



**RATIFICATION AND MEMBER
ENGAGEMENT POLICY**

Approved – October 22, 2024

TABLE OF CONTENTS

1.0	TITLE	1
2.0	DEFINITIONS	1
3.0	PURPOSE.....	2
4.0	SCOPE.....	3
5.0	PRINCIPLES.....	3
6.0	POLICY STATEMENTS.....	3
7.0	CODE, LAW, BYLAW AND POLICY DEVELOPMENT	4
8.0	MEMBER ENGAGEMENT AND RATIFICATION PROCEDURE	6
9.0	RESPONSIBILITIES	10
10.0	MONITORING AND REPORTING	12
11.0	APPROVAL	12
	SCHEDULE A: Headings for Policies, Bylaws and Laws.....	13
	SCHEDULE B: Voting Guidelines.....	14

AUTHORIZED BY:	Chief and Council
EFFECTIVE DATE:	2024-10-22
DEPARTMENT:	Policy and Planning
REVIEW DATE:	2027-10-22

1.0 TITLE

1 (1) This policy may be cited for all purposes as the *snpink'tn* (Penticton) Indian Band Ratification and Member Engagement Policy.

2.0 DEFINITIONS

2 (1) In this policy, unless the context otherwise requires:

“**Appointed Lead**” means an employee, Committee or contractor appointed by the *yilmix'w'm* and *sax'kw'inma?m* to be accountable for the development of a law, bylaw or policy;

“**Band Administrator**” means the person appointed as Band Administrator under the FAL;

“**Band Meeting**” means a meeting, either indoor, outdoor or online that is open to all Members that is accessible, and notice provided at least 14 days in advance, including the purpose of information sharing, discussion, decision-making or voting;

“**BCR**” means band council resolution;

“**Committee**” means a group of people appointed by the *yilmix'w'm* and *sax'kw'inma?m* for the purpose of advising the *yilmix'w'm* and *sax'kw'inma?m* or conducting decision-making activities assigned by *yilmix'w'm* and *sax'kw'inma?m* which are convened on a regular long-term basis until or unless they are suspended or disbanded by the *yilmix'w'm* and *sax'kw'inma?m*;

“**Council**” means the elected leaders of *snpink'tn* Indian Band and includes the *yilmix'w'm* and *sax'kw'inma?m*;

“**Eligible Voter**” means a person who:

- (a) is a Member on the day of a vote; and
- (b) is at least eighteen (18) years of age on the day of a vote;

“**Emergency**” means an unforeseen circumstance resulting in the need to take immediate action;

“**FAL**” means the *Penticton Indian Band Financial Administration Law*;

“**Member**” means a person that is registered on the *snpink'tn* Indian Band membership list;

“**Member Engagement**” means discussions, formal conversations, sharing knowledge and seeking input on the development of policies, laws, bylaws and significant decisions that affect members;

“*nsyilxcən*” means the original language of *sqilx^w/syilx/sʔuk^wnaqinx* people;

“**Ratification**” means to approve a document or agreement making it valid;

“*səx^kʷinmaʔm*” means the elected *snpinkʷtn* Indian Band Councillor, but does not include the *yilmix^wm* and in *nsyilxcən* means one is trained at a very young age and/or appointed to be a head Chief (hereditary) i.e., salmon chief, hunting chief, war chief, gathering of medicines chief, which they had an area of responsibility to;

“*snpinkʷtn*” means a place to gather, a place to come back to, and is the placename for Penticton and surrounding area in *nsyilxcən*;

“**Special Band Meeting**” means Band Meetings in which Members are invited to attend to receive and discuss a specific, urgent, or important topics, issues, or to vote;

“*sqilx^w/syilx/sʔuknaqinx*” means the people that have inhabited, defended and cared for their territory, lands, and resources from time immemorial. They speak *nsyilxcən*, share customs, traditions, and a way of life;

“*tmix^w*” means all living things; the animals, plants, medicines, birds, and people, etc. that are all attached to the earth. It is the inter-connectedness and attachment between all living things. Similarly, two parts all together that describes the inter-connectedness and attachment between all living things. It is not a collection of individual strands rather; it references that all living things are attached to one thing *that which gives us life*;

“*tmx^wulax^w*” means land; a physical place, includes the spiritual connection of everything and within; underneath all *tmix^w*. It references the three parts all together that describes all living things that are inextricably connected like a spiralling thread interconnected with the earth. All living things in this world are interconnected/interdependent in relation to one another with no ending; and

“*yilmix^wm*” means the *snpinkʷtn* Indian Band Member elected to be Chief elected in accordance with the *snpinkʷtn Indian Band Custom Election Code*, and in *nsyilxcən* means the one who is responsible for guiding the people, caring for the land and, in a metaphysical sense, for coiling the rope.

3.0 PURPOSE

3 (1) The purpose of this Policy is to set out:

- (a) the policies and procedures for meaningful Member engagement into *snpinkʷtn* Indian Band decision-making; and
- (b) a standardized review, approval, and revision process for *snpinkʷtn* Indian Band laws, bylaws, Codes, and policies.

4.0 SCOPE

- 4 (1) This policy applies to all persons authorized to conduct activities in connection with the operations and administration of *snpink'tn* Indian Band.
- 4 (2) This policy does not apply to referendums administered by Canada (e.g., surrenders, designation of reserve land for economic purposes, creation of joint reserve lands or certain specific claims settlements).
- 4 (3) If there is a conflict between this policy and any other *snpink'tn* Indian Band law, bylaw, or code, those laws prevail.

5.0 PRINCIPLES

- 5 (1) *captik'wl* (creation stories and natural laws) teaches that good governance is based on each Member being responsible, respectful, and accountable to teach, love, honour, and provide for each other for a healthy and secure community and governance based on the following key principles:
 - (a) by understanding and respecting *tmix^w* (all living things), we can co-exist with all life-forms;
 - (b) reciprocity to maintain a balance and equity for the collective and liberty for the individual;
 - (c) everyone should share equally in the work and the benefits;
 - (d) consensus-building;
 - (e) be wise, serious, strong, and pure of heart;
 - (f) embrace diversity and the rights of all creatures;
 - (g) Members need to be healthy, housed, and protected;
 - (h) live in harmony by being selfless, inclusive, and democratic;
 - (i) act in the best interests of Members and the *tmix^w* when making decisions;
 - (j) make best efforts to support Members when they are in need; and
 - (k) maintain essential services within budgetary constraints.

6.0 POLICY STATEMENTS

- 6 (1) *yilmix^{wm}* and *sax^{wk'winma?m}* must consider the magnitude of the subject matter, timing, location, duration, legal or policy requirements, and potential impacts to Members in determining the level of Member Engagement required.

- 6 (2) If the subject matter for Member Engagement is related to a non-*snpink'tn* Indian Band administration project, then project proponents must be responsible for the cost of Member Engagement.
- 6 (3) Member Engagement will not change, end, or reduce:
- a) the bylaw powers of the *yilmix'wm* and *sax'kw'inma?m*;
 - b) the Aboriginal title of *snpink'tn* Indian Band over their territory;
 - c) any Aboriginal, inherent rights or other rights or freedoms that pertain now or in the future to *snpink'tn* Indian Band, and its Members; or
 - d) the fiduciary relationships between His Majesty the King in right of Canada, *snpink'tn* Indian Band, and its Members.

7.0 CODE, LAW, BYLAW AND POLICY DEVELOPMENT

- 7 (1) Code, law, bylaw and policy development must include:
- a) Members;
 - b) *yilmix'wm* and *sax'kw'inma?m*;
 - c) Appointed Lead;
 - d) staff or contractors as required; and
 - e) Legal Counsel.
- 7 (2) A new or amendment to an existing code, law, bylaw and policy development may be requested at a duly convened Council meeting by:
- a) a Member;
 - b) the *yilmix'wm* or a *sax'kw'inma?m*;
 - c) the Band Administrator;
 - d) employees or contractors; or
 - e) a Committee or sub-Committee.
- 7 (3) When a code, law, bylaw and policy is requested for development or amending by a *yilmix'wm*, *sax'kw'inma?m*, employee, contractor, Committee or sub-Committee, a Briefing Note and BCR must be presented to the *yilmix'wm* or a *sax'kw'inma?m* including the following:
- a) the purpose and need;

- b) the proposed lead and responsible department;
- c) any impacts on existing codes, laws, bylaws or policies;
- d) cost estimate to develop and implement;
- e) governance or human resource implications;
- f) the significance for Members; and,
- g) recommended Member Engagement considering:
 - (i) magnitude of the subject matter, timing, location, duration, legal or policy requirements, and potential impacts to Members;
 - (ii) potential impact to lands and/or resources; and
 - (iii) legal requirements.

7 (4) A Member may request a new or amendment to code, law, bylaw and policy by:

- a) submitting a written letter or petition signed by at least fifteen (15) members who are at least eighteen (18) years of age to *yilmix^wm* and *sax^wk^winma?m*, which includes the rationale for the request; or,
- b) making a motion on the floor at band meeting and receiving a positive vote by show of hands from fifty (50) percent plus one (1) of Eligible Voters present.

7 (5) If a code, law, bylaw or policy is initiated under section 7 (4), the Band Administrator must:

- (a) add it to the agenda for the next duly convened Council meeting; and
- (b) delegate an employee to draft a response letter within five (5) business days of receiving the letter or petition to:
 - (i) acknowledge that the correspondence has been received;
 - (ii) provide a key contact and offer to meet with a *snpink 'tn* Indian Band staff to discuss the proposed policy or bylaw and law; and
 - (iii) propose a timeline to allow for more thorough response from *yilmix^wm* and *sax^wk^winma?m*.

Approval to Proceed and Assignment of Accountability

7 (6) *yilmix^wm* and *sax^wk^winma?m* must determine whether to approve a request to initiate development of a new or amendment to an existing code, law, bylaw, or policy based on:

- (a) strategic priorities;
 - (b) organizational risk;
 - (c) governance and human resource implications;
 - (d) legal requirements; and
 - (e) cost to develop and implement.
- 7 (7) If the *yilmix'wm* and *sax'kw'inma?m* approve the request to initiate development of a new or amendment to an existing code, law, bylaw, and policy, *yilmix'wm* and *sax'kw'inma?m* must identify how it will be approved and the level of Member Engagement required.
- 7 (8) Once approved for development or amendment, the Band Administrator must add the code, law, bylaw or policy or bylaw/law:
- (a) to the Council master tracking table; and
 - (b) approve the work plan created by the Appointed Lead.
- 7 (9) Policies, bylaw and laws must, at minimum, include the headings outlined in Schedule A.

8.0 MEMBER ENGAGEMENT AND RATIFICATION PROCEDURE

First Reading

- 8 (1) Once a first draft has been completed, the Appointed Lead must prepare a Briefing Note and BCR approved by the Band Administrator which requests *yilmix'wm* and *sax'kw'inma?m* approval of the draft document for and level of Member Engagement being recommended consistent with section 8.

Member Notification at Annual General Assembly

- 8 (2) No member engagement is required if the code, law, bylaw, and policy:
- (a) has no direct impact to all Members; or
 - (b) is for Emergency situations requiring urgent response which affect public safety, such natural disasters.
- 8 (3) Policies of no direct impact to all Members include administrative policies, program operational plans, and program policies that are legally required to meet legislative requirements which apply to *snpink'tn* Indian Band administration.
- 8 (4) 9(4) Policies when no Member Engagement was required must be reported to Members at the Annual General Assembly.

Member Notification

- 8 (5) Codes, laws, bylaws, and policies with limited direct impact to all Members require Member notification. The Appointed Lead must work with *snpink'tn* Indian Band communications staff to notify Members through the Members only website, newsletter and through social media.
- 8 (6) Codes, laws, bylaws, and policies of limited direct impact to all Members include matters such as changes to external programs or amendments to finance or tax policies and laws.
- 8 (7) If a Member raises concerns about a matter under section 8 (4) within thirty (30) days of notification, or within 30 days of the Council meeting at which the matter was approved, the Appointed Lead must provide a briefing note to *yilmix'wm* and *sax'kw'inma?m* about the concerns at the next scheduled Council meeting.
- 8 (8) *yilmix'wm* and *sax'kw'inma?m* may require additional Member Engagement depending on the concerns raised.

Elders Group

- 8 (9) The Appointed Lead must make a presentation to the Elders Group for codes, laws, bylaws, and policies with a moderate direct impact to all Members, as described in section 8 (11).

Band Meeting or Special Band Meeting

- 8 (10) For codes, laws, bylaws, and policies with a moderate direct impact to all Members, , as described in section 8 (11), a Band Meeting or Special Band Meeting must be held to inform Members.
- 8 (11) Codes, laws, bylaws, and policies moderate direct impact to all Members include:
 - (a) new or amendments to existing codes, laws, bylaws, or policies; or
 - (b) strategies or plans for housing, water, education, etc.
- 8 (12) The Appointed Lead must ensure that Members receive at least 14 days notice of a Band Meeting or Special Band Meeting held under section 8 (10) and provide Members with an opportunity to give them written feedback for at least thirty (30) days after the Band Meeting or Special Band Meeting.
- 8 (13) The Appointed Lead may use surveys, host meetings or use other communication tools to gather additional Member feedback for the subject matter identified in section 8 (11).
- 8 (14) The Appointed Lead must provide all feedback received under section 8 (9), 8 (10), 8 (12) or 8 (13) to *yilmix'wm* and *sax'kw'inma?m* for their consideration during a second *yilmix'wm* and *sax'kw'inma?m* reading of the code, bylaw, law, or policy.

Second Reading

- 8 (15) If during the second reading of code, law, bylaw, or policy, the *yilmix^{wm}* and *sax^{wk}winma?m* determines that addressing Member concerns would require a significant change to how the code, law, bylaw, or policy will function, be defined, or its intended purpose, they may require the Appointed Lead to undertake additional Member Engagement.
- 8 (16) When the code, law, bylaw, or policy is presented at the Band Meeting or Special Band Meeting, the *yilmix^{wm}*, *sax^{wk}winma?m*, or a Member may make a motion to:
- (a) either vote on the subject matter under section 9 (9), by show of hands and receive a positive vote from at least fifty (50) percent plus one (1) of the Eligible Voters present; or
 - (b) to require that a Member vote by ballot be held on the subject matter.
- 8 (17) The motion and the outcome of the vote in section 8 (16)(a) must be presented by the Band Administrator at the next duly convened Council meeting. Unless there are legal, financial, or procedural fairness considerations that prevent it, *yilmix^{wm}* and *sax^{wk}winma?m* must accept the results of the vote.

Member Vote by Ballot

- 8 (18) For a code, law, bylaw, or policy with the potential for significant impact to all Members or required under section 8 (16)(b) a vote in accordance with Schedule B must be held.
- 8 (19) Codes, laws, bylaws, and policies with the potential for significant impact to all Members include:
- (a) a significant impact expected to last more than ten years;
 - (b) a significant amount in excess of one million (\$1,000,000) dollars;
 - (c) permanent alteration to *tmix^w* or *tmx^{wulax^w}*;
 - (d) significant impact to *sqilx^w/ syilx/ s?uk^{wnaqinx}* responsibilities, rights, or title; or
 - (e) the approval of inherent laws such as a custom election code, governance code, or land code.
- 8 (20) The *yilmix^{wm}* and *sax^{wk}winma?m* may approve in-person, mail-in or Electronic Voting options.
- 8 (21) The Appointed Lead may use surveys, social media, host online or in-person meetings or other communication tools to gather additional Member feedback prior to the vote.
- 8 (22) In advance of the vote, the Appointed Lead must present and request feedback on the subject matter:
- (a) to the Elder's Group; and
 - (b) at two Band Meetings or Special Band Meetings open to all Members.

- 8 (23) Additional Member Engagement is required if:
- (a) recommended by the Appointed Lead based on a minimum attendance of 35 Eligible Voters ([add meeting date and motion no.]) or feedback received at the meetings held under section 8 (21); or
 - (b) Member concerns result in a recommendation for a substantial change to the codes, laws, bylaws, and policies.
- 8 (24) The Appointed Lead must provide Members with information regarding the codes, laws, bylaws, and policies that must be voted on at least fourteen (14) days prior to any meetings required under section 8 (22)(b).
- 8 (25) The Appointed Lead must notify Members of a vote held under section 8 (18) at least thirty (30) days prior to that vote in the website, newsletter and social media.
- 8 (26) The Appointed Lead must prepare and provide a summary of Member feedback to the *yilmixʷm* and *səxʷkʷinmaʔm* in advance of the vote.
- 8 (27) *yilmixʷm* and *səxʷkʷinmaʔm* must consider the information provided in section 8 (26).

Special Voting Requirements

- 8 (28) A *snpinkʷtn* Indian Band membership code:
- (a) must include membership rules;
 - (b) must include a review process for decisions on membership; and
 - (c) requires the consent of a majority of Eligible Voters.
- 8 (29) If *snpinkʷtn* Indian Band passes a law about real property shared by two (2) people during a marriage or common-law relationship on reserve, *yilmixʷm* and *səxʷkʷinmaʔm* must follow the voting guidelines in Schedule B and ensure that at least 25 percent of Eligible Voters participate in the vote. If *yilmixʷm* and *səxʷkʷinmaʔm* approves the law, the *yilmixʷm* and *səxʷkʷinmaʔm* must write the Minister with the result of the vote and a copy of the approved law.
- 8 (30) Until *snpinkʷtn* Indian Band passes a Land Code, land management decisions (e.g., reserve land use designation, certain specific claims settlement, certificate of possession holder leases longer than 99 years, leases on non-designated reserve land, surrender of reserve land,) must follow the following timelines:
- (a) Complete a voter list and addresses 49 days prior to the vote;
 - (b) Post notices of the upcoming vote at least 14 days before the day on which an Information Meeting for a referendum is to be held and at least 42 days before the day of the referendum;

- (c) Hold an Information Meeting prior to the referendum vote; and
- (d) Set up voter polling stations and allow Mail-In Voting.

***yilmixʷm* and *səxʷkʷinmaʔm* Approval**

8 (31) After Member Engagement is completed, the Appointed Lead must draft a Briefing Note and BCR based on the outcomes of the Member Engagement which must include:

- (a) a description of the Member Engagement, including dates, times and persons attending;
- (b) the results of the Member Engagement;
- (c) measures to address Member comments and questions;
- (d) a recommendation to approve, reject or redraft the code, law, bylaw or policy; and
- (e) a draft BCR.

8 (32) *yilmixʷm* and *səxʷkʷinmaʔm* must consider the briefing note and approve, reject, or direct that the code, law, bylaw or policy be redrafted by BCR.

8 (33) The Approved Lead must work with the Communications staff to notify Members and affected departments and persons of the *yilmixʷm* and *səxʷkʷinmaʔm* decision under section 8 (31) within seven (7) days.

9.0 RESPONSIBILITIES

9 (1) Members have the ultimate responsibility for providing direction and support to *yilmixʷm* and *səxʷkʷinmaʔm* on *snpinkʷtn* Indian Band lands, resources, and governance.

9 (2) *yilmixʷm* and *səxʷkʷinmaʔm* are responsible for:

- (a) approving the development of laws, bylaws, and policies in accordance with this policy;
- (b) authorizing the Appointed Lead to carry out Member Engagement and votes; and
- (c) enacting codes, laws, bylaws and policies in accordance with this policy.

9 (3) The Band Administrator is responsible for:

- (a) ensuring that codes, laws, bylaws and policies, are evaluated, reviewed and updated as necessary;
- (b) overseeing Member Engagement or votes in accordance with Schedule B;
- (c) reviewing and approving briefing notes presented to *yilmixʷm* and *səxʷkʷinmaʔm* as required in this policy; and

- (d) supervising the work of the Appointed Lead.
- 9 (4) The Chief Financial Officer is responsible for:
- (a) ensuring that all codes, laws, bylaws, and policies are consistent and compliant with *snpink'tn* Indian Band financial laws and policies; and
 - (b) providing financial analysis and recommendations, including cost estimates for the development and implementation of codes, laws, bylaws, and policies.
- 9 (5) The Appointed Lead is responsible for:
- (a) communication with Members, administering Member Engagement, compiling data and completing the final reports;
 - (b) reviewing all requests for codes, laws, bylaws, and policies and preparing and submitting briefing notes for review and approval;
 - (c) determining if the request for codes, laws, bylaws, and policies need to be referred to a subject matter expert for additional review;
 - (d) determining if the request for codes, laws, bylaws, and policies needs cross functional review from other *snpink'tn* Indian Band departments;
 - (e) submitting all briefing note and background materials to the Band Administrator for review and approval related to codes, laws, bylaws, and policies under this policy; and
 - (f) preparing a briefing note to rescind or amend a codes, laws, bylaws, and policies.
- 9 (6) Legal counsel is responsible for:
- (a) ensuring that codes, laws, bylaws, and policies are enforceable and legal;
 - (a) providing legal support and advice to the Appointed Lead; and
 - (b) providing legal opinions on all codes, laws, bylaws, and policies prior to approval by *yilmix'wm* and *sax'kw'w'lnma?m*.
- 9 (7) The Language and Culture Advisor is responsible for:
- (a) increasing the use of language, culture, and traditions in codes, laws, bylaws, and policies;
 - (b) working with cultural knowledge keepers and fluent speakers to ensure best usage of language/wording is used and/or for translation purposes; and
 - (c) improving the understanding of how *captik'wl* (creation stories and natural laws) can be used as guiding principles.

9 (8) Records and Information Management staff are responsible for storing all approved subject matter, laws, bylaws, and policies.

10.0 MONITORING AND REPORTING

10 (1) At least every three (3) years, all laws, bylaws, and policies must be reviewed for completeness, accuracy, and relevancy and revised or rescinded accordingly.

11.0 APPROVAL

11 (1) The Chief and Council are empowered to act on behalf of *snpink'tn* Indian Band and met in quorum at a duly convened Council meeting on the 22nd day of October 2024 where they approved this *Ratification and Member Engagement Policy* to come into force and effect.

11 (2) Voting in favour of the *Ratification and Member Engagement Policy* are the following members of Council:

***yilmix'wm* Greg Gabriel**

***sax'kw'winma?m* Timothy Lezard**

***sax'kw'winma?m* Dolly Kruger**

***sax'kw'winma?m* Suzanne Johnson**

***sax'kw'winma?m* Vivian Lezard**

***sax'kw'winma?m* Fred Kruger**

***sax'kw'winma?m* Charlene Roberds**

***sax'kw'winma?m* Lesley Gabriel**

***sax'kw'winma?m* Clint Gabriel**

SCHEDULE A: Headings for Policies, Bylaws and Laws

Policies, bylaws, and bylaws should include the following sections:

- 1) Purpose - provides the reason why this policy is required,
- 2) Scope - areas, functions, individuals/ departments affected,
- 3) Definitions - clarifies terms,
- 4) Responsibilities - describes who is responsible for implementing or maintaining the policy, bylaw, law and tasks,
- 5) Approval - approval date, ratification, and signatures of Chief and Council.

SCHEDULE B: Voting Guidelines

1) In these voting guidelines:

“**Advance Poll**” means any in-person voting held prior to the Voting Day;

“**Band Hall**” means the *snpink'tn* Indian Band facility located at 265 Green Mountain Road;

“**Electronic Voting**” means the process by which Eligible Voters cast their votes by utilizing a secured internet website;

“**Eligible Voter**” means a person who:

- (a) is member on the day of an election; and
- (b) is at least eighteen (18) years of age on the day of an election;

“**Information Meeting**” means a meeting held at the band hall and on the internet in advance of a vote to provide information to members about the matter to be voted on;

“**Mail-In Ballot**” means a ballot containing a ballot question that is distributed by the Ratification Officer;

“**Mail-In Voting**” means a procedure that allows Eligible Voters to cast their vote by mail;

“**Polling Station**” means the compartments in the Band Hall designated for voting;

“*snpink'tn*” means a place to gather, a place to come back to, and is the placename for Penticton and surrounding area in *nsyilxcən*;

“*snpink'tn* Indian Band Deputy Ratification Officer” means the person appointed by *yilmixʷm* and *səxʷkʷinmaʔm* to assist the Ratification Officer;

“*snpink'tn* Indian Band Ratification Officer” means the individual or organization appointed by the *yilmixʷm* and *səxʷkʷinmaʔm* by BCR to be responsible for conducting a ratification vote;

“**Voters List**” means a list provided by the *snpink'tn* Indian Band Ratification Officer at least 30 days before the Voting Day containing each Eligible Voter’s name in alphabetical order, their Indian registration number, their date of birth, and their last known address;

“**Voting Day**” means the date of the vote.

2) In accordance with these voting guidelines, voting in a ratification vote may be by:

- (a) by Mail-In Ballot for Eligible Voters who are not ordinarily resident on *snpink'tn* Indian Band land;
- (b) by Electronic Voting if they are registered for Electronic Voting with *snpink'tn* Indian Band.

- (c) in person at an Advance Polling station during the Advance Polling period; or
 - (d) in person at a polling station on polling day.
- 3) Each Eligible Voter is only permitted to cast one vote, for clarity, if an Eligible Voter has voted by:
- (a) Mail-In Ballot and then votes in-person, the Mail-In Ballot submitted by that Eligible Voter must be rejected and treated as void;
 - (b) online voting and attempts to vote in-person, that Eligible Voter must be denied a ballot and not permitted to cast a ballot in person;
 - (c) in-person and attempts to vote electronically, that Eligible Voter must be denied an online ballot and not permitted to cast a ballot electronically; and
 - (d) Electronic Voting and Mail-In Ballot, the Mail-In Ballot by that Eligible Voter must be rejected and treated as void and the vote cast by online voting must be counted.
- 4) Any confidential documents that may inform Eligible Voters may be viewed at the band office by members on written request to *yilmixʷm* and *səxʷkʷinmaʔm*.
- 5) *yilmixʷm* and *səxʷkʷinmaʔm* must ensure that confidential information is collected, used, or disseminated in compliance with applicable privacy laws.
- 6) *snpinkʹtn* Indian Band *yilmixʷm* and *səxʷkʷinmaʔm* will appoint the *snpinkʹtn* Indian Band Deputy Ratification Officer by a show of hands and Members motion at a Band Meeting.
- 7) The *snpinkʹtn* Indian Band Deputy Ratification Officer will read out the Eligible Voter list as required by Member feedback to make sure it is accurate and identify any mistakes.
- 8) The *snpinkʹtn* Indian Band Ratification Officer and *snpinkʹtn* Indian Band Deputy Ratification Officer must not be allowed to vote in the ratification vote.

Notice of Ratification Vote

- 9) The *snpinkʹtn* Indian Band Ratification Officer is responsible for creating the notice of ratification vote at least 45 days prior to the Voting Day which must contain the following information:
- (a) the date, place, and time of the Information Meeting;
 - (b) the date, place, and hours of the Voting Day;
 - (c) the dates and hours for online voting;
 - (d) the ballot question; and
 - (e) the name of the *snpinkʹtn* Indian Band Ratification Officer and their office address and

telephone number.

- 10) Communications staff must post the notice of ratification vote and the Eligible Voters list at least 45 days before the date that a vote is to be held:
 - (a) in the administration building and Band Hall; and
 - (b) on the Member only website.

Eligible Voters List and Revisions

- 11) The *snpink'tn* Indian Band Ratification Officer must ensure that they have received the Eligible Voters list at least 45 days before the day that a vote is held.
- 12) A Member may apply to the *snpink'tn* Indian Band Ratification Officer and the *snpink'tn* Indian Band Deputy Ratification Officer before the Voting Day to have the Eligible Voters list revised if they believe that:
 - (a) the name of an Eligible Voter has been omitted from the Eligible Voters list;
 - (b) the name of an Eligible Voter is incorrectly set out; or
 - (c) the name of a person not qualified to vote is on the Eligible Voters list.
- 13) If the *snpink'tn* Indian Band Ratification Officer and the *snpink'tn* Indian Band Deputy Ratification Officer are satisfied that the Eligible Voters list should be corrected, they must make the necessary correction.

Mail-in Ballots

- 14) Mail-In Ballots must be requested and will only be made available for Members who live off reserve.
- 15) It is the responsibility of each Eligible Voter to ensure that *snpink'tn* Indian Band has their current mailing address.
- 16) The *snpink'tn* Indian Band Ratification Officer must, at least 30 days prior to the Voting Day, mail or deliver to each Eligible Voter on the Eligible Voters list for whom an address has been provided:
 - (a) a copy of the notice of ratification vote with the information described in section 9;
 - (b) a Mail-In Ballot initialed on the back by the *snpink'tn* Indian Band Ratification Officer;
 - (c) an outer, postage-paid return envelope, pre-addressed to a post office box;
 - (d) a second, inner envelope marked "ballot" for insertion of the completed ballot;
 - (e) a voter declaration form;

- (f) a letter of instruction regarding voting by Mail-In Ballot; and
 - (g) a letter of instruction regarding voting by online voting.
- 17) The *snpink'tn* Indian Band Ratification Officer and Records Manager must collect the Mail-In Ballots from the post office box and deposit them into the *snpink'tn* Indian Band lock box every Friday. The lock box must only be accessible to the *snpink'tn* Indian Band Deputy Ratification Officer.
- 18) The *snpink'tn* Indian Band Ratification Officer must maintain a separate Eligible Voters list identifying the names and addresses to which each Mail-In Ballot package was mailed or otherwise delivered.
- 19) The *snpink'tn* Indian Band Ratification Officer must, upon request, provide a complete copy of these voting guidelines to any Eligible Voter.

Voting By Mail-In Ballot

- 20) An Eligible Voter who votes by Mail-In Ballot must:
- (a) mark the Mail-In Ballot by placing a cross (“x”), either in the box marked “yes” or in the box marked “no”;
 - (b) enclose and seal the ballot inside the secrecy envelope;
 - (c) complete and sign the voter declaration form in the presence of a witness who is at least 18 years of age;
 - (d) enclose and seal the secrecy envelope and the completed, signed and witnessed voter declaration form in the prepaid mailing envelope; and
 - (e) send or deliver the sealed prepaid mailing envelope to the designated post office box in accordance with section 17.
- 21) To be counted, the Mail-In Ballot must be received by the *snpink'tn* Indian Band Ratification Officer by the close of the polls on Voting Day and the *snpink'tn* Indian Band Ratification Officer must:
- (a) verify that the prepaid envelope includes the secrecy envelope;
 - (b) verify that the name provided on each duly executed voter declaration form is included on the Eligible Voter’s list, and reject any Mail-In Ballots from individuals whose names are not included on the Eligible Voter’s list; and
 - (c) after the polls close, verify against the Eligible Voters list to ensure that:
 - i) each Eligible Voter who has submitted a Mail-In Ballot has not also voted in-person or by online voting, and

- ii) if that Eligible Voter has not already voted, place a line through the name of the voter on the Eligible Voters list and deposit the Mail-In Ballot in its original unopened secrecy envelope into the ballot box; or
 - iii) if that Eligible Voter has already voted, reject the Mail-In Ballot and treat it as void.
- 22) Those envelopes that are not received by the *snpink'tn* Indian Band Ratification Officer before the polls close on Voting Day are void and must not be counted.
- 23) The *snpink'tn* Indian Band Deputy Ratification Officer is responsible for the safe-keeping of the Mail-In Ballots and must keep them in their original unopened secrecy envelopes along with their duly executed voter declaration forms and ensure that the Mail-In Ballots are either rejected or deposited in the ballot box after the close of the polls on Voting Day.

Information Meetings

- 24) The Band Administrator must appoint a person to hold Information Meetings, create the information package for the vote, and ensure the information package is distributed to all Eligible Voters.
- 25) The *yilmix'wm* and *sax'k'winma?m* must hold at least two (2) Information Meetings prior to a vote. For greater certainty, the Information Meeting(s) may be held through an electronic platform.
- 26) At the Information Meeting *yilmix'wm* and *sax'k'winma?m* must provide Members with an opportunity to review the subject matter in detail and ask questions to ensure that all Eligible Voters have an opportunity to be informed prior to casting their votes on the ballot question.
- 27) The Information Meeting(s) must be open only to Members, employees or contractors as required.

Preliminary Voting Procedures

- 28) The *snpink'tn* Indian Band Ratification Officer and *snpink'tn* Indian Band Deputy Ratification Officer must:
- (a) prepare sufficient ballot that are uniform in size, appearance, quality, and weight for every Eligible Voter;
 - (b) ballot boxes which must be constructed so that ballots can be inserted into them, and so that ballots cannot be withdrawn unless the box is opened;
 - (c) a voting compartment for each ballot box that allows Eligible Voters to mark their ballots free from observation by others;
 - (d) voting instructions for each voting compartment;
 - (e) provide enough pens or pencils for marking the ballot question; and
 - (f) ensure that examples of the ballot question are posted or available for examination by voters

at the voting station.

- 29) The Band Administrator must ensure that a *nsylixcen* language speaker, a sign language interpreter, and a commissioner for taking oaths is available on the Voting Day.

Electronic Voting

- 30) Council may authorize Electronic Voting.

- 31) If Electronic Voting is authorized:

- (a) any Eligible Voter who registers for electronic voting may vote by Electronic Voting;
- (b) an Eligible Voter who has voted electronically may not vote in person or by mail-in ballot;
- (c) Electronic Voting must be confidential and by secret ballot;
- (d) the Electronic Voting period may include an advance voting period;
- (e) the Electronic Voting period must end no later than the close of the vote; and
- (f) the *snpink'tn* Indian Band Ratification Officer must ensure that instructions for Electronic Voting are provided on all voting notices, online, and available for distribution upon request to Eligible Voters

- 32) Electronic voting must include:

- (a) registration instructions;
- (b) secure identity verification;
- (c) confirmation of eligibility to vote;
- (d) voting instructions and information;
- (e) secure electronic ballots which include instructions for marking the electronic ballot, including how an Eligible Voter must record their vote;
- (f) the secure electronic transmission of the names of the Eligible Voters who have voted electronically to *snpink'tn* Indian Band Ratification Officer, but not how they have voted, on an ongoing basis prior to the close of the vote; and
- (g) the secure electronic transmission of the electronic ballot results to the *snpink'tn* Indian Band Ratification Officer prior to the close of the vote.

- 33) Prior to the counting of ballot cast by Mail-In Ballot or in-person voting, the *snpink'tn* Indian Band Ratification Officer must determine if any eligible voter has submitted duplicate ballots.

- 34) The results of Electronic Voting must be disclosed and counted prior to the counting of ballots cast by Mail-In Ballot or in-person voting.

Advance Polls

- 35) An Advance Poll may be held on any day following the Information Meeting and any day prior to the Voting Day.
- 36) An Advance Poll must be open from 9:00 AM until 8:00 PM.
- 37) Except as set out in this section, the voting procedures to be followed for the Advance Poll must be the same as those used for the Voting Day.
- 38) At the close of any Advance Polls, the *snpink'tn* Indian Band Ratification Officer must seal the ballot box and retain physical custody of the ballot box until those votes are counted together with the votes following the close of the polls on the Voting Day.

Directions for In-Person Voting

- 39) The *snpink'tn* Indian Band Ratification Officer or *snpink'tn* Indian Band Deputy Ratification Officer must confirm that an Eligible Voter's name of is on the Eligible Voter list at the polling place before providing them with a ballot.
- 40) The *snpink'tn* Indian Band Ratification Officer or *snpink'tn* Indian Band Deputy Ratification Officer must place a mark opposite the name of every Eligible Voter receiving a ballot paper and mark the back of the ballot paper with their initials before handing it to the Eligible Voter.
- 41) The *snpink'tn* Indian Band Ratification Officer or *snpink'tn* Indian Band Deputy Ratification Officer must explain the voting procedures upon request.
- 42) No Eligible Voter who has refused to take the oath or affirmation when requested to do so must receive a ballot paper or be permitted to vote.
- 43) An Eligible Voter who receives a soiled or improperly printed ballot is entitled to receive another ballot. The returned ballot must be recorded as spoiled.
- 44) An Eligible Voter must go into the polling compartment provided and with a pencil make an "x" opposite their response to the ballot question, either "yes" or "no".
- 45) If an Eligible Voter inadvertently spoils a ballot paper, they may return it to the *snpink'tn* Indian Band Ratification Officer and obtain a new one from the *snpink'tn* Indian Band Ratification Officer one time only.
- 46) If an Eligible Voter places any marks on the ballot paper by which they may afterwards be identified, their ballot must be void.
- 47) If an Eligible Voter provides more than one response to the ballot question, their ballot must be void,

subject to section 43.

- 48) After they have made the "x" opposite their response to the ballot question, an Eligible Voter must fold up the ballot paper to show the initials of the *snpink'tn* Indian Band Ratification Officer on the back, and on leaving the compartment, must, without showing the front of the paper to any person, deliver the folded ballot paper to the *snpink'tn* Indian Band Ratification Officer.
- 49) The *snpink'tn* Indian Band Ratification Officer or *snpink'tn* Indian Band Deputy Ratification Officer on the application of any Eligible Voter who is unable to read or is incapacitated by blindness or other physical cause from voting must assist such an Eligible Voter by marking their ballot paper in the manner directed by such Eligible Voter in the presence of a witness who may be chosen by the Eligible Voter, but who must in any event themselves be an Eligible Voter who has made an oath of secrecy before the *snpink'tn* Indian Band Ratification Officer.
- 50) The *snpink'tn* Indian Band Ratification Officer or the *snpink'tn* Indian Band Deputy Ratification Officer must write in the Eligible Voter list opposite the name of the witness and the fact that the ballot paper was marked by them at the request of the Eligible Voter and the reason.
- 51) An Eligible Voter may enter a polling place to cast their vote but must leave the polling place forthwith after casting it.
- 52) While any Eligible Voter is in the compartment for the purpose of marking their ballot paper no other person must be allowed in the same compartment or be in any position from which they can see the way such Eligible Voter marks his ballot paper.
- 53) Every person in attendance at a polling place or at the counting of the votes must maintain and aid in maintaining the secrecy of the voting but this must not be construed as preventing the operation of the vote.
- 54) Every Eligible Voter who is inside the polling place at the time fixed for closing the poll must be entitled to vote before the poll is closed.
- 55) At the time set for closing the poll, the *snpink'tn* Indian Band Ratification Officer and the *snpink'tn* Indian Band Deputy Ratification Officer must declare the poll closed, deny entry into the voting station, and allow those voters in the voting station at that time to vote.

Counting the Vote

- 56) Immediately after the close of the poll the *snpink'tn* Indian Band Ratification Officer and the *snpink'tn* Indian Band Deputy Ratification Officer must, in the presence of at least two (2) Eligible Voters, open the ballot box and examine the ballot papers and reject all void ballots.
- 57) The *snpink'tn* Indian Band Ratification Officer and the *snpink'tn* Indian Band Deputy Ratification Officer must count the votes from the ballots not rejected and prepare and sign in duplicate a written report of the number of ballot papers rejected and not counted.

- 58) If there is a tie, the Ratification Officer must conduct a recount immediately.
- 59) If the recount under section 60 still results in a tie vote, the Ratification Officer must immediately break the tie by flipping a coin.
- 60) Immediately after the completion of the counting of the votes, the *snpink'tn* Indian Band Ratification Officer and the *snpink'tn* Indian Band Deputy Ratification Officer must publicly declare the answer to the ballot question received a positive vote from at least fifty (50) percent plus one of voters.
- 61) The Ratification Officer and the Deputy Ratification Officer must prepare a written statement showing the total number of votes cast for each response, the number of rejected ballots, and the results of the vote.
- 62) After the Ratification Officer and the Deputy Ratification Officer have deposited all ballot papers in sealed envelopes, they must be secured in the *snpink'tn* Indian Band vault for eight (8) weeks, and then must then destroy the ballot papers in the presence of two witnesses who must complete a statutory declaration that they witnessed the destruction.

Objections

- 63) Within five (5) business days after the Voting Day, any Eligible Voter may lodge a written objection by registered mail to the Ratification Officer or Deputy Ratification Officer setting out that they have reasonable grounds to believe that:
 - (a) there was corrupt practice in connection with the vote;
 - (b) there was a violation of these voter guidelines that might have affected the result of the vote;
or
 - (c) a person that voted was ineligible.
- 64) The Ratification Officer must within seven (7) days of receiving such an objection call a Band Meeting. If a majority of members who attend this meeting vote in favour of a holding a new vote, the Ratification Officer must call a new vote.