

LOWER NICOLA INDIAN BAND

181 Nawishaskin Lane, Merritt, British Columbia V1K 0A7

Tel: 250-378-5157 Fax: 250-378-6188

WHEREAS:

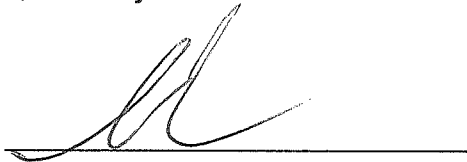
- A. On November 29, 2016, the Lower Nicola Indian Band ("LNIB") Chief and Council approved a motion to develop a draft ratification policy;
- B. On January 10, 2017, the LNIB Chief and Council was presented with a draft ratification policy (the "**Ratification Policy**"), which Ratification Policy is intended to ensure due process for holding a referendum of LNIB members in order to ratify decisions by LNIB Chief and Council on matters deemed by the LNIB Chief and Council to be of particular significance and general importance in respect of LNIB Aboriginal rights and title; and
- C. LNIB Chief and Council wishes to authorize, approve and adopt the Ratification Policy.

THEREFORE BE IT RESOLVED THAT:


- 1. The Ratification Policy is hereby authorized, approved and adopted in substantially the form presented, with such variations, additions or modifications thereto as the LNIB Chief may approve, such approval to be conclusively evidenced by a quorum of any five members of LNIB Chief and Council initialling a copy of the Ratification Policy containing any such variation, addition or modification.

This BCR dated this 17th day of January 2017.

Quorum of Council:



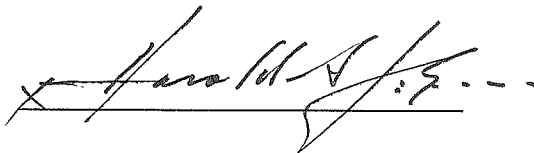
Aaron Sam, Chief



Leona Antoine, Councillor



William Bose, Councillor



Harold Joe, Councillor



Joanne Lafferty, Councillor



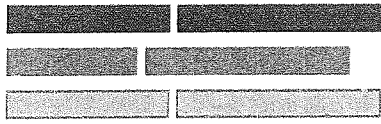
Lesley Manuel, Councillor



Nicholas Peterson, Councillor



Lucinda Seward, Councillor



**LOWER NICOLA
INDIAN BAND**

LOWER NICOLA INDIAN BAND

RATIFICATION POLICY

January 17, 2017

LOWER NICOLA INDIAN BAND

RATIFICATION POLICY

1. PURPOSE AND PRINCIPLES

- 1.1 The purpose of the Lower Nicola Indian Band Ratification Policy is to ensure due process for carrying out a community Ratification Vote on matters deemed by the Lower Nicola Indian Band Council to be of significance and of general importance that require the approval of the Eligible Voters of the Lower Nicola Indian Band.
- 1.2 For point of clarity, this Ratification Policy does not apply to elections or by-elections for Chief or members of Council of the Lower Nicola Indian Band.
- 1.3 In the event that a Ratification Vote is governed by legislation, the minimum standard of the legislation will be followed.

2. DEFINITIONS

- 2.1 In this Ratification Policy:

“Additional Voting Day” means the date which may be established by the Ratification Officer in accordance with section 19 of this Ratification Policy for voting following the Regular Voting Days;

“Advance Voting 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 Days to cast their ballots;

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

“Community Information Meeting” means a meeting held to provide Eligible Voters with information regarding the subject of the Ratification Vote;

“Confidential” means private information as determined by Council, in its sole discretion;

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

“Electronic Voting” means voting via a website or touch-tone phone in

accordance with this Ratification Policy;

“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;

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

“Mail-in Voting Package” means the package of materials described in section 14.2 of this Ratification Policy;

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

“Polling Place” means a place at or in which votes are cast;

“Ratification Policy” means this *Lower Nicola Indian Band Ratification Policy*;

“Ratification Officer” means the person appointed by Council and confirmed under section 4.2;

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

“Regular Voting Day” means the dates established as the primary dates for holding the Ratification Vote;

“Simple Majority” means more than half of the votes cast are in support of the proposed action;

“Statement of Votes” means a statement prepared by the Ratification Officer at the conclusion of the Ratification Vote outlining the number of votes cast for and against the Ballot Question and the number of rejected ballots; and

“Voters List” means the Lower Nicola Indian Band’s list of Eligible Voters.

2.2 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.

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

3. COUNCIL RESOLUTION

3.1 Council shall call a Ratification Vote by passing a Band Council Resolution in Form 1 to:

- (a) Appoint the Ratification Officer, in accordance with section 4.1 below;
- (b) Confirm the Ballot Question;
- (c) Resolve to hold the Ratification Vote to determine if the Members approve the Ballot Question;
- (d) Approve the Method(s) of Voting in respect of the Ratification Vote;
- (e) Approve the voting threshold for the success of the Ratification Vote; and
- (f) Set the Regular Voting Days and the Advance Voting Day, as applicable, and determine the hours during which the polls will be open on such days; and
- (g) Determine the hours for Electronic Voting, if applicable.

4. RATIFICATION OFFICER

4.1 The Ratification Officer shall be a person who:

- (a) Is 18 years of age or older;
- (b) Is knowledgeable about overseeing voting processes;
- (c) Has no personal interest in the outcome of the Ratification Vote; and
- (d) Has not been convicted of a criminal offence within the past 5 years.

4.2 Upon the appointment of the Ratification Officer, the Ratification Officer will complete the Acceptance of Appointment by Ratification Officer in Form 2.

4.3 The Ratification Officer is responsible for overseeing the fair, efficient and proper conduct of the Ratification Vote and has all the powers necessary to

carry out that responsibility.

- 4.4 The Ratification Officer may appoint one or more deputy Ratification Officers and may delegate any of the duties of the Ratification Officer as are set out in this Ratification Policy to such a deputy, except:

- (a) The initialing of ballots;
- (b) The deposit of the Mail-in Ballots, if any, in the ballot box in accordance with section 14.8; and
- (c) The counting of ballots in accordance with section 18.3.

- 4.5 The Ratification Officer's duties shall include, but are not limited to, the following:

- (a) Designating the Polling Place;
- (b) Designing all forms to be used in a Ratification Vote and providing the forms where required to do so;
- (c) Preparing sufficient copies of ballots, which will be uniform in size, appearance, quality and weight;
- (d) In the event of a Mail-in Voting, preparing sufficient copies of the secrecy envelopes, the identification envelopes and the return envelopes;
- (e) Preparing sufficient copies of the voting instructions;
- (f) Obtaining a sufficient number of ballot boxes;
- (g) Providing for a designated voting area at the Polling Place such that an Eligible Voter can mark a ballot free from observation;
- (h) Providing a sufficient number of lead pencils and blue or black ink pens for marking the ballot;
- (i) Ensuring that samples of the Ballot Question are posted or available for examination at the Polling Place;
- (j) Ensuring that a Commissioner for Taking Oaths or Notary Public will be available as required; and
- (k) Other duties as outlined in this Ratification Policy.

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

5. NOTICE OF VOTE

5.1 The Ratification Officer, in consultation with Council, shall post a Notice of Vote in Form 3 not less than 35 days prior to the first Regular Voting Day of the Ratification Vote.

5.2 The Notice of Vote shall contain the following:

- (a) The date, Polling Place and time of the poll on the Regular Voting Days;
- (b) The Ballot Question;
- (c) Information on the method of voting for this Ratification Vote;
- (d) Information on the distribution of documents and information pertaining to the Ballot Question; and
- (e) The name, office address and telephone number of the Ratification Officer.

5.3 Not less than 35 days prior to the first Regular Voting Day of the Ratification Vote, the Notice of Vote will be:

- (a) Posted in a visible and frequently travelled location at the Lower Nicola Indian Band office;
- (b) Mailed to every Eligible Voter, at the Eligible Voter's last known address; and
- (c) Published on the Lower Nicola Indian Band website.

6. DOCUMENTS AND INFORMATION

6.1 Council will send or cause to be sent, documents and information pertaining to the Ballot Question to each Eligible Voter by means of:

- (a) Regular mail to the Eligible Voter's last known mailing address; or
- (b) Electronic mail.

6.2 The information sent in accordance with section 6.1 shall be sent by regular mail or by electronic mail at least 30 days prior to the first Regular Voting Day.

6.3 Any Member may, on request, obtain a copy of any documents and information pertaining to the Ratification Vote at no cost.

- 6.4 Notwithstanding section 6.3, if the documents requested are of a Confidential nature, the Member will be provided the opportunity to view the documents at a secure location, but will not be permitted to obtain copies of such documents.
- 6.5 In addition to the information provided under section 6.1 Council may conduct or cause to be conducted:
- (a) Visits at the homes of Eligible Voters;
 - (b) Telephone contact with Eligible Voters; or
 - (c) Such other engagement activities as may be deemed appropriate for the purposes of informing Eligible Voters.
- 6.6 Notwithstanding section 6.5, personal visits, text, electronic mail, telephone or other contact by Council with an Eligible Voter on a Regular Voting Day or an Additional Voting Day is only permitted for the purpose of assisting such Eligible Voter to vote.
- 6.7 For information purposes only, at least 30 days prior to the first Regular Voting Day, the Council may send, via regular mail the following information to persons who may be affected by the outcome of the Ratification Vote but are not Members:
- (a) The date of the Ratification Vote;
 - (b) A communiqué from Lower Nicola Indian Band explaining the effect of the Ratification Vote; and
 - (c) The name, office address and telephone number of a person who may be contacted for purposes of obtaining further information about the Ratification Vote.
- 6.8 In addition to information provided in accordance with section 6.7, the Lower Nicola Indian Band may meet with, or otherwise provide information directly to, persons who may be affected by the outcome of the Ratification Vote but are not Members.
- 6.9 Nothing in this Ratification Policy 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 the outcome of the Ratification Vote.

7. COMMUNITY INFORMATION MEETINGS

- 7.1 The Ratification Officer may, at least 14 days after posting the Notice of Vote, hold a Community Information Meeting in or near the Lower Nicola Indian Band community to provide Eligible Voters with information and to allow for discussion regarding the subject of the Ratification Vote and the Ballot Question.
- 7.2 Additional Community Information Meetings may be held after the initial meeting, outlined in section 7.1, if Council decides that it is necessary to do so.

8. ELIGIBLE VOTER

- 8.1 Any person is eligible to vote in the Ratification Vote if that person is:
- (a) At least 18 years of age on or before the first Regular Voting Day;
and
 - (b) Is a Member of the Lower Nicola Indian Band.

9. VOTERS LIST

- 9.1 At least 35 days prior to the first Regular Voting Day, the Council will provide the Ratification Officer with the Lower Nicola Indian Band's Voters List.
- 9.2 The Voters List will:
- (a) Include the full names of all Eligible Voters;
 - (b) Include the member number of each Eligible Voter; and
 - (c) Include the mailing address for each Eligible Voter.
- 9.3 The Ratification Officer may revise the Voters List upon receipt of documentary proof showing that:
- (a) The name of an Eligible Voter is omitted from the Voters List;
 - (b) The name of an Eligible Voter is incorrectly set out on the Voters List;
 - (c) The Eligible Voter is deceased; or
 - (d) The name of a person not qualified to be an Eligible Voter is included on the Voters List.

10. THRESHOLD

- 10.1 The Ratification Vote shall be decided, at minimum, by a Simple Majority, which is 50% + 1 of the ballots cast in the Ratification Vote.
- 10.2 Notwithstanding section 10.1, Council may choose to set a higher threshold for the success of a Ratification Vote if, at its sole discretion, the importance of the subject matter of the Ratification Vote warranted such a change.

11. METHODS OF VOTING

- 11.1 Council will determine the methods of voting for each Ratification Vote.
- 11.2 The principles that will guide Council in determining appropriate methods of voting are as follows:
 - (a) To ensure members make an informed decision in a timely manner;
 - (b) To ensure meaningful community engagement and meaningful information sharing;
 - (c) To ensure due process and neutrality;
 - (d) To safeguard the integrity of the ratification process; and
 - (e) Financial considerations and restraints.
- 11.3 Pursuant to 11.1, for each Ratification Vote Council may determine which one or more of the following methods of voting will occur:
 - (a) Electronic Voting;
 - (b) Mail-in Ballot;
 - (c) In-person voting at the Polling Place on the Advance Voting Day, a Regular Voting Day or, if applicable, the Additional Voting Day, in accordance with this Ratification Policy; or
 - (d) Other methods, as determined by Council.

12. ELECTRONIC VOTING CONTRACTOR RESPONSIBILITIES

- 12.1 The Electronic Voting Contractor will provide a secure Electronic Voting Platform for Eligible Voters to vote electronically via a web-based voting page or a touch-tone telephone.

- 12.2 The Electronic Voting Contractor will, in a timely manner, provide by email to each Eligible Voter:
- (a) A website address and a telephone number that Eligible Voters can use to conduct Electronic Voting;
 - (b) A unique voter identification code; and
 - (c) Instructions for Electronic Voting.
- 12.3 The Electronic Voting Contractor 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 an Eligible 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 or electronic notifications are generated to the Eligible Voter and Ratification Officer, in real-time, of any and all activity associated with a voter using the Electronic Voting Platform, including:
 - i. Completed voting; and
 - ii. Confirmation of voting.
- 12.4 At a minimum, Electronic Voting procedures will exceed the threshold of due diligence for Mail-in Ballots (where Mail-in Ballots are being used), and at minimum will require for each Eligible Voter to submit a unique voter identification code.
- 12.5 The Electronic Voting Contractor will provide the Ratification Officer with real-time updates of electronic ballots cast before and during the polls on the Advance Voting Day, the Regular Voting Days and, if applicable, the Additional Voting Day.
- 12.6 The Electronic Voting Contractor will provide the Ratification Officer with timely notification of any system or communication failures, interruptions or lost data.
- 12.7 The Ratification Officer will provide the Electronic Voting Contractor with the Voters List at least 30 days prior to the first Regular Voting Day. The Electronic

Voting Contractor will immediately enter the Voters List on the Electronic Voting Platform.

13. ELECTRONIC VOTING

13.1 An Eligible Voter may cast a ballot by Electronic Voting if Electronic Voting is a designated method of voting pursuant to section 11.1.

13.2 To cast a ballot by Electronic Voting, an Eligible Voter will:

- (a) Enter the website address provided or call the designated telephone number provided;
- (b) Enter a unique voter identification code;
- (c) Confirm their full name or Band member number;
- (d) Confirm their eligibility to participate using Electronic Voting;
- (e) Declare their intent to vote electronically;
- (f) Make their electronic vote by selecting between YES or NO; and
- (g) Confirm their electronic vote.

13.3 Immediately after an electronic vote is cast an email or electronic notification will be automatically generated by the Electronic Voting Platform that confirms the vote of the Eligible Voter, and advises the Ratification Officer that this Eligible Voter has voted.

13.4 Upon receipt of the email or electronic notification, the Ratification Officer will:

- (a) Confirm that no other Mail-in Voting Package, In Person, electronic vote or telephone vote was received for the same Eligible Voter; and
- (b) Record the date when the electronic vote was received.

13.5 Where the Ratification Officer is notified of an incomplete or failed electronic vote, the Ratification Officer will contact the Eligible Voter immediately as soon as is practicable with alternative voting solutions.

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

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

14. MAIL-IN BALLOTS

- 14.1 An Eligible Voter may cast a Mail-in Ballot if Mail-in Ballots is a designated method of voting pursuant to section 11.1.

- 14.2 To cast a Mail-in Ballot, an Eligible 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.

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

- 14.4 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 Voting Day.

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

- (a) Record the date when the Mail-in Voting Package was received;
- (b) Confirm that no other Mail-in Voting Package, In Person, electronic vote or telephone vote has been received from the Eligible Voter;
- (c) Update the Voters List to show this person has cast a Mail-In Ballot; and
- (d) Store the Mail-in Voting Package in a secure location until the close

of the poll on the next Voting Day (either Advance Voting Day, if applicable, or Regular Voting Day).

- 14.6 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 14.8.
- 14.7 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.
- 14.8 Immediately after all polling is closed including, if applicable, any Additional Voting Days, the Ratification Officer will, in the presence of two or more Eligible Voters who will act as witnesses, open each Mail-in ballot package and, for each Mail-in ballot for which there is a completed voter declaration form from an Elector who has not otherwise voted in the election, mark a line through that Electors name on the Voters List and subject to section 18.1 of this Ratification Policy, deposit the ballot in the sealed ballot box.
- 14.9 Where:

- (a) An Eligible Voter has previously voted in person, electronically or by Mail-in ballot;
- (b) A voter is not an Eligible Voter; or
- (c) The voter declaration is not signed or witnessed,

the Ratification Officer will reject the Mail-in ballot and note the reason for the rejection on the Voters List 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.

- 14.10 The counting of the Mail-In ballots will be done at the Polling Place on the final day of voting in accordance with section 18.3.

15. ADVANCE VOTING DAY

- 15.1 Council may choose to have an advance Poll at the Polling Place on a day that is no more than 5 days prior to the first Regular Voting Day.
- 15.2 Council will determine the hours during which the poll will be open on the Advance Voting Day.
- 15.3 The advance Poll will be conducted in the same manner as the poll on the

Regular Voting Days, as described in this Ratification Policy.

- 15.4 At the close of the Advance Voting Day, the Ratification Officer will, in the presence of two or more Eligible 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.

16. REGULAR VOTING DAYS

- 16.1 Council will determine the hours during which the poll will be open on the Regular Voting Day.
- 16.2 The Ratification Officer or Deputy Ratification Officer will be present at all times at the Polling Place while the poll is open.
- 16.3 All voting at the Polling Place will be by secret ballot.
- 16.4 The Ratification Officer is responsible for determining whether a person is an Eligible Voter.
- 16.5 The Ratification Officer will:
- (a) Before the first vote is cast, open the ballot box and request an Eligible 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; and
 - (c) Keep the ballot box in view for reception of ballots.
- 16.6 One hour prior to the opening of the poll on the Advance Voting Day, a Regular Voting Day or, if applicable, the Additional Voting Day, the Ratification Officer will record the names of Eligible Voters who voted by Electronic Voting by drawing a line through their name on the Voters List and noting that they voted by website or telephone as the case may be.
- 16.7 Where, during the poll on the Advance Voting Day, a Regular Voting Day or, if applicable, the Additional Voting Day, the Ratification Officer is notified that an Eligible Voter has voted by Electronic Voting, the Ratification Officer will immediately record the names of Eligible Voters who voted by Electronic Voting by drawing a line through their name on the Voters List and noting that they voted by website or telephone as the case may be.

- 16.8 When a person at the poll wishes to vote, the Ratification Officer will:
- (a) Ensure that the person is an Eligible Voter;
 - (b) Check the Voters List to ensure that the person has not already voted in person, by mail or by Electronic Voting; and
 - (c) If the Eligible Voter has not already voted, provide the Eligible 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.
- 16.9 The Ratification Officer will place, on the Voters List, a line through the name of every Eligible Voter receiving a ballot at a poll.
- 16.10 The Ratification Officer will explain the method of voting upon request.
- 16.11 The Ratification Officer will, on request and in the presence of a witness acceptable to the Eligible Voter and the Ratification Officer, provide special assistance to an Eligible Voter at the poll by marking a ballot in secret as directed by the Eligible Voter and immediately folding and depositing the ballot into the ballot box
- 16.12 The Ratification Officer, after providing special assistance to an Eligible Voter, will make an entry on the Voters List opposite the name of the Eligible Voter indicating:
- (a) That the ballot was marked by the Ratification Officer at the request of the Eligible Voter;
 - (b) The reason for the Eligible Voter's request; and
 - (c) The name of the witness.
- 16.13 Except for an Eligible Voter requiring special assistance, every Eligible 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.

- 16.14 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.
- 16.15 An Eligible 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.
- 16.16 The Ratification Officer will record a ballot returned in accordance with section 16.15 as spoiled.
- 16.17 An Eligible 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 Voters List stating that the Eligible Voter left the poll without delivering the ballot and will record the ballot as cancelled.
- 16.18 At the time set for the closing of the poll, the Ratification Officer will declare the poll closed, and entry will be denied to the Polling Place, but all remaining Eligible Voters in the Polling Place at that time are entitled to remain until they have voted.

17. ORDERLY VOTING

- 17.1 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.
- 17.2 Council, with the assistance of the Ratification Officer, will ensure that peace and good order are maintained at the Polling Place.
- 17.3 The Ratification Officer will allow only one Eligible Voter at a time into a designated voting booth, except for an Eligible Voter receiving special assistance pursuant to section 16.11.
- 17.4 No person will:
- (a) Interfere or attempt to interfere with an Eligible Voter when the Eligible Voter is voting;
 - (b) Obtain or attempt to obtain information as to how an Eligible Voter is about to vote or has voted;

- (c) Mark a ballot in a way that identifies the Eligible 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.

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

18. COUNTING BALLOTS

18.1 After any Mail-In Ballots have been deposited into the ballot box, the Ratification Officer will examine all ballots contained in the ballot boxes from each Regular Voting Day and the ballot boxes from the poll on the Advance Voting Day, and reject any ballot that:

- (a) Was not supplied by the Ratification Officer or Deputy 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 Eligible Voter; or
- (e) Has any writing or mark which can identify the Eligible Voter.

18.2 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 Eligible Voter; and
- (c) In the opinion of the Ratification Officer, the intent of the Eligible Voter is clear.

18.3 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.
- 18.4 Upon completion of the Ratification Vote, the Ratification Officer will execute a Declaration of Ratification Officer in Form 4.

19. ADDITIONAL VOTING DAY

- 19.1 Notwithstanding other provisions of this Ratification Policy, 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 Voting Day will be held where less than 25% of all Eligible Voters voted by the close of the poll on the last Regular Voting Day 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.
- 19.2 Within 24 hours of the decision under section 19.1, the Ratification Officer will formally notify Council in writing.
- 19.3 The Ratification Officer and Council will, within 2 days of receiving the Ratification Officer's written notification under section 19.2, set a date for an Additional Voting Day which shall not be more than 20 days after the last Regular Voting Day.
- 19.4 The Ratification Officer will publish a notice showing the decision by the Ratification Officer, the reason for an Additional Voting Day, the number of Eligible Voters who voted by the last Regular Voting Day, the date of the Additional Voting Day, and will notify all Eligible Voters by mail, hand delivery service, telephone or e-mail.
- 19.5 Council will determine the hours during which the poll will be open, on the Additional Voting Day.
- 19.6 The Ratification Officer will ensure if the Electronic Voting Platform and Mail-in Voting were used during the Ratification Vote, that they are re-opened and

remain active and available before the opening of the poll on the Additional Voting Day, until the close of the poll.

- 19.7 The poll on the Additional Voting Day will be conducted in the same manner as the poll on a Regular Voting Day, as described in this Ratification Policy.
- 19.8 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 Voting Day.

20. POST-VOTE PROCEDURES

- 20.1 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 thereupon affix his or her signature to the seals.
- 20.2 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.
- 20.3 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.

21. REPORTING RESULTS

- 21.1 Within 7 days after the close of the Ratification Vote, the Ratification Officer will prepare a Statement of Votes outlining the number of votes cast for and against the Ballot Question and the number of rejected ballots.
- 21.2 The Ratification Officer will:
 - (a) Post the Statement of Votes at the Lower Nicola Indian Band Administration Office;
 - (b) Cause to be posted the Statement of Votes on the Lower Nicola Indian Band website; and
 - (c) Mail or deliver the Statement of Votes to every Eligible Voter.

22. APPEALS

- 22.1 Within 15 days after the close of the Ratification Vote, any Eligible Voter who has cast a vote at the Ratification Vote or who was denied his or her

right to vote and who believes that:

- (a) there was a violation of the Ratification Policy that affected the result of the Ratification vote; or
- (b) there was a corrupt practice in connection with the Ratification Vote,

may file an appeal in accordance with sections 26 of the LNIB Custom Election Code. For greater certainty any appeal of a Ratification vote held pursuant to this Policy shall be in accordance with the appeal process set out in sections 26 to 31 of the LNIB Custom Election Code.

23. AMENDMENTS

- 23.1 This policy may be amended from time to time, by Council, as circumstances warrant.
- 23.2 Council may consult with Members when considering amendments.

LOWER NICOLA INDIAN BAND

181 Nawishaskin Lane, Merritt, British Columbia V1K 0A7
Tel: 250-378-5157 Fax: 250-378-6188

WHEREAS:

- A. On **[date]**, Lower Nicola Indian Band (“**LNIB**”) Chief and Council, at a duly convened meeting, authorized and approved ***[information about the subject matter of the Ratification Vote and, if agreement with province/industry etc., subject to ratification by LNIB membership, provide this information]***;
- B. On **[date]** LNIB Chief and Council, at a duly convened meeting, authorized, approved and adopted a ratification policy (the “**Ratification Policy**”), which Ratification Policy is intended to ensure due process for holding a referendum of LNIB members in order to ratify decisions by LNIB Chief and Council on matters deemed by the LNIB Chief and Council to be of particular significance and general importance in respect of LNIB Aboriginal rights and title;
- C. LNIB Chief and Council wishes to:
 - i) authorize and approve a Ratification Vote in respect of the ***[subject of Ratification Vote]***,
 - ii) confirm the Ballot Question,
 - iii) confirm the voting threshold for the success of the Ratification Vote,
 - iv) appoint the Ratification Officer,
 - v) approve the methods of voting on the Ballot Question,
 - vi) set the Regular Voting Days and the Advance Voting Days, if any, in respect of the Ratification Vote and determine the hours during which the polls will be open on such days; and

vii) determine the hours for Electronic Voting, if applicable, in respect of the Ratification Vote; and

- D. All terms used in these resolutions which are defined in the Ratification Policy shall have the meanings defined in the Ratification Policy unless the context otherwise requires.

BE IT RESOLVED THAT:

1. A Ratification Vote be held in accordance with the Ratification Policy to confirm if the community approves the following Ballot Question (which is hereby confirmed as the Ballot Question in relation to the Ratification Vote):

[enter Ballot Question here]? Yes/No

2. The voting threshold for the success of the Ratification Vote shall be as follows:

[enter voting threshold: Simple Majority, 50% + 1 or a higher threshold as decided by LNIB Chief and Council]

3. The following person is hereby appointed as the Ratification Officer in accordance with section 4.1 of the Ratification Policy in respect of the Ratification Vote:

[enter name of Ratification Officer]

4. The following methods of voting are hereby determined to be the methods of voting for the Ratification Vote:

[enter one or more methods of voting: in-person; mail-in ballot; electronic voting; phone voting, etc.]

5. The following are hereby determined to be the Advance Voting Day and Regular Voting Day, and hours during which the polls will be open on the Advance Voting Day and the Regular Voting Day:

Advance Voting Day: ***[enter Advance Voting Day(s), if applicable]***
[●:00 a.m. - ●:00p.m.]

Regular Voting Day: ***[enter Regular Voting Day:]*** ***[●:00 a.m. - ●:00p.m.]***

6. Electronic Voting in respect of the Ratification Vote shall occur during the following periods:

[Enter dates and hours during which Electronic Voting can take place; e.g. [commencing at ●:00 a.m. on [Date] and ending at ●:00p.m. on [Date]]

This BCR dated this _____ *[date]* _____.

Quorum of Council:

Name, Chief

Name, Councillor

Name, Councillor

Name, Councillor

Name, Councillor

Name, Councillor

Name, Councillor

Name, Councillor

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 Ballot Question, and will discharge my duties in accordance with the *Lower Nicola Indian Band Ratification Policy* and the requirements of confidentiality.

Ratification Officer

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 Ratification Policy* on _____, 20__ and _____, 20__ in order to determine if Eligible Voters approve the Ballot Question (below).

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

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

“Do you approve _____?”

_____, 20__ _:__ am until _:__ pm ADVANCE VOTING DAY (location)	_____, 20__ _:__ am until _:__ pm REGULAR VOTING DAY (location)	_____, 20__ _:__ am until _:__ pm REGULAR VOTING DAY (location)
Copies of the documents and information pertaining to the subject of the Ballot Question 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.

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: _____

DECLARATION OF RATIFICATION OFFICER

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

1. I have overseen the voting process, pursuant to the *Lower Nicola Indian Band Ratification Policy*.
2. A true copy of the Notice of Vote is attached as Exhibit "1" to this Declaration.
3. In accordance with the *Lower Nicola Indian Band Ratification Policy*, I posted the Notice of Vote at least 35 days prior to the first Regular Voting Day.
4. The voting procedure and the counting of results, was conducted in accordance with the *Lower Nicola Indian Band Ratification Policy*.
5. The names of _____ Eligible Voters appeared on the Voters List.
6. The number of Eligible Voters who constituted the minimum percentage required for approval under the *Lower Nicola Indian Band Ratification Policy* was _____.
7. The results of the Ratification Vote are as follows:
 - a. _____ mail-in ballots were cast in the Ratification Vote in accordance with section 14 of the *Lower Nicola Indian Band Ratification Policy*;
 - b. _____ regular ballots were cast in the Ratification Vote in accordance with the *Lower Nicola Indian Band Ratification Policy*;
 - c. _____ electronic ballots were cast in the Ratification Vote in accordance with *Lower Nicola Indian Band Ratification Policy*;
 - d. _____ spoiled ballots were marked as spoiled as provided in the *Lower Nicola Indian Band Ratification Policy*;
 - e. _____ rejected ballots were rejected in accordance with *Lower Nicola Indian Band Ratification Policy* and not opened or deposited into the ballot box;

- f. _____ ballots were cancelled in accordance with the *Lower Nicola Indian Band Ratification Policy*;
 - g. _____ improper ballots were rejected in accordance with the *Lower Nicola Indian Band Ratification Policy*;
 - h. _____ ballots in favour of the Ballot Question were marked “YES” and counted;
 - i. _____ ballots against the Ballot Question were marked “NO” and counted.
8. Based on the number of YES ballots in favour of the Ballot Question, the Ballot Question was approved/not approved by the Eligible 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*.

