Individual Agreement;
- (e) a summary of the Individual Agreement;
- (f) a summary of the Framework Agreement; and
- (g) a summary of the Act.

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

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

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

9.4 Notwithstanding section 9.3, personal visits, text, email, telephone or other contact by Council with an Eligible Voter on the Advance Polling Day, a Regular Voting Day or an Additional Polling Day is only permitted for the purpose of assisting such Eligible Voter to vote.

10. INFORMATION FOR THIRD PARTIES

10.1 At least 35 days prior to the first Regular Voting Day, the Lands Manager will send, via regular mail to the address 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:

- (a) the date of the Ratification Vote;
- (b) a communiqué from Lower Nicola Indian Band explaining the effect of the Ratification Vote;
- (c) a summary of the Act;
- (d) a summary of the Framework Agreement;
- (e) a summary of the Land Code; and
- (f) 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 Lands.

- 10.2 In addition to information provided in accordance with section 10.1, the Lower Nicola Indian Band may meet with, or otherwise provide information directly to, persons who hold an interest in Lower Nicola Indian Band land but are not Members.
- 10.3 Nothing in this Ratification Process precludes the Lower Nicola Indian Band from providing information in any form it deems appropriate to a municipal corporation, regional district, First Nation or other entity with an interest in land in the vicinity of Lower Nicola Indian Band reserves.

11. AVAILABILITY OF DOCUMENTS

- 11.1 Notwithstanding section 9, any Member may, on request, obtain a copy of the Ratification Documents and Background Documents at no cost.
- 11.2 Any Member or the representative of Canada appointed under clause 8.2 of the Framework Agreement may upon request obtain a copy of the Ratification Process in relation to an objection under part 24.
- 11.3 The Lands Manager will ensure that copies of the Ratification Documents and Background Documents are available at the administration offices of the Lower Nicola Indian Band in sufficient quantities to comply with section 11.1 and 11.2.
- 11.4 Documents will be available electronically upon request.

12. VOTER REGISTRATION

- 12.1 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) a voter registration document in Form 6 and a prepaid return envelope;
 - (b) a Mail-in Voting Package; and
 - (c) instructions about the Electronic Registration Process.
- 12.2 The registration package under section 12.1 will be sent separately from the information sent under section 9.1.
- 12.3 The Mail-in Voting Package under section 12.1 will contain:

VERIFIED

APR 18 2016



- (a) a pre-folded and initialed ballot in Form 1;
- (b) an identification envelope in Form 7;
- (c) a secrecy envelope;
- (d) a prepaid return envelope; and
- (e) voting instructions.

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

- (a) 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
- (b) completing registration through the Electronic Registration Process.

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

12.6 To be valid, a completed, signed and witnessed voter registration document 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.

12.7 A person who has completed registration through the Electronic Registration Process is deemed to have completed the voter registration document and delivered it to the Ratification Officer.

12.8 The Ratification Officer will maintain an updated List of Registered Voters setting out the names of all Eligible Voters who have returned a valid voter registration document in accordance with section 12.4 and 12.6.

13. METHODS OF VOTING

13.1 A Registered Voter may cast a vote by:

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

14. ELECTRONIC VOTING CONTRACTOR RESPONSIBILITIES

VERIFIED

APR 18 2016



- 14.1 The Electronic Voting Contractor will provide a secure Electronic Voting Platform for Eligible Voters to register via a web-based registration page and vote electronically via a web-based voting page or a touch-tone telephone.
- 14.2 The Electronic Voting Platform will ensure that:
- (a) individual Electronic Voting results will remain secret at all times and individual voter choices shall be encrypted in such a way as to ensure voter anonymity;
 - (b) once a Registered Voter has voted once by Electronic Voting using their personal credentials, they cannot vote again by Electronic Voting using the same credentials, and will be restricted from doing so again by the Electronic Voting Platform;
 - (c) automated email notifications are generated in real-time to the voter, Verifier and Ratification Officer of all and any activity associated with a voter using the electronic voting platform, including:
 - i. attempted registration;
 - ii. completed voter registration;
 - iii. completed voting; and
 - iv. confirmation of voting;
- 14.3 At a minimum, Electronic Voting procedures will exceed the threshold of verification and due diligence for Mail-in Ballots, and at minimum will require for each Eligible Voter:
- (a) a digital signature;
 - (b) a unique voter identification code; and
 - (c) their registry number (status card number).
- 14.4 The Electronic Voting Contractor will, in a timely manner, provide by email to each Eligible Voter who has registered for Electronic Voting:
- (a) a website address and a telephone number which Eligible Voters can use to vote electronically;
 - (b) a unique voter identification code; and
 - (c) instructions for voting electronically.
- 14.5 The Electronic Voting Contractor will provide the Ratification Officer and Verifier with real-time email updates of electronic registrations and ballots cast before and during the polls on the Advance Polling Day, the Regular Voting Days and, if applicable, the Additional Polling Day.
- 14.6 The Electronic Voting Contractor will provide the Ratification Officer and Verifier

2016 04 01 (v. 6.2)

with timely notification of any system or communication failures, interruptions or lost data.

14.7 The Ratification Officer will provide the Electronic Voting Contractor with the list of Eligible Voters at least 45 days prior to the first Regular Voting Day. The Electronic Voting Contractor will immediately enter the list on the Electronic Voting Platform.

15. ELECTRONIC VOTING

15.1 A Registered Eligible Voter may cast a ballot by Electronic Voting.

15.2 To cast an Electronic vote, a Registered Voter will:

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

15.3 Immediately after an electronic vote is completed an email will be automatically generated by the Electronic Voting Platform that confirms the vote of the Member, and advises the Ratification Officer and Verifier that this Member has voted.

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

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

15.5 Where the Ratification Officer is notified of an incomplete or failed electronic voter registration or vote, the Ratification Officer will contact the voter immediately with alternative voting solutions, including Mail-in Ballot or voting in person.

VERIFIED

APR 18 2016



15.6 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.

15.7 Immediately upon the closing of the poll on the last Regular Voting Day or, if applicable, the Additional Polling Day, the Electronic Voting Contractor will email the Verifier and Ratification Officer a link to a web page which summarizes the Electronic Voting results, and make the information accessible on the Electronic Voting Platform.

16. MAIL-IN BALLOTS

16.1 A Registered Voter may cast a Mail-in Ballot.

16.2 To cast a Mail-in Ballot, a Registered Voter will:

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

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

16.4 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.

16.5 After the Ratification Officer has received a Mail-in Ballot, the Ratification Officer will:

- (a) confirm that the sender of the Mail-in Ballot has registered in accordance with section 12.4;
- (b) attach the voter registration document to the Mail-in Voting Package;
- (c) record the date when the Mail-in Voting Package was received;
- (d) confirm that no other Mail-in Voting Package, In Person, electronic vote or telephone vote has been received from the Registered Voter;
- (e) update the voter's list to show this person has cast a Mail-In

VERIFIED

APR 18 2016



- Voting ballot; and
 - (f) store the Mail-in Voting Package in a secure location until the close of the poll on the next Voting Day (either Advance Polling Day or Regular Voting Day).
- 16.6 The Ratification Officer is personally responsible for the safekeeping of Mail-in Voting Packages until such time as the packages are opened, verified and deposited in the ballot box in accordance with section 16.8.
- 16.7 The Ratification Officer will, after the last mail delivery on or before the last Regular Voting Day and prior to the close of the poll on the last Regular Voting Day, retrieve any Mail-in Voting Packages from the mail.
- 16.8 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:
- (a) open a ballot box to be used only for the mail-in ballots received by the close of this Voting Day;
 - (b) request two or more Registered Voters to witness that the ballot box is empty;
 - (c) place his or her signature on the seal;
 - (d) ask the witnesses to place their signatures on the seal;
 - (e) forthwith seal the ballot box;
 - (f) in the presence of the witnesses, open each Mail-in Voting Package;
 - (g) verify that the signature that appears on the identification envelope is the same as the signature that appears on the voter registration document;
 - (h) confirm that no other Mail-in Voting Package, electronic vote or telephone vote was received for the same voter;
 - (i) 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
 - (j) place a line through the name of the Registered Voter on the List of Registered Voters.
- 16.9 Where:
- (a) a Registered Voter has previously voted in person, electronically or by mail-in ballot;
 - (b) a voter is not a Registered Voter;
 - (c) the signature that appears on the identification envelope is not the

2016 04 01 (v. 6.2)

- same as the signature that appears on the voter registration document;
or
- (d) the identification envelope is not signed,

the Ratification Officer will reject the mail-in ballot and note the reason for the rejection on the List of Registered Voters and on the unopened mail-in ballot envelope, and will forthwith place the unopened mail-in ballot envelope into a suitable envelope retained for that purpose.

16.10 The Ratification Officer will:

- (a) execute a Declaration of Ratification Officer in Form 8; and
- (b) ensure that each witness executes a Statement of Witness in Form 9 and 9A.

16.11 The counting of the Mail-In ballots will be done at the poll station on the final day of voting in accordance with section 20.

17. ADVANCE POLLING DAY

- 17.1 There will be an advance poll at the polling place on the Friday immediately prior to the first Regular Voting Day.
- 17.2 The poll will be open from 9:00 am until 8:00 pm on the Advance Polling Day.
- 17.3 The advance poll will be conducted in the same manner as the poll on the Regular Voting Days, as described in this Ratification Process.
- 17.4 At the close of the Advance Poll, the Ratification Officer will, in the presence of two or more Registered Voters who will act as witnesses, seal the two ballot boxes in such a manner as to prevent tampering and take them to a secure location pending the tallying of the votes on the last Regular Voting Day.

18. REGULAR VOTING DAYS

- 18.1 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 at all times while the poll is open. Any reference in this section to the Ratification Officer, except for reference to the Ratification Officer's initials, includes any Assistant Ratification Officer.
- 18.2 All voting at the poll will be by secret ballot.
- 18.3 The Ratification Officer is responsible for determining whether a person is an

14

VERIFIED

APR 18 2016



Eligible Voter and a Registered Voter.

18.4 The Ratification Officer will:

- (a) before the first vote is cast, open the ballot box and request a Registered Voter to witness that the ballot box is empty;
- (b) thereupon seal the ballot box and place his or her signature on the seal in front of the witness, and ask the witness to place his or her signature on the seal;
- (c) keep the ballot box in view for reception of ballots;
- (d) execute a Declaration of Ratification Officer in Form 10; and
- (e) ensure that each witness executes a Statement of Witness in Form 11.

18.5 One hour prior to the opening of the poll on the Advance Polling Day, a Regular Voting Day or, if applicable, the Additional Voting Day, the Ratification Officer will in the presence of the Verifier and such Registered Voters who are in attendance, record the names of Registered Voters who voted by Electronic Voting by drawing a line through their name on the List of Registered Voters and noting that they voted by website or telephone as the case may be.

18.6 Where, during the poll on the Advance Polling Day, a Regular Voting Day or, if applicable, the Additional Voting Day, the Ratification Officer is notified that a Registered Voter has voted by Electronic Voting, the Ratification Officer will in the presence of the Verifier and such Registered Voters who are in attendance, immediately record the names of Registered Voters who voted by Electronic Voting by drawing a line through their name on the List of Registered Voters and noting that they voted by website or telephone as the case may be.

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

- (a) ensure that the person is a Registered Voter;
- (b) check the List of Registered Voters to ensure that the person has not already voted in person, by mail or by Electronic Voting; and
- (c) 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.

18.8 The Ratification Officer will place, on the List of Registered Voters, a line through the name of every Registered Voter receiving a ballot at a poll.

18.9 The Ratification Officer will explain the method of voting upon request.

18.10 If the Ratification Officer determines that the name of a Registered Voter has

VERIFIED

APR 18 2016



2016 04 01 (v. 6.2)

been omitted, incorrectly set out or incorrectly included on the List of Registered Voters, he or she will, in his or her sole discretion, make the necessary revision and such revision will be final.

- 18.11 A Registered Voter may request special assistance from the Ratification Officer at the poll.
- 18.12 The Ratification Officer will, on request and in the presence of a witness acceptable to the Registered Voter and the Ratification Officer, provide special assistance to a Registered Voter at the poll by marking a ballot in secret as directed by the Registered Voter and immediately folding and depositing the ballot into the ballot box
- 18.13 The Ratification Officer, after providing special assistance to a Registered Voter, will make an entry on the List of Registered Voters opposite the name of the Registered Voter indicating:
- (a) that the ballot was marked by the Ratification Officer at the request of the Registered Voter;
 - (b) the reason for the Registered Voter's request; and
 - (c) the name of the witness.
- 18.14 Except for a Registered Voter requiring special assistance, every Registered Voter receiving a ballot at a poll will:
- (a) proceed immediately to a designated voting area;
 - (b) mark the ballot by placing a cross ("X") in the box marked "YES" or in the box marked "NO";
 - (c) fold the ballot so as to conceal the mark and expose the initials of the Ratification Officer; and
 - (d) immediately give the folded ballot to the Ratification Officer.
- 18.15 Upon receiving a marked ballot, the Ratification Officer, without unfolding it, will:
- (a) verify the Ratification Officer's initials;
 - (b) remove the perforated strip, if any; and
 - (c) deposit the ballot into the ballot box.
- 18.16 A Registered Voter at a poll who receives a spoiled or improperly printed ballot, or who accidentally spoils his or her ballot when marking it, is entitled to receive another ballot from the Ratification Officer after returning the original ballot.
- 18.17 The Ratification Officer will record a ballot returned in accordance with section

18.17 as spoiled.

18.18 A Registered Voter at a poll who receives a ballot and does not return it to the Ratification Officer will forfeit the right to vote and the Ratification Officer will make an entry on the List of Registered Voters stating that the Registered Voter left the poll without delivering the ballot and will record the ballot as cancelled.

18.19 At the time set for closing the poll, the Ratification Officer will declare the poll closed, and entry will be denied to the poll, but all remaining Registered Voters in the poll at that time are entitled to remain until they have voted.

18.20 An Eligible Voter may register to vote at the poll.

19. ORDERLY VOTING

19.1 Council, with the assistance of the Ratification Officer, will provide a suitable polling place with an appropriate number of private booths so that voting can be accomplished in person by secret ballot.

19.2 Council, with the assistance of the Ratification Officer, will ensure that peace and good order are maintained at the poll.

19.3 The Ratification Officer will allow only one Registered Voter at a time into a designated voting booth, except for a Registered Voter receiving special assistance.

19.4 A Registered Voter who is present and available to vote at a poll before the closing time will be entitled to vote.

19.5 No person will:

- (a) interfere or attempt to interfere with a Registered Voter when the Registered Voter is voting;
- (b) obtain or attempt to obtain information as to how a Registered Voter is about to vote or has voted;
- (c) mark a ballot in a way that identifies the Registered Voter;
- (d) mark the secrecy envelope for a Mail-in Ballot in a way that indicates how the ballot was cast; or
- (e) attempt to vote more than once.

19.5 The Ratification Officer will make best efforts to ensure that no Registered Voter votes more than once. If the Ratification Officer determines that a Registered Voter has cast a paper ballot and an electronic ballot, only the paper ballot shall

VERIFIED

APR 18 2016



2016 04 01 (v. 6.2)
be counted.

20. COUNTING BALLOTS

20.1 After the Mail-In Ballots have been deposited into the ballot box, the Ratification Officer, in the presence of the Verifier, and any Registered Voter who may be present; will examine all ballots contained in the ballot boxes from each Regular Voting Day and the ballot boxes from the poll on the Advance Polling Day, and reject any ballot that:

- (a) was not supplied by the Ratification Officer or assistant Ratification Officer;
- (b) was not marked as either "YES" or "NO";
- (c) was marked as both "YES" and "NO";
- (d) was marked outside a box marked "YES" or "NO" such that the Ratification Officer cannot reasonably discern the intent of the Registered Voter; or
- (e) has any writing or mark which can identify the Registered Voter.

20.2 A ballot marked with anything other than a mark ("X"), or marked with anything other than a lead pencil or blue or black pen, will not be rejected if:

- (a) the mark is in a box;
- (b) the mark does not identify the Registered Voter; and
- (c) in the opinion of the Ratification Officer, the intent of the Registered Voter is clear.

20.3 The Ratification Officer will:

- (a) count the number of ballots from the ballot boxes marked "YES", the number of ballots marked "NO", the number of rejected ballots and the number of spoiled ballots;
- (b) add the Electronic Voting results to the results from the ballot boxes; and
- (c) announce the result of the Ratification Vote.

20.4 Upon completion of the Ratification Vote, the Ratification Officer will execute a Certification by Ratification Officer in Form 12.


21. ADDITIONAL POLLING DAY

21.1 Notwithstanding other provisions of this Ratification Process, upon the close of the poll on the last Regular Voting Day the Ratification Officer may, in his or her sole discretion, determine that an Additional Polling Day will be held

18

VERIFIED

APR 18 2016



2016 04 01 (v. 6.2)

where less than 25% of all Eligible Voters actually voted by the close of the poll on the last Regular Voting Day or as a direct consequence of, but not limited to:

- (a) Severe inclement weather;
- (b) Death of a community Member;
- (c) Natural disasters such as fire, earthquake, tornado;
- (d) Other disasters such as explosions, power failure, act of sabotage; or
- (e) any other significant community emergency.

- 21.2 Within 24 hours of the decision under section 21.1, the Ratification Officer will formally notify the Verifier and Council in writing.
- 21.3 The Ratification Officer and Council will, within 2 days of receiving the Ratification Officer's written notification under section 21.2, set a date for an Additional Polling Day which shall not be more than 20 days after the last Regular Voting Day.
- 21.4 The Ratification Officer will publish a notice showing the decision by the Ratification Officer, the reason for an Additional Polling Day, the number of Eligible Voters who voted by the last Regular Voting Day, the date of the Additional Polling Day, and will notify all Eligible Voters by mail, hand delivery service, telephone or e-mail.
- 21.5 The poll will be open from 9:00 am until 8:00 pm on the Additional Polling Day.
- 21.6 The Ratification Officer will ensure that the Electronic Voting Platform and Mail-in Voting are re-opened and remain active and available before the opening of the poll on the Additional Polling Day, until the close of the poll at 8:00 PM.
- 21.7 The poll on the Additional Polling Day will be conducted in the same manner as the poll on a Regular Voting Day, as described in this Ratification Process.
- 21.8 Only Eligible Voters who did not vote by the close of the poll on the last Regular Voting Day will be entitled to vote on the Additional Polling Day.
- 21.9 Eligible Voters may register and vote up to the close of the poll on the Additional Polling Day.

22. POST-VOTE PROCEDURES

- 22.1 The Ratification Officer will seal in separate envelopes the spoiled ballots, the rejected ballots, the ballots cast in favour and the ballots cast against and will

19

VERIFIED

APR 18 2016



2016 04 01 (v. 6.2)
thereupon:

- (a) affix his or her signature to the seals; and
- (b) request the Verifier to affix his signature to the seals.

22.2 The Ratification Officer will retain the separate envelopes for at least 60 days after the last day on which voting occurred in his or her secure possession, and will unless otherwise instructed by Council in writing thereafter destroy the ballots cast and the spoiled ballots.

22.3 All electronic voting data will be retained for 60 days after the last day on which voting occurred. After that time, Electronic Voting Platform provider will unless otherwise instructed by Council in writing delete and wipe all electronic voting data and forthwith provide the Lower Nicola Indian Band with a certificate to this effect.

23. PROCEDURAL AMENDMENTS

23.1 In order to give effect to and carry out the objectives and purpose of the Ratification Vote, the Ratification Officer, Council or its designate and the Verifier may agree upon a variation of the procedural requirements of this Ratification Process if they:

- (a) deem it necessary to do so; and
- (b) reasonably believe the variation will not result in any substantive change to those procedural requirements.

23.2 The Ratification Officer will state in writing the nature and basis of a variation under section 23.1 and make a copy of the statement publicly available.

23.3 The Ratification Officer or Verifier may modify a form appended to this Ratification Process to add or update, but not remove, material detail.

24. OBJECTIONS

24.1 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 the 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.

VERIFIED

APR 18 2016

A handwritten signature in blue ink, appearing to be a stylized 'A' or similar character, is written over a horizontal line.

2016 04 01 (v. 6.2)

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

24.3 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.

24.4 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.

24.5 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.

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

24.7 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.

25. REPORT BY VERIFIER

25.1 Within 15 days of the last day on which voting occurred, the Verifier will send a written report in Form 13 on the conduct of the Ratification Vote to the Lower Nicola Indian Band and the Minister of Indigenous and Northern Affairs.

26. CERTIFICATION OF LAND CODE

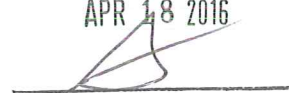
26.1 The Land Code and the Individual Agreement will be approved if:

- (a) a majority of Registered Voters vote in favour; and
- (b) the total number of "yes" votes is at least 25 % plus 1 of the total

21

VERIFIED

APR 18 2016



2016 04 01 (v. 6.2)

number of all Eligible Voters.

- 26.2 If the Land Code and the Individual Agreement are approved by the Registered Voters under section 26.1, Council will, as soon as practicable after receiving the report of the Verifier under section 26.1, pass a resolution in Form 14 and send a copy of the approved Land Code the Verifier.
- 26.3 Upon receiving the Land Code and the resolution in Form 14 from Council, the Verifier will certify the Land Code and forward a commissioned copy of Form 15 together with a copy of the certified Land Code to the Lower Nicola Indian Band, the Minister of Indigenous and Northern Affairs and the Chair of the Lands Advisory Board.

VERIFIED

APR 18 2016

A handwritten signature in black ink, appearing to be a stylized 'S' or similar character, is written over a horizontal line.

BALLOT QUESTION

Do you approve:

1. The *Lower Nicola Indian Band Land Code*, dated _____ for reference; and
2. The *Individual Agreement* between Lower Nicola Indian Band and Her Majesty the Queen in right of Canada?

EXPLANATION

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

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

YES

NO

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

VERIFIED

APR 18 2016

**LOWER NICOLA INDIAN BAND
COUNCIL RESOLUTION**
(Information to Verifier)

WHEREAS the Lower Nicola Indian Band operates under the authority of Chief and Council;

WHEREAS the Chief and Council of Lower Nicola Indian Band, in accordance with clause 8.3 of the *Framework Agreement on First Nation Land Management* and section 3.3 of the *Lower Nicola Indian Band Community Ratification Process*, is required to pass a resolution to submit the following information to the Verifier:

1. the proposed *Lower Nicola Indian Band Land Code*, dated ____, 20 __ for reference;
2. the initial List of Voters who, according to the records of Lower Nicola Indian Band, would be eligible to vote on whether to approve the proposed *Lower Nicola Indian Band Land Code* by the last Regular Voting Day; and
3. the proposed *Lower Nicola Indian Band Community Ratification Process*, dated ____, 20__ for reference.

WHEREAS these documents must be sent electronically to the Verifier at least 66 days before the first Regular Voting Day: and forthwith provided in quadruplicate hard copies to the Verifier.

WHEREAS upon receipt of the documents, the Verifier will review the Land Code and the *Community Ratification Process* to determine whether they are consistent with the Framework Agreement and the *First Nations Land Management Act*;

AND WHEREAS in accordance with clause 8.8 of the Framework Agreement, the Verifier will, within 30 days of receiving the documents, issue a notice to the First Nation, the Minister and the Lands Advisory Board stating whether the Land Code and Ratification Process are consistent with the Framework Agreement and the Act;

NOW THEREFORE BE IT RESOLVED by Chief and Council of the LNIB to submit the aforementioned documents electronically and in quadruplicate to the Verifier.

This resolution is supported by the undersigned and passed this ____ day of _____, 20____.

Quorum of Council: 5

Chief

Councillor

VERIFIED

APR 18 2016

2016 04 01 (v. 6.2)

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

VERIFIED

APR 18 2016

Process

CONFIRMATION BY VERIFIER

(Land Code and Individual Agreement Ratification Process)

CANADA)
)
PROVINCE OF BRITISH COLUMBIA)

I, A.J (AJ) Gross, of Kelowna, in the Province of British Columbia, DO SOLEMNLY
DECLARE THAT:

1. I was appointed as the Verifier for Lower Nicola Indian Band by the Council on _____ and by Canada on _____ for the purpose of verifying the community approval of their Land Code and their Individual Agreement, in accordance with the *Framework Agreement on First Nation Land Management* and the *First Nations Land Management Act*.

2. In accordance with clause 8.3 of the Framework Agreement, I received the following information from Lower Nicola Indian Band on _____:
 - a. a copy of the *Lower Nicola Indian Band Land Code*;

 - b. a list of the names of every Member of Lower Nicola Indian Band who, according to Lower Nicola Indian Band’s records at that time, would be eligible to vote on whether to approve the Land Code and the Individual Agreement; and

 - c. a detailed description of the community approval process that Lower Nicola Indian Band proposes to use.

3. A true copy of the Land Code, entitled the *Lower Nicola Indian Band Land Code*, dated _____ for reference is attached as Exhibit “1” to this Declaration.

VERIFIED

APR 18 2016

2016 04 01 (v. 6.2)

4. A true copy of the community approval process, entitled *Lower Nicola Indian Band Community Ratification Process*, dated _____ for reference is attached as Exhibit "2" to this Declaration.

5. In accordance with clause 8.4 of the Framework Agreement and section 8 of the Act, I reviewed the *Lower Nicola Indian Band Land Code* and the *Lower Nicola Indian Band Community Ratification Process* to decide whether:
 - a. the *Lower Nicola Indian Band Land Code* conforms with the requirements of clause 5 of the Framework Agreement and section 6 of the Act; and
 - b. the *Lower Nicola Indian Band Community Ratification Process* conforms with clause 7 of the Framework Agreement and section 8 of the Act.

6. In accordance with clause 8.8 of the Framework Agreement and section 8.1(a) of the Act, the *Lower Nicola Indian Band Land Code* and the *Lower Nicola Indian Band Community Ratification Process* are hereby confirmed/not confirmed as being consistent with the Framework Agreement.

7. My reasons for not confirming the *Lower Nicola Indian Band Land Code* or *Lower Nicola Indian Band Community Ratification Process* are as follows:

AND 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*.

DECLARED BEFORE me at the _____)
 _____ of _____ in _____)
 the Province of British Columbia, this _____)
 _____ day of _____, 20____.)
 _____)
 _____)
 A Commissioner for Oaths in and for _____)
 the Province of British Columbia _____)
 _____)

A.J (AI) Gross, Verifier

VERIFIED
APR 18 2016

**Form 3
Ratification Process**

FIRST NATION COUNCIL RESOLUTION
(Commencement of Vote)

The Council of Lower Nicola Indian Band, at a duly convened meeting and in accordance with the Framework Agreement on First Nation Land Management and section 5.1 of the *Lower Nicola Indian Band Community Ratification Process*, do hereby resolve to:

1. Confirm _____ as the Ratification Officer;
2. Confirm the initial List of Voters;
3. Confirm the text of the *Lower Nicola Indian Band Community Ratification Process*, dated _____ for reference;
4. Approve for community ratification *the Lower Nicola Indian Band Land Code*, as confirmed by the Verifier and dated _____ for reference;
5. Hold a Ratification Vote to determine if the community approves the Ratification Documents in accordance with the *Lower Nicola Indian Band Community Ratification Process* as confirmed by the Verifier on _____;
6. Confirm the Ballot Question in the form attached as Annex #1; and
7. Set the Advance Polling Day and Regular Voting Days to be _____.

This resolution is supported by the undersigned and passed this ____ day of _____, 20____.

Quorum of Council: 5

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

VERIFIED

APR 18 2016

**LOWER NICOLA INDIAN BAND
COUNCIL RESOLUTION**
(Approval of Individual Agreement for Vote)

The Council of Lower Nicola Indian Band, in accordance with the Framework Agreement on First Nation Land Management and section 5 of the *Lower Nicola Indian Band Community Ratification Process*, do hereby resolve to approve for community ratification the Individual Agreement, which includes a process for amendment;

This resolution is supported by the undersigned and passed this ___ day of _____, 20__.

Quorum of Council: 5

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

VERIFIED

APR 18 2016

**Form 4
Ratification Process**

ACCEPTANCE OF APPOINTMENT BY RATIFICATION OFFICER

Date:

I, _____, agree to act as Ratification Officer for the Ratification Vote to determine if the voters of the Lower Nicola Indian Band approve the Ratification Documents, and will discharge my duties in accordance with the *Lower Nicola Indian Band Community Ratification Process* and the requirements of confidentiality.

Ratification Officer

VERIFIED 30
APR 18 2016

APPOINTMENT OF AN ASSISTANT RATIFICATION OFFICER

Date:

I, _____, Ratification Officer, appoint _____ to act as my assistant in carrying out my duties in accordance with the *Lower Nicola Indian Band Community Ratification Process* for the purpose of the Ratification Vote.

Ratification Officer

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 *Lower Nicola Indian Band Community Ratification Process* and the requirements of confidentiality.

Assistant Ratification Officer

VERIFIED 31

APR 18 2016

**NOTICE OF LOWER NICOLA INDIAN BAND
COMMUNITY RATIFICATION VOTE**

TAKE NOTICE that a Ratification Vote will be held in accordance with the *Lower Nicola Indian Band Community Ratification Process* on _____, 20__ and _____, 20__ in order to determine if Eligible Voters approve the *Lower Nicola Indian Band Land Code* and the *Individual Agreement*.

There will be an Advance Poll for the Ratification Vote held in accordance with the *Lower Nicola Indian Band Community Ratification Process* on _____, 20__.

The following question will be asked of the Eligible Voters of Lower Nicola Indian Band by ballot:

“Do you approve the Lower Nicola Indian Band Land Code, dated _____ for reference and the Individual Agreement with Her Majesty the Queen in Right of Canada?”

_____, 20__ 9:00 am until 8:00 pm ADVANCE VOTING DAY (location)	_____, 20__ 9:00 am until 8:00 pm REGULAR VOTING DAY (location)	_____, 20__ 9:00 am until 8:00 pm REGULAR VOTING DAY (location)
Copies of the Framework Agreement, Individual Agreement, Lower Nicola Indian Band Land Code, and the background documents may be obtained from _____, Lower Nicola Indian Band, at the (address), (telephone)		

AND FURTHER TAKE NOTICE that all members of Lower Nicola Indian Band 18 years of age or older as of the date of the Ratification Vote are eligible to vote, **PROVIDED THAT SUCH MEMBERS HAVE SUBMITTED A COMPLETE, SIGNED AND WITNESSED VOTER REGISTRATION DOCUMENT TO THE RATIFICATION OFFICER PRIOR TO THE CLOSE OF POLLS IN THE CASE OF IN-PERSON VOTING AND VOTING BY MAIL, WHILE IN THE CASE OF ELECTRONIC VOTING VOTERS WILL COMPLETE REGISTRATION THROUGH THE ELECTRONIC REGISTRATION SYSTEM PRIOR TO THE CLOSE OF THE POLLS.** Voter registration documents will be sent to all Eligible Voters whose address is on record with the Lower Nicola Indian Band. **Voter Registration** documents are also available from

VERIFIED 32

APR 18 2016

2016 04 01 (v. 6.2)

_____, Ratification Officer at the address and telephone number appearing below.

Please Note: Any Registered Voter may vote in person or by Mail-in Ballot or by electronic voting. If an Eligible Voter has not received a Voter Registration Document by _____, __ please contact _____, Ratification Officer so that the necessary form can be provided to you. Eligible Voters may also obtain a Voter Registration Document at the Vote location as indicated above.

DATED at Lower Nicola Indian Band, British Columbia this _____ day of _____ 20__.

Ratification Officer

For more information please contact _____, Ratification Officer
Ph/Txt: _____ Fax: _____ Email: _____
Mailing Address: _____

VERIFIED 33
APR 18 2016

VOTER REGISTRATION DOCUMENT
To Vote in the Lower Nicola Indian Band Ratification Vote

If you choose the option to vote electronically, and complete your vote you are deemed to have registered and are not required to complete and return this form

I, _____, am registering as a Registered Voter
and:

(Print full name)

(Check one only)	
<input type="checkbox"/> I will be able to attend a polling station in person	
OR	
<input type="checkbox"/> I will be voting by mail-in ballot.	
My mailing address is:	My phone number is:
Number: _____ Street: _____	Home #: (____) _____ - _____
City/Town: _____	Mobile #: (____) _____ - _____
Province/State: _____	Messages #: (____) _____ - _____
Country: _____ Postal/Zip: _____	
I confirm that I am at least 18 years of age, or will be 18 years of age by _____ and I am a Member of the Lower Nicola Indian Band, and that:	
My Band Member Number is _____ and my Date of Birth is _____; And that I have signed this Voter Registration Form, together with a witness to my signature. I understand that it is an offence to make a false statement in this voter registration document.	
_____ Signature of Eligible Voter	_____ Date
_____ Signature of Witness	_____ Print Name of Witness
_____ Address of Witness	_____ Phone Number of Witness
For Ratification Officer's Use Only	
This is to certify that this Eligible Voter has been registered and his or her full name, band number and date of birth have been placed on the List of Registered Voters.	
_____ Ratification Officer	_____ Date

VERIFIED 34

APR 18 2016

IDENTIFICATION ENVELOPE

IDENTIFICATION ENVELOPE

LOWER NICOLA INDIAN BAND
RATIFICATION VOTE

PLEASE ENCLOSE ONE SECRECY ENVELOPE CONTAINING ONE BALLOT

Full Name of Registered Voter: _____
(Please print your name)

I confirm that this envelope contains only my ballot, which is sealed inside a secrecy envelope.

Signature of Registered Voter

VERIFIED 35

APR 18 2016

DECLARATION OF RATIFICATION OFFICER

(Mail-in Ballots)

CANADA)
)
Province of British Columbia)

I, _____, Ratification Officer, of _____, in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I was personally responsible for receiving all mail-in ballots at Lower Nicola Indian Band when Registered Voters of Lower Nicola Indian Band voted in a Ratification Vote concerning the Ratification Documents.
2. In preparation for depositing mail-in ballots and receiving electronic votes, I opened ballot box number # ____.
3. I saw that the ballot box was empty and I asked Registered Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of the Registered Voters who were present, and prepared it for the reception of ballot papers.
5. I personally opened each secrecy envelope, initialed each ballot and then deposited all of the mail-in ballots received by me into ballot box # _____, and kept the ballot box sealed when not in my custody until the ballots were counted.

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

DECLARED BEFORE me at the _____)
_____ of _____ in _____)
the Province of British Columbia, this _____)
_____ day of _____, 20____.)

A Commissioner for Oaths in and for _____)
the Province of British Columbia _____)
_____)

Ratification Officer

VERIFIED 36

APR 18 2016

DECLARATION OF RATIFICATION OFFICER
(Electronic Votes)

CANADA)
)
Province of British Columbia)

I, _____, Ratification Officer, of _____, in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

- 1. I was personally responsible for receiving all *electronic votes* at Lower Nicola Indian Band when the Registered Voters of Lower Nicola Indian Band voted electronically in the Ratification Vote concerning the Ratification Documents.

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

DECLARED BEFORE me at the)
_____ of _____ in)
the Province of British Columbia, this)
_____ day of _____, 20____.)

A Commissioner for Oaths in and for)
the Province of British Columbia)

Ratification Officer

STATEMENT OF WITNESS
(Deposit of Mail-In Ballots)

Date:

I, _____ was personally present at _____
on the ____ day of _____, 20__ when the Ratification Officer deposited
the mail-in ballots in ballot box #____; and

1. I am a Registered Voter.
2. I witnessed that ballot box #____ was empty before any mail-in ballots were deposited.
3. I witnessed the Ratification Officer seal the ballot box and sign the seal.
4. I signed the seal, as requested by the Ratification Officer.

Witness

Telephone Number or email address

VERIFIED

APR 18 2016

**STATEMENT OF WITNESS
(Opening of Mail-In Ballots)**

Date:

I, _____ was personally present at _____
on the ____ day of _____, 20__ when the Ratification Officer opened the
mail-in ballot packages; and

1. I am a Registered Voter.
2. The mail-in ballot packages were unopened immediately prior to the time the Ratification Officer opened them.
3. The Ratification Officer confirmed that the signatures that appeared on the identification envelopes were the same as the signatures that appeared on the voter registration documents.
4. The Ratification Officer checked the List of Registered Voters and ensured that the Registered Voter whose name appeared on the mail-in ballot package had not previously voted in person or by mail-in ballot or electronic voting.
5. The Ratification Officer placed a line through the name of each Registered Voter on the List of Registered Voters after she opened each secrecy envelope, initiated each ballot without checking the selection on the ballot and then deposited the ballot of that Registered Voter in the separate ballot box kept for that purpose.

Witness

Telephone number or email address

VERIFIED

APR 18 2016

DECLARATION OF RATIFICATION OFFICER
(Regular Polls)

CANADA)
)
Province of British Columbia)

I, _____, Ratification Officer, of _____, in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I was personally present at _____ on the ____ day of _____, 20__ when Registered Voters of Lower Nicola Indian Band voted in a Ratification Vote concerning the Ratification Documents.
2. Immediately before the Ratification Vote began, I opened ballot box number # ____.
3. I saw that the ballot box was empty and I asked Registered Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of those persons who were present, and kept it in view for the reception of ballot papers.

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

DECLARED BEFORE me at the)
_____ of _____ in)
the Province of British Columbia, this)
_____ day of _____, 20__ .)
)
)
)
)
)
)
A Commissioner for Oaths in and for)
the Province of British Columbia)
)

Ratification Officer

VERIFIED 40
APR 18 2016

**STATEMENT OF WITNESS
(Regular Polls)**

Date:

I, _____ was personally present at the polling place at _____ on the _____ day of _____, 20__ when Registered Voters of the Lower Nicola Indian Band were to vote in a Ratification Vote concerning the Ratification Documents, and

1. I am a Registered Voter.
2. I witnessed that the ballot box # _____ was empty before any votes were cast in the Ratification Vote.
3. I witnessed the Ratification Officer seal the ballot box and sign the seal.
4. I signed the seal, as requested by the Ratification Officer.

Witness

VERIFIED

41

APR 18 2016

CERTIFICATION BY RATIFICATION OFFICER
(Conclusion of Vote)

CANADA)
)
Province of British Columbia)

I, _____, Ratification Officer for Lower Nicola Indian Band in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I was present at _____ on the ___ day of _____, 20__ when Registered Voters of Lower Nicola Indian Band voted concerning approval of *the Lower Nicola Indian Band Land Code* and Individual Agreement in accordance with *the Lower Nicola Indian Band Community Ratification Process*.
2. A true copy of the Notice of Vote is attached as Exhibit "1" to this Declaration.
3. In accordance with section 7.1 of the *Lower Nicola Indian Band Community Ratification Process* I posted the Notice of Vote at least 42 days prior to the first Regular Voting Day.
4. The voting procedure, including the handling of mail-in ballots and the counting of results, was conducted in accordance with parts 12 to 22, both inclusive, of the *Lower Nicola Indian Band Community Ratification Process*.
5. The names of _____ Eligible Voters appeared on the List of Voters.
6. The number of Eligible Voters who registered was _____ and their names were entered on the List of Registered Voters.
7. The number of Registered Voters who constituted a majority was _____.
8. The number of Eligible Voters who constituted the minimum percentage required for approval under clause 7.4 of the *Framework Agreement on First Nation Land Management* and section 12(2) of the *First Nations Land Management Act* was _____.
9. The results of the Ratification Vote are as follows:
 - a. _____ mail-in ballots were cast in the Ratification Vote in accordance with part 16 of the *Lower Nicola Indian Band Community Ratification Process*;
 - b. _____ regular ballots were cast in the Ratification Vote in accordance with parts 17 through 19 of the *Lower Nicola Indian Band Community Ratification Process*;
 - c. _____ electronic ballots were cast in the Ratification Vote in accordance with part 15 of the *Lower Nicola Indian Band Community Ratification Process*;

VERIFIED

APR 18 2016

2016 04 01 (v. 6.2)

- d. _____ spoiled ballots were marked as spoiled as provided in section 18.18 of the *Lower Nicola Indian Band Community Ratification Process*;
- e. _____ rejected ballots were rejected in accordance with section 18.7 of the *Lower Nicola Indian Band Community Ratification Process* and not opened or deposited into the ballot box;
- f. _____ ballots were cancelled in accordance with section 18.19 of the *Lower Nicola Indian Band Community Ratification Process*;
- g. _____ improper ballots were rejected in accordance with section 18.18 of the *Lower Nicola Indian Band Community Ratification Process*;
- h. _____ ballots in favour of the Ballot Question were marked "YES" and counted;
- i. _____ ballots against the Ballot Question were marked "NO" and counted.

10. Based on the need to meet or exceed the number of Registered Voters in item 7, the number of Eligible Voters in item 8, above, and the number of YES ballots in favour of the Ballot Question, the Ratification Documents were *approved/not approved* by the Registered Voters.

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

DECLARED BEFORE me at the _____)
 _____ of _____ in _____)
 the Province of British Columbia, this _____)
 _____ day of _____, 20____.)
 _____)
 _____)
 A Commissioner for Oaths in and for _____)
 the Province of British Columbia _____)

Ratification Officer

VERIFIED 43

APR 18 2016

REPORT BY VERIFIER
(Conclusion of Vote)

CANADA)
)
Province of British Columbia)

I, A.J (AJ) Gross of Kelowna, in the Province of British Columbia, DO SOLEMNLY
DECLARE THAT:

1. I was present at _____ on the __ day of _____, 20__ when Registered Voters of Lower Nicola Indian Band voted concerning approval of the *Lower Nicola Indian Band Land Code* and Individual Agreement in accordance with the *Lower Nicola Indian Band Community Ratification Process*.
2. A true copy of the Notice of Vote is attached as Exhibit "1" to this Declaration.
3. In accordance with section 7.1 of the *Lower Nicola Indian Band Community Ratification Process* the Ratification Officer posted the Notice of Vote at least 42 days prior to the first Regular Voting Day.
4. In accordance with section 7.2 of the *Lower Nicola Indian Band Community Ratification Process*, I arranged for the Notice of Vote to be published in the _____ at least 28 days prior to the first Regular Voting Day.
5. In accordance with section 9.2 of the *Lower Nicola Indian Band Community Ratification Process*, a copy of the Notice of Vote and the documents listed in section 9.1 were sent to each person on the List of Voters at their last known address at least 42 days prior to the first Regular Voting Day.
6. In accordance with sections 9.3 and 9.4 of the *Lower Nicola Indian Band Community Ratification Process*, the following community information

VERIFIED
APR 18 2016

2016 04 01 (v. 6.2)

processes were carried out: door-to-door visits, community information meetings and telephone contacts were made in the community.

7. In accordance with section 10.1 of the *Lower Nicola Indian Band Community Ratification Process*, the information package was sent to any persons who are not Members who hold an interest in *Lower Nicola Indian Band Land* at least 42 days prior to the first Regular Voting Day.
8. The names of _____ Eligible Voters appeared on the List of Voters.
9. The number of Eligible Voters who registered was _____ and their names were entered on the List of Registered Voters.
10. The number of Registered Voters who constituted a majority was _____.
11. The number of Eligible Voters who constituted the minimum percentage required for approval under clause 7.4 of the *Framework Agreement on First Nation Land Management* and section 12(2) of the *First Nations Land Management Act* was _____.
12. The results of the Ratification Vote are as follows:
 - a. _____ mail-in ballots were cast in the Ratification Vote in accordance with part 16 of the *Lower Nicola Indian Band Community Ratification Process*;
 - b. _____ regular ballots were cast in the Ratification Vote in accordance with parts 17 through 19 of the *Lower Nicola Indian Band Community Ratification Process*;
 - c. _____ electronic ballots were cast in the Ratification Vote in accordance with part 15 of the *Lower Nicola Indian Band Community Ratification Process*;
 - d. _____ ballots were spoiled as provided in section 18.18 of the *Lower Nicola Indian Band Community Ratification Process*;

VERIFIED

45

APR 18 2016

- e. _____ ballots were rejected in accordance with section 18.7 of the *Lower Nicola Indian Band Community Ratification Process* and not opened or deposited into the ballot box;
- f. _____ ballots were cancelled in accordance with section 18.19 of the *Lower Nicola Indian Band Community Ratification Process*;
- g. _____ ballots were rejected in accordance with section 18.18 of the *Lower Nicola Indian Band Community Ratification Process*;
- h. _____ ballots were marked "YES" for the Ballot Question;
- i. _____ ballots were marked "NO" for the Ballot Question.

13. Based on the need to meet or exceed the number of number of Registered Voters in item 10, the number Eligible Voters in item 11, and the number of ballots marked "YES" in item 12(h) above, the Ratification Documents were *approved/not approved* by the Registered Voters.

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

DECLARED BEFORE me at the _____)
 _____ of _____ in _____)
 the Province of British Columbia, this _____)
 _____ day of _____, 20____.)
 _____)
 _____)
 A Commissioner for Oaths in and for _____)
 the Province of British Columbia _____)

 A.J. (AI) Gross, Verifier

VERIFIED
 APR 18 2016

FIRST NATION COUNCIL RESOLUTION
(Submission to Verifier at Conclusion of Vote)

WHEREAS the *Lower Nicola Indian Band Land Code* and the Individual Agreement were submitted to a Ratification Vote at Lower Nicola Indian Band on the ___ day of _____, 20__;

AND WHEREAS the Verifier has reported that the Ratification Vote was conducted in accordance with the *Lower Nicola Indian Band Community Ratification Process* confirmed by the Verifier;

AND WHEREAS the Registered Voters approved these documents at the Ratification Vote held on the ___ day of _____, 20__;

NOW THEREFORE the Council of Lower Nicola Indian Band, in accordance with the *Framework Agreement on First Nation Land Management* and section 26.2 of the *Lower Nicola Indian Band Community Ratification Process*, do hereby resolve to send to the Verifier the approved *Lower Nicola Indian Band Land Code*, attached hereto as Annex #1, for certification by the Verifier.

This resolution is supported by the undersigned and passed this ___ day of _____, 20__.

Quorum of Council: 5

Chief

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

VERIFIED

APR 18 2016

CERTIFICATION OF LAND CODE

WHEREAS the *Lower Nicola Indian Band Land Code* and the Individual Agreement were submitted to a Ratification Vote at Lower Nicola Indian Band on the ___ day of _____, 20__;

AND WHEREAS I have reported that the Ratification Vote was conducted in accordance with the *Lower Nicola Indian Band Community Ratification Process* confirmed by me as the Verifier;

AND WHEREAS the *Lower Nicola Indian Band Land Code* and the Individual Agreement were approved by the Registered Voters at the Ratification Vote on the ___ day of _____, 20__;

THEREFORE, I hereby certify the *Lower Nicola Indian Band Land Code*, attached as Annex #1 hereto.

Dated at _____ this ___ day of _____, 20__.

A.J. (AI) Gross, Verifier

VERIFIED

APR 18 2016