



COMMUNITY RATIFICATION PROCESS SUMMARY

INTRODUCTION

This summary provides an overview of the 'Namgis First Nation Community Ratification Process (CRP) document.

SECTION 1: TITLE AND PURPOSE

The purpose of the document is to set out the procedures 'Namgis First Nation will follow to decide whether to approve the 'Namgis First Land Code and Individual Agreement on First Nation Land Management between 'Namgis First Nation and Canada ("Individual Agreement").

SECTION 2: DEFINITIONS

This section sets out definitions of the key terms used throughout the CRP.

SECTION 3: INITIAL MATTERS

An initial List of Voters will be prepared for the vote. This list includes full names, band numbers, birth dates and addresses of Eligible Voters (ages 18+ at the time of the vote).

SECTION 4: CONFIRMATION BY VERIFIER

The Verifier must confirm that the CRP document and the Land Code are consistent with the Framework Agreement on First Nations Land Management ("Framework Agreement").

SECTION 5: COUNCIL RESOLUTION

Once the Verifier confirms that the CRP and Land Code are consistent with the Framework Agreement, Council will pass a Resolution to set

WHO IS THE VERIFIER?

The Verifier is a neutral third party jointly appointed by a First Nation and Canada. It is the Verifier's job to make sure that all of the proper steps are taken when developing and ratifying the Land Code.

the voting day. This resolution will also:

- confirm the Ratification Officer;
- confirm the List of Eligible Voters;
- confirm that an Electronic Voting option will be provided
- approve the text of the Land Code and the Community Ratification Process;
- order that the Ratification Vote be held to determine if the community approves the Ratification Documents;
- set the regular voting days and the advance voting day; and
- confirm the wording of the ballot question.

WHO IS THE RATIFICATION OFFICER?

The ratification officer is appointed by Council to oversee the voting process. This person must be knowledgeable about overseeing voting processes and they must also have no personal interest in the outcome of the vote.

THE BALLOT QUESTION

When 'Namgis First Nation Members vote, the ballot will look like this:

BALLOT QUESTION

Do you approve:

- The 'Namgis First Nation Land Code, dated XX for reference; and
- the Individual Agreement between 'Namgis First Nation and Her Majesty the Queen in right of Canada?

EXPLANATION

A "YES" vote means that the 'Namgis First Nation will manage its own reserve lands under the 'Namgis First Nation Land Code.

A "NO" vote means that the 'Namgis First Nation reserve lands will continue to be managed by Canada under the Indian Act

SECTION 6: DUTY OF THE RATIFICATION OFFICER

The Ratification Officer is responsible for overseeing the voting process and will have all the powers that are needed to carry out that responsibility. This includes the power to appoint one or more assistant Ratification Officers to help with the process.

Assistant Ratification Officers may be given any of the duties set out in the CRP except:

- the initialing of ballots;
- the deposit of the Mail-in ballots in the ballot box; and
- the counting of ballots.

All of those duties must still be done by the Ratification Officer.

SECTION 7: NOTICE OF VOTE

A notice must be posted at least 45 days prior to the first voting day. This notice must be placed in public places where it can be read by 'Namgis First Nation members. The Verifier must also publish the notice in one or more newspapers at least 40 days before the first regular voting day.

The notice of vote will contain the following information:

- the date, place and time of the poll on the regular voting days
- the date, place and time of the poll on the advance voting day
- the ballot question;
- the procedures for registering as a voter;
- instructions for getting a copy of the Framework Agreement, Individual Agreement, Land Code and background documents as well as the CRP;
- the name, office address and telephone number of the Ratification Officer; and
- information on options for voting.

SECTION 8: PRELIMINARY ACTIVITIES OF THE RATIFICATION OFFICER

The Ratification Officer and the Senior Administrator will work together to get everything ready for the vote.

This will include:

- designating the polling place(s);
- preparing copies of regular ballots and mail-in ballots;
- preparing the secrecy envelopes, the identification envelopes and return envelopes
- preparing copies of the voting instructions;
- obtaining the ballot boxes;
- providing a designated voting area at the polling place(s) such that a Registered Voter can mark a ballot free from observation;

- providing lead pencils and blue or black ink pens for marking the ballot;
- ensuring that samples of the Ballot Question are posted or available for examination at the poll; and
- ensuring that a Commissioner for Taking Oaths or Notary Public will be available as required.

SECTION 9: INFORMATION FOR MEMBERS

All 'Namgis First Nation members will receive the information that they need to make an informed vote. The following information will be sent to each 'Namgis First Nation member on the list of Eligible Voters:

- a copy of the Notice of Vote;
- a copy of the 'Namgis First Nation Land Code;
- a summary of the 'Namgis First Nation 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 *First Nations Land Management Act*.

This information will be sent to each voter's last known address and will be mailed at least 40 days prior to the first regular voting day. Eligible Voters may choose to receive this information electronically.

In addition to the information provided in the mail-out there may also be:

- visits at the homes of Eligible Voters;
- telephone contact with Eligible Voters;
- information meetings for Eligible Voters; and
- such other information activities as Council may deem appropriate.

SECTION 10: INFORMATION TO THIRD PARTIES

There may be non-members or companies that currently hold an interest (such as a permit or lease) in 'Namgis First Nation reserve lands. At least 40 days prior to the first regular voting day, the following information will be provided to these interest holders to ensure they are informed about the Land Code:

- the date of the Ratification Vote;
- a communiqué from the 'Namgis First Nation 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 'Namgis First Nation reserve lands.

'Namgis First Nation may also wish to share information about the Land Code with local municipalities, regional districts, First Nations, or any other entity operating in the area.

SECTION 11: AVAILABILITY OF DOCUMENTS

Any member may request copies of vote-related documents at no cost. Copies of the documents will be available at the 'Namgis First Nation administrative offices.

SECTION 12: METHODS OF VOTING

'Namgis First Nation members must first register to participate in the Land Code vote. Once registered, a voter can cast their one vote in any of the following ways:

- Electronic voting;
- Mail-in ballot; and
- In-person voting at the polling place.

SECTION 13: VOTER REGISTRATION

Each 'Namgis First Nation member must register to participate in the Land Code vote. This is to ensure that they receive all of the documents that are needed to cast their vote.

The Ratification Officer will mail a registration package to Eligible Voters at least 40 days before the first regular voting day. This package will be sent to the voter's last known address and will include:

- instructions about the electronic registration and voting process;
- a voter registration document and a prepaid return envelope; and
- a mail-in voting package.

An Eligible Voter who wishes to vote in the ratification vote must register with the Ratification Officer. There are two options to register for the vote:

1. completing and signing a voter registration document in front of a witness and return the voter registration document to the Ratification Officer by mail, courier, hand delivery or facsimile; or
2. completing registration through the electronic registration process.

SECTION 14: ELECTRONIC VOTING CONTRACTOR RESPONSIBILITIES

This section identifies the specific management and security features of the web-based voting system that will be provided by the Electronic Voting company.

SECTION 15: ELECTRONIC VOTING

To cast an electronic vote, the registered voter will:

- go to the voting website;
- confirm his or her name, date of birth, and band (status) number;
- confirm their eligibility to participate using electronic voting;
- declare their intent to vote electronically and digitally sign their declaration;
- confirm their electronic registration using their Personal Identification Number, Date of Birth and band (status) number;
- open the link provided to their electronic ballot;
- make their electronic vote by selecting between YES or NO; and
- confirm their electronic vote.

When a voter completes his or her electronic ballot, they will not be allowed to vote again electronically, by mail-in ballot or in person.

The voting system will notify the Ratification officer regarding all voting activity in real-time.

If the Ratification Officer is notified by the system of an incomplete or failed electronic vote, he or she will contact the voter as soon as possible to provide an alternative voting solution.

Electronic voting will end automatically when the polls are closed on the last regular voting day or the additional voting day, if applicable. All electronic voting must be completed by this time. Once the polls have closed, voters will no longer be able to access the electronic voting system.

SECTION 16: MAIL-IN BALLOTS

A 'Namgis First Nation member who has registered to vote can also choose to participate by mail-in ballot. In order to submit a vote through a mail-in ballot, a registered voter will:

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

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

The Ratification Officer will review the ballots that have been received each day to make sure that each registered voter has only submitted one vote.

SECTION 17: ADVANCE VOTING DAY

'Namgis First Nation may choose to have an advance voting day prior to the launch of the vote. Voting on this day will happen in the same way as during the regular voting day(s).

SECTION 18: REGULAR VOTING DAYS

The voting stations will be open from 9 a.m. until 9 p.m. on each regular voting day. The Ratification Officer or Assistant Ratification Officer will be present whenever the poll is open.

When a person wishes to cast their vote at a polling station, the Ratification Officer will:

- ensure that the person is a registered voter;
- check that the person has not already voted; and
- provide the registered voter with a ballot.

Every registered voter receiving a ballot at a poll will:

- proceed immediately to a designated voting area;
- mark the ballot by placing a cross ("X") in the box marked "YES" or in the box marked "NO";

- fold the ballot appropriately; and
- immediately give the folded ballot to the Registration Officer.

SECTION 19: ORDERLY VOTING

With support from the Ratification Officer, Council will provide a suitable polling place to ensure ballots can be completed in secret. Except for voters requiring special assistance, the Ratification Officer will only allow one Voter at a time into the voting area.

SECTION 20: REJECTED BALLOTS

A ballot will be rejected if it:

- was not provided by the Ratification Officer;
- was not marked as either "YES" or "NO";
- was marked as both "YES" or "NO";
- was marked outside a box marked "YES" Or "NO"; and
- has any writing or mark that identifies the voter.

SECTION 21: COUNTING BALLOTS

To count the ballots, the Ratification Officer will count all of the ballots from the ballot box (including the mail-in ballots) then add the electronic voting results.

SECTION 22: ADDITIONAL VOTING DAY

The Ratification Officer has the discretion to determine that an additional voting day will be held if less than 25% of all Eligible Voters participate in the vote or in instances such as:

- a death in the community;
- severe weather or natural disaster; and
- a community emergency.

SECTION 23: POST-VOTE PROCEDURE

The Ratification Officer will keep all of the ballots for at least 60 before they are destroyed.

SECTION 24: PROCEDURAL AMENDMENT

The Ratification Officer, Council (or Council's designate) and the Verifier may agree to change a voting procedure if they agree it is necessary and the change will not create a significant change to the voting procedures.

SECTION 25: OBJECTIONS

Any 'Namgis First Nation member who is eligible to vote may object to the results of the vote. An objection may also be submitted by the representative of Canada who has been appointed under the Framework Agreement.

Objections must be submitted to the Verifier in writing within 5 days of the last voting day. The objection should give reasons for believing that:

- there was a violation of, or irregularity in, this voting process outlined in the CRP; and
- the final result of the Ratification Vote might have been different if the process had been followed

Within 15 days of the last voting day, the Verifier determine if the objection is Valid. If the objection is valid, the Verifier may call another vote.

The Verifier may dismiss the objection if:

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

SECTION 26: REPORT BY VERIFIER

Within 15 days of the last voting day the Verifier will send a written report to 'Namgis First Nation and Canada regarding the conduct of the vote.

SECTION 27: CERTIFICATION OF LAND CODE

The Land Code and the Individual Agreement will be approved if a majority of 'Namgis First Nation members that register to vote in the Land Code vote choose to vote "yes". The total number of "yes" votes must also be at least 25% plus 1 of the total number of eligible voters.