

SHUSWAP INDIAN BAND COMMUNITY RATIFICATION PROCESS SUMMARY

PURPOSE

Procedure to approve the Land Code and the Individual Agreement, as amended by Procedural Amendments #01 and #02 on July 11, 2014.

INFORMATION TO VERIFIER

At least 90 days before the Voting Day and before the Notice of Vote is posted, Council will by resolution in Form 2 send, or cause to be sent in quadruplicate the following documents to the Verifier:

- the Ratification Process;
- the Land Code; and
- the List of Voters.

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 sent in accordance with clause 4.1(c), listing any changes to the List of Voters who will be eligible to vote on Voting Day.

LAUNCH OF THE VOTE

After the Verifier confirms the Land Code and this Ratification Process under clause 5.2, Council will pass a Resolution to:

- appoint the Ratification Officer, who shall be a person knowledgeable about overseeing voting processes and who shall have no personal interest in the outcome of the Ratification Vote;
- confirm the List of Voters;
- confirm the text of the Land Code and the Ratification Process;
- confirm the text of the Individual Agreement;
- order that the Ratification Vote be held to determine if the community approves the Ratification Documents;
- confirm the wording of the Ballot Question; and
- set the Voting Day and
- appoint a person to represent Council for the purposes of procedural amendments under provision 19 of the Community Ratification Process dated for reference June 19, 2014.

BALLOT (Ballot Question – Form 1 Ratification Process)

BALLOT QUESTION

Do you approve:

- **The *Shuswap Indian Band Land Code*, dated for reference May 28, 2014; and**
- **The *Individual Agreement with Her Majesty the Queen in right of Canada*?**

EXPLANATION

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

A “NO” vote means that Shuswap Indian Band lands will continue to be managed by the Department of Indian Affairs under the *Indian Act*.

YES

NO

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

DUTY OF THE RATIFICATION OFFICER

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

- Oversee the conduct of the Ratification Vote
- Distribution of registration package to eligible voters
- Distribution of mail-in ballots to eligible voters
- Initialling ballots
- Deposit mail-in ballots into the ballot box
- Counting ballots

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

- the initialling of ballots;

- the deposit of the mail-in ballots in the ballot box under clauses 13.10(i) and 17.1(c); and
- the counting of ballots under clause 18.

REGISTRATION OF ELIGIBLE VOTERS

The Ratification Officer will, at least 30 days before Voting Day, send to each Eligible Voter at their last known address a registration package containing a voter registration document in Form 6 and a prepaid return envelope.

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

- completing a voter registration document in Form 6;
- signing the voter registration document;
- having a person witness the Eligible Voter's signature;
- having the witness sign the voter registration document; and
- returning the voter registration document to the Ratification Officer by mail, courier, hand delivery or facsimile.

An Eligible Voter may register prior to the posting of the Notice of Vote.

MAIL IN BALLOTS

The Ratification Officer will provide a voter registration documents in form 6, pre-folded and initialled ballot in Form 1, an identification envelope in Form 7, a secrecy envelope, a prepaid return envelope and voting instructions to each Eligible Voter.

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

- mark the ballot by placing a cross ("X") in the box marked "YES" or in the box marked "NO";
- enclose and seal the ballot in the secrecy envelope;
- enclose and seal the secrecy envelope in the identification envelope;
- sign the outside of the identification envelope;
- enclose and seal the identification envelope in the prepaid mailing envelope; and
- deliver the sealed mailing envelope to the Ratification Officer, or
- have the mail-in ballot picked up at their home on one of the vote dates.

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

A mail-in ballot must be received by the Ratification Officer no later than the close of the polls on the last Voting Day.

NOTICE OF VOTE

The Ratification Officer, in consultation with Council, will post a Notice of Vote in Form 5 at least 30 days prior to the Voting Day in public places where it can be read by the Members.

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

The Notice of Vote will contain the following information:

- the date, place and time of the Ratification Vote;
- the Ballot Question;
- the procedure for registering as a Registered Voter;
- instructions for obtaining a copy of the Ratification Documents, the Background Documents and the Ratification Process; and
- the name, office address and telephone number of the Ratification Officer.

COMMUNITY INFORMATION

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 address:

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

The information sent in accordance with clause 9.1 will be mailed at least 30 days prior to Voting Day.

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

- visits at the homes of Eligible Voters;
- telephone contact with Eligible Voters;

- information meetings at appropriate places; and
- such other information activities as may be deemed appropriate.

INFORMATION TO THIRD PARTIES

At least 30 days prior to Voting Day the Lands Manager will provide the following information to each person who holds an Interest in Shuswap Indian Band Land but is not a Member:

- the date of the Ratification Vote;
- a communiqué from Shuswap Indian Band explaining the effect of the Ratification Vote;
- a summary of the Act;
- a summary of the Framework Agreement;
- a summary of the Land Code; and
- the name, office address and telephone number of a person who may be contacted for purposes of obtaining copies of the Background Documents or further information about the management of Shuswap Indian Band Land.

PRELIMINARY PROCEDURES

The Ratification Officer, in consultation with Council, will:

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

OBJECTIONS

A 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:

- there was a violation of, or irregularity in, this Ratification Process; and
- the final result of the Ratification Vote might have been different but for the violation or irregularity.
- An objection must be received by the Verifier within five days of the Voting Day.

An objection must be in writing and must:

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

The Verifier may, if the material provided under clause 20.3 is insufficient to decide the validity of the objection, conduct such further investigations as he deems necessary.

If an objection is filed under this Part in accordance with clauses 20.2 and 20.3, the Verifier will, within 15 days of Voting Day determine whether the objection is valid.

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

If the Verifier determines that:

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

the Verifier will dismiss the objection.

CERTIFICATION OF LAND CODE

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

- a majority of the registered Eligible Voters who sign up to vote, vote in favour; and
- the total number of “yes” votes is at least 25 % plus 1 of the total number of all Eligible Voters.