



LEQ'A:MEL FIRST NATION
COMMUNITY RATIFICATION PROCESS

- In accordance with -

*The Framework Agreement on
First Nation Land Management*

And

The First Nations Land Management Act

Dated for Reference April 4th, 2007

TABLE OF CONTENTS

1. TITLE AND PURPOSE 3

2. DEFINITIONS..... 3

3. REGISTRATION OF ELIGIBLE VOTERS..... 5

4. INFORMATION TO VERIFIER 6

5. CONFIRMATION BY VERIFIER 6

6. COUNCIL RESOLUTION..... 6

7. DUTY OF RATIFICATION OFFICER AND APPOINTMENT OF ASSISTANT 7

8. NOTICE OF VOTE 7

9. COMMUNITY INFORMATION 8

10. INFORMATION TO THIRD PARTIES..... 9

11. AVAILABILITY OF DOCUMENTS 10

12. PRELIMINARY PROCEDURES 10

13. MAIL-IN BALLOTS..... 11

14. VOTING PROCEDURES AT THE POLLS ON VOTING DAY 13

15. ORDERLY VOTING 16

16. REJECTED BALLOTS 16

17. OPENING MAIL-IN BALLOTS 17

18. COUNTING OF BALLOTS..... 17

19. PROCEDURAL AMENDMENTS..... 18

20. OBJECTIONS..... 19

21. REPORT BY VERIFIER..... 20

22. CERTIFICATION OF LAND CODE 20

FORMS

Form 1 Ballot Question

Form 2 First Nation Council Resolution (Information to Verifier)

Form 2A Confirmation by Verifier (Land Code and Ratification Process)

Form 3 First Nation Council Resolution (Commencement of Vote)

Form 4 Appointment of Ratification Officer

Form 4A Appointment of an Assistant Ratification Officer

Form 5 Notice of Vote

Form 6 Voter Registration Document

Form 7 Identification Envelope

Form 8 Declaration of Ratification Officer (Mail-in Ballots)

Form 9 Statement of Witness (Deposit of Mail-in Ballots)

Form 9A Statement of Witness (Opening of Mail-in Ballots)

Form 10 Declaration of Ratification Officer (Regular Polls)

Form 11 Statement of Witness (Regular Polls)

Form 12 Certification of Ratification Officer (Conclusion of Vote)

Form 13 Report by Verifier (Conclusion of Vote)

Form 14 First Nation Council Resolution (Submission to Verifier at Conclusion of Vote)

Form 15 Certification of Land Code

**LEQ'A:MEL FIRST NATION
COMMUNITY RATIFICATION PROCESS**

1. TITLE AND PURPOSE

- 1.1 The title of this document is the *Leq'á:mel First Nation Community Ratification Process*.
- 1.2 The purpose of this document is to set out the procedure by which Leq'á:mel First Nation will decide whether to approve its Land Code and the Individual Agreement, as required under the Framework Agreement and the Act.

2. DEFINITIONS

- 2.1 In this Ratification Process:

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

“Background Documents” means:

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

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

“Coordinator” means the employee of Leq'á:mel First Nation who is responsible for development and ratification of the Land Code;

“Council” means the Chief and Councillors of the Leq'á:mel First Nation;

“Department” means the Department of Indian Affairs and Northern Development;

“Eligible Voter” means a Member of Leq'á:mel First Nation who is 18 years of age or older on Voting Day;

“Framework Agreement” means the *Framework Agreement on First Nation Land*

Management entered into between the Minister of Indian Affairs and Northern Development and the Chiefs of fourteen First Nations on February 12, 1996, as amended;

“Individual Agreement” means the Individual First Nation Agreement made between Leq'á:mel First Nation and Her Majesty in right of Canada in accordance with clause 6.1 of the Framework Agreement;

“Land Code” means the proposed *Leq'á:mel First Nation Land Code*;

“Leq'á:mel First Nation” means the Leq'á:mel First Nation as named in the Act;

“List of Registered Voters” means the list of Eligible Voters, prepared in accordance with clause 3.6, who have registered to vote in the Ratification Vote;

“List of Voters” means the list of Eligible Voters prepared in accordance with clause 3.1;

“Member” means a person whose name appears or is entitled to appear on the Leq'á:mel First Nation membership list;

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

“Ratification Process” means this *Leq'á:mel First Nation Community Ratification Process*;

“Ratification Officer” means the person appointed by Council under clause 6.1(a);

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

“Registered Voter” means an Eligible Voter who has registered to vote in accordance with clause 3.3;

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

“Voting Day” means the date set for holding the Ratification Vote.

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

2.3 When calculating time, where anything is to be done within a time after, from, of or before a specified day, or where a time is expressed to begin after or to be from a

specified day, the time does not include that day.

- 2.4 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.

3. REGISTRATION OF ELIGIBLE VOTERS

- 3.1 The Coordinator, in consultation with Council, will ensure that a List of Voters is prepared containing the full names, birth dates and addresses of the Eligible Voters.
- 3.2 The Ratification Officer will, at least 50 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.
- 3.3 An Eligible Voter who wishes to vote in the Ratification Vote must register with the Ratification Officer by:
- (a) completing a voter registration document in Form 6;
 - (b) signing the voter registration document;
 - (c) having a person witness the Eligible Voter's signature;
 - (d) having the witness sign the voter registration document; and
 - (e) returning the voter registration document to the Ratification Officer by mail, courier, hand delivery or facsimile.
- 3.4 An Eligible Voter may register prior to the posting of the Notice of Vote.
- 3.5 A voter registration document must be received by the Ratification Officer no later than the close of the polls on Voting Day.
- 3.6 The Ratification Officer will maintain an updated List of Registered Voters setting out the names of all Eligible Voters who have returned a valid voter registration document in accordance with clause 3.3.
- 3.7 Subject to clause 13.3, no Eligible Voter may be provided with a mail-in ballot or vote in the Ratification Vote unless the Eligible Voter is a Registered Voter.

4. INFORMATION TO VERIFIER

- 4.1 At least 69 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:
- (a) the Ratification Process;
 - (b) the Land Code; and
 - (c) the List of Voters.
- 4.2 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.

5. CONFIRMATION BY VERIFIER

- 5.1 Upon receipt of the documents under clause 4.1, the Verifier will review the Land Code and the Ratification Process to determine whether they are consistent with the Framework Agreement and the Act.
- 5.2 In accordance with clause 8.8 of the Framework Agreement, the Verifier will, within **5** days of receiving the documents, issue a notice in Form 2A stating whether the Land Code and the Ratification Process are consistent with the Framework Agreement and the Act.

6. COUNCIL RESOLUTION

- 6.1 After the Verifier confirms the Land Code and this Ratification Process under clause 5.2, Council will pass a Resolution in Form 3 to:
- (a) appoint the Ratification Officer;
 - (b) confirm the List of Voters;
 - (c) approve the text of the Land Code and the Ratification Process;
 - (d) approve the Individual Agreement;

- (e) order that the Ratification Vote be held to determine if the community approves the Ratification Documents;
- (f) confirm the wording of the Ballot Question; and
- (g) set the Voting Day.

7. DUTY OF RATIFICATION OFFICER AND APPOINTMENT OF ASSISTANT

- 7.1 The Ratification Officer is responsible for overseeing the conduct of the Ratification Vote and has all the powers necessary to carry out that responsibility.
- 7.2 The Ratification Officer may appoint assistants and may delegate any of the duties set out in the Ratification Process to the assistants, except:
- (a) the initialling of ballots;
 - (b) the deposit of the mail-in ballots in the ballot box under clauses 13.10(i) and 17.1(c); and
 - (c) the counting of ballots under clause 18.
- 7.3 Upon the appointment of an assistant Ratification Officer, the Ratification Officer and each such assistant Ratification Officer will execute an Appointment of an Assistant Ratification Officer in Form 4.
- 7.4 If the Ratification Officer is unable to perform his or her duties, Council may appoint an acting Ratification Officer.

8. NOTICE OF VOTE

- 8.1 The Ratification Officer, in consultation with Council, will post a Notice of Vote in Form 5 at least 50 days prior to the Voting Day in public places where it can be read by the Members.
- 8.2 The Verifier will publish the Notice of Vote in one or more newspapers at least 23 days prior to Voting Day.
- 8.3 The Notice of Vote will contain the following information:

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

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

9. COMMUNITY INFORMATION

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

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

9.2 The information sent in accordance with clause 9.1 will be mailed at least 56 days prior to Voting Day.

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

- (a) visits at the homes of Eligible Voters;

- (b) telephone contact with Eligible Voters;
 - (c) information meetings at Leq'á:mel and other appropriate places; and
 - (d) such other information activities as may be deemed appropriate.
- 9.4 Activities conducted in accordance with clause 9.3 may be conducted at any time prior to two days before Voting Day.
- 9.5 Nothing in clause 9.4 precludes visits to, or telephone contact with, an Eligible Voter on Voting Day for purposes only of assisting such Eligible Voter to vote.

10. INFORMATION TO THIRD PARTIES

- 10.1 At least 50 days prior to Voting Day the Coordinator will provide the following information to persons who are not Members and who hold an Interest in Leq'á:mel First Nation Land:
- (a) the date of the Ratification Vote;
 - (b) a communiqué from Leq'á:mel First Nation explaining the effect of the Ratification Vote;
 - (c) a summary of the Act;
 - (d) a summary of the Framework Agreement;
 - (e) a summary of the Land Code; and
 - (f) the name, office address and telephone number of a person who may be contacted for purposes of obtaining copies of the Background Documents or further information about the management of Leq'á:mel First Nation Land.
- 10.2 In addition to information provided in accordance with clause 10.1, Leq'á:mel First Nation may meet with, or otherwise provide information directly to, persons who are not Members and who hold an interest in Leq'á:mel First Nation land.
- 10.3 Nothing in this Ratification Process precludes Leq'á:mel First Nation from providing information in any form it deems appropriate to a municipal corporation, regional district, first nation or other entity with an interest in land in the vicinity of Leq'á:mel First Nation

land.

11. AVAILABILITY OF DOCUMENTS

- 11.1 Notwithstanding clause 9, any Member may, on request, obtain a copy of the Ratification Documents and Background Documents at no cost.
- 11.2 Any Member or the representative of Canada appointed under clause 8.2 of the Framework Agreement may upon request obtain a copy of the Ratification Process in relation to an objection under clause 20.
- 11.3 The Coordinator will ensure that copies of the Ratification Documents and Background Documents are available at the administration offices of the Leq'á:mel First Nation in sufficient quantities to comply with clause 11.1 and 11.2.

12. PRELIMINARY PROCEDURES

- 12.1 The Ratification Officer, in consultation with Council, will:
- (a) designate the polling places;
 - (b) prepare sufficient copies of regular ballots and mail-in ballots, which will be uniform in size, appearance, quality and weight;
 - (c) prepare sufficient copies of the secrecy envelopes, the identification envelopes, and the return envelopes;
 - (d) prepare sufficient copies of the voting instructions;
 - (e) obtain a sufficient number of ballot boxes;
 - (f) provide for a designated voting area at the polls such that a Registered Voter can mark a ballot free from observation;
 - (g) provide a sufficient number of lead pencils and blue or black ink pens for marking the ballot;
 - (h) ensure that samples of the Ballot Question are posted or available for examination at the polls; and

- (i) ensure that a Commissioner for Taking Oaths or Notary Public will be available as required.

13. MAIL-IN BALLOTS

- 13.1 A Registered Voter may cast a mail-in ballot.
- 13.2 The Ratification Officer will provide a 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 Registered Voter who:
 - (a) is not a resident on a Leq'á:mel First Nation reserve; or
 - (b) who otherwise requests of the Ratification Officer to cast a mail-in ballot.
- 13.3 If an Eligible Voter contacts the Ratification Officer and confirms his or her intention to register, the Ratification Officer will, upon being satisfied as to the Eligible Voter's intention, provide a mail-in ballot to the Eligible Voter.
- 13.4 To cast a mail-in ballot, a Registered Voter will:
 - (a) mark the ballot by placing a cross ("X") in the box marked "YES" or in the box marked "NO";
 - (b) enclose and seal the ballot in the secrecy envelope;
 - (c) enclose and seal the secrecy envelope in the identification envelope;
 - (d) sign the outside of the identification envelope;
 - (e) enclose and seal the identification envelope in the prepaid mailing envelope; and
 - (f) deliver the sealed mailing envelope to the Ratification Officer.
- 13.5 A mail-in ballot may be delivered to the Ratification Officer by mail, courier or hand delivery.
- 13.6 A mail-in ballot must be received by the Ratification Officer no later than the close of the polls on Voting Day.
- 13.7 After the Ratification Officer has received a mail-in ballot, the Ratification Officer will:

- (a) confirm that the sender of the mail-in ballot is a Registered Voter or an Eligible Voter who has confirmed his or her intention to register in accordance with clause 13.3;
 - (b) attach the voter registration document to the mail-in ballot package;
 - (c) record the date when the mail-in ballot package was received;
 - (d) confirm that no other mail-in ballot package has been received from the Registered Voter; and
 - (e) at their discretion, store the mail-in ballot package in a secure location until Voting Day.
- 13.8 The Ratification Officer is personally responsible for the safekeeping of mail-in ballot packages until such time as the packages are opened, verified and deposited in a mail-in ballot box in accordance with clause 13.10.
- 13.9 The Ratification Officer will, after the last mail delivery on Voting Day and prior to the close of the polls on that day, retrieve any mail-in ballot packages from the mail.
- 13.10 After retrieving any mail-in ballot packages in accordance with clause 13.9 and prior to the close of the polls on Voting Day, the Ratification Officer will in the presence of two or more Registered Voters who will act as witnesses:
- (a) open a ballot box to be used only for the mail-in ballots;
 - (b) request the two or more Registered Voters to witness that the ballot box is empty;
 - (c) place his or her signature on the seal;
 - (d) ask the witnesses to place their signatures on the seal;
 - (e) forthwith seal the ballot box;
 - (f) in the presence of the witnesses, open each mail-in ballot package;
 - (g) verify that the signature that appears on the identification envelope is the same as the signature that appears on the voter registration document;
 - (h) check the List of Registered Voters to ensure that the Registered Voter has not

previously voted by mail-in ballot or in person;

- (i) if the Registered Voter has not already voted, deposit the mail-in ballot in its unopened secrecy envelope into the ballot box; and
- (j) place a line through the name of the Registered Voter on the List of Registered Voters.

13.11 Where:

- (a) a Registered Voter has previously voted in person or by mail-in ballot;
- (b) a voter is not a Registered Voter;
- (c) the signature that appears on the identification envelope is not the same as the signature that appears on the voter registration document; or
- (d) the identification envelope is not signed,

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

13.12 The Ratification Officer will:

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

14. VOTING PROCEDURES AT THE POLLS ON VOTING DAY

14.1 The polls will be open from 10 a.m. until 7 p.m. on Voting Day.

14.2 All voting at the polls will be by secret ballot.

14.3 The Ratification Officer is responsible for determining whether a person is an Eligible Voter and a Registered Voter.

14.4 At each poll, the Ratification Officer will:

- (a) before the first vote is cast, open the ballot box and request a Registered Voter to witness that the ballot box is empty;
 - (b) thereupon seal the ballot box and place his or her signature on the seal in front of the witness, and ask the witness to place his or her signature on the seal;
 - (c) keep the ballot box in view for reception of ballots;
 - (d) execute a Declaration of Ratification Officer in Form 10; and
 - (e) ensure that each witness executes a Statement of Witness in Form 11.
- 14.5 When a person at a poll requests to vote, the Ratification Officer will:
- (a) ensure that the person is a Registered Voter;
 - (b) check the List of Registered Voters to ensure that the person has not already voted, either in person or by mail-in ballot; and
 - (c) provide the Registered Voter with a ballot, on the back of which are affixed the Ratification Officer's initials so that the initials can be seen when the ballot is folded.
- 14.6 The Ratification Officer will place, on the List of Registered Voters, a line through the name of every Registered Voter receiving a ballot at a poll.
- 14.7 The Ratification Officer will establish a process of ongoing communication by telephone or other effective means between polls so as to ensure that the List of Registered Voters located at each poll is updated and current in accordance with the requirements of clause 14.6.
- 14.8 The Ratification Officer will explain the method of voting upon request.
- 14.9 If the Ratification Officer determines that the name of a Registered Voter has been omitted, incorrectly set out or incorrectly included on the List of Registered Voters, he or she will, in his or her sole discretion, make the necessary revision and such revision will be final.
- 14.10 A Registered Voter may request special assistance from the Ratification Officer at the polls.
- 14.11 The Ratification Officer will, on request and in the presence of a witness acceptable to

the Registered Voter and the Ratification Officer, provide special assistance to a Registered Voter at the polls by marking a ballot in secret as directed by the Registered Voter and immediately folding and depositing the ballot into the ballot box.

14.12 The Ratification Officer, after providing special assistance to a Registered Voter, will make an entry on the List of Registered Voters opposite the name of the Registered Voter indicating:

- (a) that the ballot was marked by the Ratification Officer at the request of the Registered Voter;
- (b) the reason for the Registered Voter's request; and
- (c) the name of the witness.

14.13 Except for a Registered Voter requiring special assistance, every Registered Voter receiving a ballot at a poll will:

- (a) proceed immediately to a designated voting area;
- (b) mark the ballot by placing a cross ("X") in the box marked "YES" or in the box marked "NO";
- (c) fold the ballot so as to conceal the mark and expose the initials of the Ratification Officer; and
- (d) immediately give the folded ballot to the Ratification Officer.

14.14 Upon receiving a marked ballot, the Ratification Officer, without unfolding it, will:

- (a) verify his or her initials;
- (b) remove the perforated strip, if any; and
- (c) deposit the ballot into the ballot box.

14.15 A Registered Voter at a poll who receives a spoiled or improperly printed ballot, or who accidentally spoils his or her ballot when marking it, is entitled to receive another ballot from the Ratification Officer after returning the original ballot.

14.16 The Ratification Officer will record a ballot returned in accordance with clause 14.15 as spoiled.

- 14.17 A Registered Voter at a poll who receives a ballot and does not return it to the Ratification Officer will forfeit the right to vote and the Ratification Officer will make an entry on the List of Registered Voters stating that the Registered Voter left the poll without delivering the ballot and will record the ballot as cancelled.
- 14.18 At the time set for closing the polls, the Ratification Officer will declare the polls closed, and entry will be denied to the polls until all remaining Registered Voters in the polls at that time have voted.

15. ORDERLY VOTING

- 15.1 Council, with the assistance of the Ratification Officer, will ensure that peace and good order are maintained at the polls.
- 15.2 The Ratification Officer will allow only one Registered Voter at a time into a designated voting area, except for a Registered Voter receiving special assistance.
- 15.3 A Registered Voter who is present and available to vote at a poll before the closing time will be entitled to vote.
- 15.4 No person will:
- (a) interfere or attempt to interfere with a Registered Voter when the Registered Voter is voting;
 - (b) obtain or attempt to obtain information as to how a Registered Voter is about to vote or has voted;
 - (c) mark a ballot in a way that identifies the Registered Voter; or
 - (d) mark the secrecy envelope for a mail-in ballot in a way that indicates how the ballot was cast.

16. REJECTED BALLOTS

- 16.1 A cast ballot will be rejected if it:
- (a) was not supplied by the Ratification Officer or assistant Ratification Officer;

- (b) was not marked as either “YES” or “NO”;
 - (c) was marked as both “YES” and “NO”;
 - (d) was marked outside a box marked “YES” or “NO” such that the Ratification Officer cannot reasonably discern the intent of the Registered Voter; or
 - (e) has any writing or mark, which can identify the Registered Voter.
- 16.2 A ballot marked with anything other than a cross (“X”), or marked with anything other than a lead pencil or blue or black pen, will not be rejected if:
- (a) the mark is in a box;
 - (b) the mark does not identify the Registered Voter; and
 - (c) in the opinion of the Ratification Officer, the intent of the Registered Voter is clear.

17. OPENING MAIL-IN BALLOTS

- 17.1 After the close of the polls on Voting Day, the Ratification Officer, in the presence of the Verifier and any Registered Voters who may be present, will:
- (a) open the ballot box for mail-in ballots;
 - (b) open the secrecy envelope and confirm the authenticity of the ballot by checking the affixed initials; and
 - (c) deposit the ballot, without opening or showing it, in a ballot box used at the polls.

18. COUNTING OF BALLOTS

- 18.1 After the close of a poll other than the poll at which the Ratification Officer is presiding, the Assistant Ratification Officer presiding at that poll, with the Verifier or Assistant Verifier who will act as a witness, will:
- (a) seal the ballot box at that poll such that no further ballots may be deposited in that ballot box;

- (b) initial the seal; and
 - (c) forthwith transport the sealed ballot box to the Ratification Officer at the poll at which he or she is presiding.
- 18.2 After the mail-in ballots have been deposited in a ballot box and after all ballot boxes have been received from the polls, the Ratification Officer, in the presence of the Verifier and any Registered Voter who may be present, will:
- (a) count the number of spoiled ballots;
 - (b) examine all ballots contained in the ballot boxes;
 - (d) reject any ballots as required under clause 16; and
 - (e) count the number of ballots marked “YES”, the number of ballots marked “NO” and the number of rejected ballots.
- 18.3 When the results of the Ratification Vote have been determined the Ratification Officer will execute a Certification by Ratification Officer in Form 12.
- 18.4 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:
- (a) affix his or her signature to the seals; and
 - (b) request the Verifier to affix his signature to the seals.
- 18.5 The Ratification Officer will retain the separate envelopes for at least 60 days in his or her secure possession, and may unless otherwise instructed by Council thereafter destroy the ballots cast and the spoiled ballots.

19. PROCEDURAL AMENDMENTS

- 19.1 In order to give effect to and carry out the objectives and purpose of the Ratification Vote, the Ratification Officer, Council or its designate and the Verifier may agree upon a variation of the procedural requirements of this Ratification Process if they:
- (a) deem it necessary to do so; and
 - (b) reasonably believe the variation will not result in any substantive change to those

procedural requirements.

- 19.2 The Verifier will state in writing the nature and basis of a variation under clause 19.1 and make a copy of the statement publicly available.
- 19.3 The Ratification Officer or Verifier may modify a form appended to this Ratification Process to add or update, but not remove, material detail.

20. OBJECTIONS

- 20.1 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:
- (a) there was a violation of, or irregularity in, this Ratification Process; and
 - (b) the final result of the Ratification Vote might have been different but for the violation or irregularity.
- 20.2 An objection must be received by the Verifier within five days of the Voting Day.
- 20.3 An objection must be in writing and must:
- (a) identify the name, address and telephone number of the Eligible Voter or representative of Canada making the objection;
 - (b) summarize the grounds for the objection; and
 - (c) be accompanied by a statutory declaration setting out the grounds for the objection.
- 20.4 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.
- 20.5 If an objection is filed under this clause, the Verifier will, within 15 days of Voting Day determine whether the objection is valid.
- 20.6 If the Verifier determines the objection is valid, he may allow the objection and call another Ratification Vote.
- 20.7 If the Verifier determines that:

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

the Verifier will dismiss the objection.

21. REPORT BY VERIFIER

21.1 Within 15 days of the Voting Day, the Verifier will send a written report in Form 13 on the conduct of the Ratification Vote to the Leq'á:mel First Nation and the Minister of the Department.

22. CERTIFICATION OF LAND CODE

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

- (a) a majority of the Registered Voters vote to approve them; and
- (b) at least 25 per cent plus one of all Eligible Voters vote to approve them.

22.2 If the Land Code and the Individual Agreement are approved, Council will, as soon as practicable after receiving the report of the Verifier under clause 21.1, pass a resolution in Form 14 and send a copy of the approved Land Code and a declaration of the results of the vote to the Verifier.

22.3 Upon receiving the Land Code and the resolution in Form 14 from Council, the Verifier will certify the Land Code and forward a commissioned copy of Form 15 together with a copy of the certified Land Code to the Leq'á:mel First Nation, the Minister of the Department and the Chair of the Lands Advisory Board.

Form 1
Ratification Process

BALLOT QUESTION

Do you approve:

- **The *Leq'á:mel First Nation Land Code*, dated for reference April 4th, 2007; and**
- **The *Individual Agreement with Her Majesty the Queen in right of Canada?***

EXPLANATION

A **“YES”** vote means that Leq'á:mel First Nation will manage its own reserve lands under the *Leq'á:mel First Nation Land Code*.

A **“NO”** vote means that Leq'á:mel First Nation 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 (**✕**) in one of the above boxes.

**Form 2
Ratification Process**

FIRST NATION COUNCIL RESOLUTION
(Information to Verifier)

The Council of Leq'á:mel First Nation, in accordance with the clause 8.3 of the Framework Agreement on First Nation Land Management and clause 4 of the *Leq'á:mel First Nation Community Ratification Process*, do hereby resolve to submit the following information to the verifier, in quadruplicate:

1. the proposed *Leq'á:mel First Nation Land Code* dated for reference April 4, 2007;
2. the initial List of Voters who, according to the records of Leq'á:mel First Nation, would be eligible to vote on whether to approve the proposed *Leq'á:mel First Nation Land Code*; and
3. the proposed *Leq'á:mel First Nation Community Ratification Process*, dated for reference April 4, 2007.

Dated at Leq'á:mel, Province of British Columbia on the _____ day of _____ 200_.

Chief Alice Thompson

Councillor Rene Paterson

Councillor Barb Leggat

Councillor Darrel McKamey

Councillor Peter McDonald

(* A quorum for this Band consists of 3/5 Council members)

**Form 2A
Ratification Process**

CONFIRMATION BY VERIFIER
(Land Code and Individual Agreement Ratification Process)

CANADA)
)
PROVINCE OF BRITISH COLUMBIA)

I, Al Gross, of Kelowna, in the Province of British Columbia, DO SOLEMNLY
DECLARE THAT:

1. I was appointed as the Verifier for Leq'á:mel First Nation by the First Nation on the 10th day of August 2005 and by Canada on the 26th day of September 2005 for the purpose of verifying the community approval of their Land Code and their Individual Agreement, in accordance with the *Framework Agreement on First Nation Land Management* and the *First Nations Land Management Act*.
2. In accordance with clause 8.3 of the Framework Agreement, I received the following information from Leq'á:mel First Nation on _____, 200_:
 - (a) a copy of the *Leq'á:mel First Nation Land Code*;
 - (b) a list of the names of every Member of Leq'á:mel First Nation who, according to Leq'á:mel First Nation's records at that time, would be eligible to vote on whether to approve the Land Code and the Individual Agreement; and
 - (c) a detailed description of the community approval process that Leq'á:mel First Nation proposes to use.
3. A true copy of the Land Code, entitled the *Leq'á:mel First Nation Land Code*, dated for reference _____, 200_ is attached as Exhibit "1" to this Declaration.
4. A true copy of the community approval process, entitled *Leq'á:mel First Nation Community Ratification Process*, dated for reference August 17th, 2005 is attached as Exhibit "2" to this Declaration.
5. In accordance with clause 8.4 of the Framework Agreement and section 8 of the Act, I reviewed the *Leq'á:mel First Nation Land Code* and the *Leq'á:mel First Nation Community Ratification Process* to decide whether:

**Form 3
Ratification Process**

FIRST NATION COUNCIL RESOLUTION
(Commencement of Vote)

The Council of Leq'á:mel First Nation, in accordance with the Framework Agreement on First Nation Land Management and clause 6 of the *Leq'á:mel First Nation Community Ratification Process*, do hereby resolve to:

1. Confirm _____ as the Ratification Officer;
2. Confirm the List of Voters;
3. Approve the text of the *Leq'á:mel First Nation Community Ratification Process*, dated for reference August 17, 2005;
4. Approve for community ratification *the Leq'á:mel First Nation Land Code*, as confirmed by the Verifier and dated for reference _____, 200_;
5. Approve for community ratification the Individual Agreement, which includes a process for amendment;
6. Hold a Ratification Vote to determine if the community approves the Ratification Documents in accordance with the *Leq'á:mel First Nation Community Ratification Process* as confirmed by the Verifier on _____, 200_;
7. Confirm the Ballot Question in the form attached as Annex #1; and
8. Set the Voting Day to be the ___ day of _____ 200_.

Dated at Leq'á:mel, Province of British Columbia on the ___ day of _____ 200_.

Chief Alice Thompson

Councillor Rene Kelly

Councillor Barb Leggat

Councillor Darrel McKamey

Councillor Peter McDonald

(* A quorum for this Band consists of 3/5 Council members)

Form 4
Ratification Process

APPOINTMENT OF RATIFICATION OFFICER

Date

I, _____, agree to act as Ratification Officer for the Ratification Vote to determine if the voters of the Leq'á:mel First Nation approve the Ratification Documents, and will discharge my duties in accordance with *the Leq'á:mel First Nation Community Ratification Process* and the requirements of confidentiality.

Ratification Officer

Form 4A
Ratification Process

APPOINTMENT OF AN ASSISTANT RATIFICATION OFFICER

Date

I, _____, Ratification Officer, appoint _____ to act as my assistant in carrying out my duties in accordance with *the Leq'á:mel First Nation Community Ratification Process* for the purpose of the Ratification Vote.

Ratification Officer

I, _____ agree to act as an assistant to the Ratification Officer for the purpose of the Ratification Vote and promise to carry out all assigned duties to the best of my abilities and in accordance with *the Leq'á:mel First Nation Community Ratification Process* and the requirements of confidentiality.

Assistant Ratification Officer

**Form 5
Ratification Process**

NOTICE OF VOTE

TO: MEMBERS OF LEQ'Á:MEL FIRST NATION

TAKE NOTICE that a Ratification Vote will be held in accordance with the *Leq'á:mel First Nation Community Ratification Process* on _____, 200_ in order to determine if Registered Voters approve the *Leq'á:mel First Nation Land Code* and the Individual Agreement.

The following question will be asked of the Registered Voters of Leq'á:mel First Nation by ballot:

"Do you approve:

- **The *Leq'á:mel First Nation Land Code*, dated _____, 200_ and**
- **The *Individual Agreement with Her Majesty the Queen in Right of Canada?***

The Ratification Vote will take place on Saturday, the ___ day of _____, 200_ from ___ a.m. until ___ p.m. at:

The Leq'á:mel First Nation Administration Offices.

Copies of the Background Documents, the Ratification Documents and the Ratification Process may be obtained from the Leq'á:mel First Nation Administration Offices, 43101 Leq'á:mel Way, Deroche, British Columbia, telephone 604-826-7976.

AND FURTHER TAKE NOTICE that all Members of Leq'á:mel First Nation 18 years of age or older as of the date of the Ratification Vote are eligible to vote, **PROVIDED THAT SUCH MEMBERS MUST COMPLETE A VOTER REGISTRATION DOCUMENT TO BE PLACED ON THE LIST OF REGISTERED VOTERS.** Voter registration documents will be sent to all Eligible Voters whose address is on record with the Leq'á:mel First Nation. Voter registration documents are also available from _____, Ratification Officer at the address and telephone number appearing below.

DATED at Leq'á:mel, Province of British Columbia this _____ day of _____ 200_.

_____, Ratification Officer
_____, Province of British Columbia, _____
Telephone: () _____ Facsimile: (____) _____

NOTE: Any Registered Voter may vote by mail-in ballot. If an Eligible Voter has not received a Voter Registration Document by _____, 200_ please contact the Ratification Officer so that the necessary form can be supplied to you.

**Form 6
Ratification Process**

**Voter Registration Document
To Vote in the Leq'á:mel First Nation Ratification Vote**

I, _____, am registering as a Registered Voter and:
(Print full name)

(Check one only)

I will be able to attend a polling station in person

OR

I wish to receive a mail-in ballot package.

My mailing address is: _____

_____ Postal/Zip Code

My phone number is: _____

I confirm that I am at least 18 years of age, or will be 18 years of age by _____, 200_ and I am a Member of the Leq'á:mel First Nation, and that:

My Date of Birth is _____;

And that I have signed this Voter Registration Form, together with a witness to my signature.

Signature of Eligible Voter

Date

Signature of Witness

Print Name of Witness

For Ratification Officer's Use Only

This is to certify that this Eligible Voter has been registered and his or her full name and date of birth have been placed on the List of Registered Voters.

Date

_____, Ratification Officer

**Form 7
Ratification Process**

IDENTIFICATION ENVELOPE

IDENTIFICATION ENVELOPE

LEQ'Á:MEL FIRST NATION
RATIFICATION VOTE

PLEASE ENCLOSE ONE SECRECY ENVELOPE CONTAINING ONE BALLOT

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

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

Signature of Registered Voter

**Form 8
Ratification Process**

**DECLARATION OF RATIFICATION OFFICER
(Mail-in Ballots)**

CANADA)
)
Province of Province of British Columbia)

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

1. I was personally responsible for receiving all mail-in ballots at Leq'á:mel First Nation when Registered Voters of Leq'á:mel First Nation voted in a Ratification Vote concerning the Ratification Documents.
2. In preparation for depositing mail-in ballots, I opened ballot box number #__.
3. I saw that the ballot box was empty and I asked Registered Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of the Registered Voters who were present, and prepared it for the reception of ballot papers.
5. I personally deposited all of the mail-in ballots received by me into ballot box #__ without opening the secrecy envelope, and kept the ballot box sealed when not in my custody until the ballots were counted.

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

DECLARED BEFORE me at the _____)
of _____ in the Province of British)
Columbia, this _____ day of _____,)
200_.) _____,
) Ratification Officer
)

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

Form 9
Ratification Process

STATEMENT OF WITNESS
(Deposit of Mail-In Ballots)

Date

I, _____ was personally present at _____ on the __ day of _____, 200__ when the Ratification Officer deposited the secrecy envelopes containing the mail-in ballots in ballot box #__; and

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

Witness

**Form 9A
Ratification Process**

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

Date

I, _____ was personally present at _____ on the ___ day of _____, 200_ when the Ratification Officer opened the mail-in ballot packages; and

1. I am a Registered Voter.
2. The mail-in ballot packages were unopened immediately prior to the time the Ratification Officer opened them.
3. The Ratification Officer confirmed that the signatures that appeared on the identification envelopes were the same as the signatures that appeared on the voter registration documents.
4. The Ratification Officer checked the List of Registered Voters and ensured that the Registered Voter whose name appeared on the mail-in ballot package had not previously voted in person or by mail-in ballot.
5. The Ratification Officer placed a line through the name of each Registered Voter on the List of Registered Voters when she deposited the secrecy envelope of that Registered Voter in the separate ballot box kept for that purpose.

Witness

**Form 10
Ratification Process**

**DECLARATION OF RATIFICATION OFFICER
(Regular Polls)**

CANADA)
)
Province of British Columbia)

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

1. I was personally present at _____ on the __ day of _____, 200_ when Registered Voters of Leq'á:mel First Nation voted in a Ratification Vote concerning the Ratification Documents.
2. Immediately before the Ratification Vote began, I opened ballot box number #__.
3. I saw that the ballot box was empty and I asked Registered Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of those persons who were present, and kept it in view for the reception of ballot papers.

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

DECLARED BEFORE me at the _____)
of _____ in the Province of British)
Columbia, this ____ day of _____)
200_.)
_____)
_____) _____, Ratification Officer
A Commissioner for Oaths in and for the)
Province of British Columbia)

Form 11
Ratification Process

STATEMENT OF WITNESS
(Regular Polls)

Date

I, _____, was personally present at the polling place at _____ on the __ day of _____, 200_ when Registered Voters of Leq'á:mel First Nation were to vote in a Ratification Vote concerning the Ratification Documents, and

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

Witness

**Form 12
Ratification Process**

CERTIFICATION BY RATIFICATION OFFICER
(Conclusion of Vote)

CANADA)
)
Province of British Columbia)

I, _____, Ratification Officer for Leq'á:mel First Nation in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I was present at _____ on the __ day of _____, 200_ when Registered Voters of Leq'á:mel First Nation voted concerning approval of *the Leq'á:mel First Nation Land Code* and Individual Agreement in accordance with *the Leq'á:mel First Nation Community Ratification Process*.
2. A true copy of the Notice of Vote is attached as Exhibit "1" to this Declaration.
3. In accordance with clause 8.1 of the *Leq'á:mel First Nation Community Ratification Process* I posted the Notice of Vote at least 56 days prior to the Voting Day.
4. The voting procedure, including the handling of mail-in ballots and the counting of results, was conducted in accordance with clauses 12 to 19, both inclusive, of the *Leq'á:mel First Nation Community Ratification Process*.
5. The names of _____ Eligible Voters appeared on the List of Voters.
6. The number of Eligible Voters who registered was _____ and their names were entered on the List of Registered Voters.
7. The number of Registered Voters who constituted a majority was _____.
8. The number of Eligible Voters who constituted the minimum percentage required for approval under clause 7.4 of the *Framework Agreement on First Nation Land Management* and section 12(2) of the *First Nations Land Management Act* was _____.
9. The results of the Ratification Vote are as follows:
 - (a) _____ mail-in ballots were cast in the Ratification Vote in accordance with

clause 13 of the *Leq'á:mel First Nation Community Ratification Process*;

- (b) _____ regular ballots were cast in the Ratification Vote in accordance with clauses 14 and 15 of the *Leq'á:mel First Nation Community Ratification Process*;
- (c) _____ ballots were spoiled as provided in clause 14.16 of the *Leq'á:mel First Nation Community Ratification Process*;
- (d) _____ ballots were rejected in accordance with clause 13.11 of the *Leq'á:mel First Nation Community Ratification Process* and not opened or deposited into the ballot box;
- (e) _____ ballots were cancelled in accordance with clause 14.17 of the *Leq'á:mel First Nation Community Ratification Process*;
- (f) _____ ballots were rejected in accordance with clause 16.1 of the *Leq'á:mel First Nation Community Ratification Process*;
- (g) _____ ballots were marked "YES" for the Question; and
- (h) _____ ballots were marked "NO" for the Question.

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

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

DECLARED BEFORE me at the _____)
of _____ in the)
Province of British Columbia, this _____)
day of _____ 200_.)
_____)
) Ratification Officer
_____)
A Commissioner for Oaths in and for the)
Province of British Columbia)

Form 13
Ratification Process

REPORT BY VERIFIER
(Conclusion of Vote)

CANADA)
Province of British Columbia)

I, Al Gross Of Kelowna, in the Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I was present at _____ on the ___ day of _____, 200_ when Registered Voters voted concerning approval of *the Leq'á:mel First Nation Land Code* and their Individual Agreement in accordance with *the Leq'á:mel First Nation Community Ratification Process*.
2. A copy of the Notice of Vote is attached as Exhibit "1" to this Declaration.
3. In accordance with clause 8.1 of the *Leq'á:mel First Nation Community Ratification Process*, the Ratification Officer posted the Notice of Vote at least 56 days prior to the Voting Day.
4. In accordance with clause 8.2 of the *Leq'á:mel First Nation Community Ratification Process*, I arranged for the Notice of Vote to be published in the _____ at least 28 days prior to the Voting Day.
5. In accordance with clause 9.2 of the *Leq'á:mel First Nation Community Ratification Process*, a copy of the Notice of Vote and the documents listed in clause 9.1 were sent to each person on the List of Voters at their last known address at least 56 days prior to the Voting Day.
6. In accordance with clauses 9.3 and 9.4 of the *Leq'á:mel First Nation Community Ratification Process*, door-to-door visits, community information meetings and telephone contacts were made in the community.
7. In accordance with clause 10.1 of the *Leq'á:mel First Nation Community Ratification Process*, the information package was sent to the Department of Indian Affairs and Northern Development at least 56 days prior to the Voting Day, for mail out to each person on the Department's List of Interest Holders.
8. The names of _____ Eligible Voters appeared on the List of Voters.
9. The number of Eligible Voters who registered was _____ and their names were entered on the List of Registered Voters.
10. The number of Registered Voters who constituted a majority was _____.
11. The number of Eligible Voters who constituted the minimum percentage required for approval

under clause 7.4 of the *Framework Agreement on First Nation Land Management* and section 12(2) of the *First Nations Land Management Act* was _____.

12. The results of the Ratification Vote are as follows:

- (a) _____ mail-in ballots were cast in the Ratification Vote in accordance with clause 13 of the *Leq'á:mel First Nation Community Ratification Process*;
- (b) _____ regular ballots were cast in the Ratification Vote in accordance with clauses 14 and 15 of the *Leq'á:mel First Nation Community Ratification Process*;
- (c) _____ ballots were spoiled as provided in clause 14.16 of the *Leq'á:mel First Nation Community Ratification Process*;
- (d) _____ ballots were rejected in accordance with clause 13.11 of the *Leq'á:mel First Nation Community Ratification Process* and not opened or deposited into the ballot box;
- (e) _____ ballots were cancelled in accordance with clause 14.17 of the *Leq'á:mel First Nation Community Ratification Process*;
- (f) _____ ballots were rejected in accordance with clause 16.1 of the *Leq'á:mel First Nation Community Ratification Process*;
- (g) _____ ballots were marked "YES" for the Question; and
- (h) _____ ballots were marked "NO" for the Question.

13. Based on the need to meet or exceed the number of number of Registered Voters in item 10, and the number Eligible Voters in item 11, above, the Ratification Documents were *approved/not approved* by the Registered Voters.

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

DECLARED BEFORE me at the _____)
of _____ in the)
Province of British Columbia, this _____)
day of _____ 200_.)
_____)
A Commissioner for Oaths in and for the)
Province of British Columbia.)

Al Gross, Verifier

**Form 14
Ratification Process**

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

Whereas the *Leq'á:mel First Nation Land Code* and the Individual Agreement were submitted to a Ratification Vote at Leq'á:mel First Nation on the ___ day of _____, 200_;

And Whereas the Verifier has reported that the Ratification Vote was conducted in accordance with the *Leq'á:mel First Nation Community Ratification Process* confirmed by the Verifier;

And Whereas the Registered Voters approved these documents at the Ratification Vote held on the ___ day of _____, 200_;

Now therefore the Council of Leq'á:mel First Nation, in accordance with the *Framework Agreement on First Nation Land Management* and clause 22.2 of the *Leq'á:mel First Nation Community Ratification Process*, do hereby resolve to send to the Verifier the approved *Leq'á:mel First Nation Land Code*, attached hereto as Annex #1, for certification by the Verifier.

Dated at Leq'á:mel, Province of British Columbia this _____ day of _____, 200_.

Chief Alice Thompson

Councillor Rene Paterson

Councillor Barb Leggat

Councillor Darrel McKamey

Councillor Peter McDonald

(* A quorum for this Band consists of 3/5 Council members)

Form 15
Ratification Process

CERTIFICATION OF LAND CODE

Whereas the *Leq'á:mel First Nation Land Code* and the Individual Agreement were submitted to a Ratification Vote at Leq'á:mel First Nation on the __ day of _____, 200_;

And Whereas I have reported that the Ratification Vote was conducted in accordance with the *Leq'á:mel First Nation Community Ratification Process* confirmed by me as the Verifier;

And Whereas the *Leq'á:mel First Nation Land Code* and the Individual Agreement were approved by the Registered Voters at the Ratification Vote on the __ day of _____, 200_;

Therefore, I hereby certify the *Leq'á:mel First Nation Land Code*, attached as Annex #1 hereto.

Dated at _____ this _____ day of _____, 200_.

Al Gross, Verifier