

ASHCROFT INDIAN BAND
MEMBERSHIP RULES REGULATION
AMENDING REGULATION NO. 2025-001
UNDER THE
1987 ASHCROFT INDIAN BAND MEMBERSHIP RULES

PREAMBLE

- A. The Ashcroft Indian Band *Membership Rules* (the “Rules”) came into legal effect on June 26, 1987.
- B. The *Membership Rules Regulation* of the Band (the “Regulation”) came into legal effect on December 1, 2023, to administer the Rules.
- C. Amendments are required to the Regulation as set out in this Amending Regulation.
- D. The process for amending the Regulation is set out in Article 17 of the Regulation.

1. AUTHORITY

- 1.1 **Issuing Authority:** Pursuant to the authority in Article 17 of the Regulation, Council enacts this Amending Regulation to amend the Regulation, following consultation with the General Band Membership.

2. DEFINITIONS

- 2.1 **Terms Defined in Rules or Regulation:** Terms defined in the Rules or the Regulation shall have the same meaning in this Amending Regulation.

3. AMENDMENTS TO THE REGULATION

- 3.1 **Amendments:** The Regulation is amended as follows:

- (a) Preamble E is deleted and replaced by the following as Preambles E, F and G:

- E. Pursuant to paragraph 134 of the Court Decision, all rights and benefits of Band membership for those persons found by the Court Decision to be not properly admitted to discretionary membership, terminated on April 4, 2024, unless those persons were readmitted to membership on or before that date in a referendum vote.

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- F. A referendum vote was held on January 25, 2024, in which all applicants for discretionary membership were readmitted to membership in the Band.
 - G. Those persons whose names appeared in the Band List after 1996 as discretionary members and who did not apply for readmission to the Band in the January 25, 2024 referendum vote, lost their membership in the Band on April 4, 2024, pursuant to the Court Decision.
- (b) Section 8.5 is deleted and replaced by the following:
- 8.5 **Invitation to Serve on Membership Committee:** At least 135 days prior to the day of the Membership Admission Vote, the Membership Clerk will post on the Band website an invitation to serve on the Membership Committee, to each Eligible Elector, excluding:
- (a) any Council Member; or
 - (b) anyone working in the Administration Office or in a business owned or controlled by the Band.
- (c) Sections 8.7, Honouraria and 8.8, Expenses, are deleted.
- (d) Section 9.1 is deleted and replaced by the following:
- 9.1 **Notice:** At least 135 days prior to the day of the Membership Admission Vote, the Band will give notice to the General Band Membership of the Membership Admission Vote and the deadline for submitting a Discretionary Membership Application.
- (e) Section 9.2 is deleted and replaced by the following:
- 9.2 **Deadline for Submitting Discretionary Membership Applications:** The notice referred to in section 9.1 shall advise of the requirement to submit a Discretionary Membership Application fully completed, and supporting documents, to the Membership Clerk within the period specified in the notice. Applications received after that period will not be considered for admission to discretionary membership in the Band, in the upcoming Membership Admission Vote.
- (f) Section 12.4 is deleted and replaced by the following:
- 12.4 **Community Consultation:** The custom of the Band for community consultation on matters requiring a Referendum Vote among the Eligible Electors, is as follows:

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- (a) The Band shall keep the Eligible Electors informed of matters requiring a Referendum Vote by way of the Band website.
- (b) Subject to subsection (c), the custom of the Band is to determine the broad consensus amongst the Eligible Electors regarding a Referendum Vote, by:
 - (i) posting reasonably detailed information about the matter on the Band website;
 - (ii) inviting on the Band website:
 - (A) questions and comments from all the Eligible Electors; and
 - (B) written responses from all Eligible Electors within the 14 day period following the posting; and
 - (iii) tallying the responses received from the Eligible Electors within the 14 day period to determine the broad consensus among the Eligible Electors for or against the matter.
- (c) On matters concerning confidential information of the Band, the custom of the Band is to determine the broad consensus among the Eligible Electors for or against a Referendum Vote, by:
 - (i) providing reasonably detailed information about the matter either by mail or delivery to all Eligible Electors, together with a notice from the Band:
 - (A) inviting questions and comments from all Eligible Electors; and
 - (B) requesting a written response from each Eligible Elector within 28 days of the date of the notice; and
 - (ii) tallying the responses received from the Eligible Electors within the 28 day period to determine the broad consensus among the Eligible Electors for or against the matter.

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(g) Section 12.10 is deleted and replaced by the following:

12.10 Contents of Council Resolution: The Council Resolution authorizing the Referendum Vote shall be made at least 70 days prior to the day of the Referendum Vote. That resolution shall:

- (a) set the date, time and place for the Referendum Vote;
- (b) confirm for a Membership Admission Vote, that those Discretionary Membership Applications together with supporting documents which the Membership Clerk has confirmed to be complete and to conform to the Rules, will be submitted to the Membership Admission Vote;
- (c) set the wording of the question submitted on the Referendum Vote to the Eligible Electors for voting;
- (d) set out the timeline of important dates and events in the process for the Referendum Vote;
- (e) set the format, date, time and place for the information session for the Eligible Electors on the Referendum Vote;
- (f) determine whether the Referendum Vote will be conducted by:
 - (i) Mail in Ballots and ballots cast in person at a poll; or
 - (ii) Mail in Ballots only;
- (g) appoint an Electoral Officer and one or more Deputy Electoral Officers to conduct the Referendum Vote;
- (h) address any other matter or issue necessary, ancillary or incidental to the Referendum Vote; and
- (i) confirm that the Referendum Vote will be conducted under this Regulation.

This section is subject to subsection 8.10(c), where the Membership Committee cannot be established.

(h) Section 12.12 is deleted and replaced by the following:

12.12 Notice to Eligible Electors re Current Addresses Required: At least 70 days prior to the day of the Referendum Vote, the Band shall give all the Eligible Electors notice on the Band website that all Eligible Electors must provide the Administration Office with their current mailing address

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within three weeks, to ensure that they are able to cast a ballot in the Referendum Vote. This section is subject to subsection 8.10(c), where the Membership Committee cannot be established.

(i) Section 12.18 is deleted and replaced by the following:

12.18 **Requesting a Mail in Ballot Package:** The Electoral Officer shall mail or deliver the Mail in Ballot Package to any Eligible Elector, who requests in writing a Mail in Ballot Package and provides a copy of his or her proof of identity, six or more days prior to the day of the Referendum Vote.

(j) Section 14.5 is deleted and replaced by the following:

14.5 **Only Eligible Electors Vote:** In accordance with section 4.2 above, only Eligible Electors may vote. Eligible Electors may vote in person at the poll, or by Mail in Ballot.

(k) Section 15.4 is deleted and replaced by the following:

15.4 **Counting the Ballots-Membership Admission Vote:** The Electoral Officer shall determine whether the ballot count will proceed either on the close of the poll or on the next and each succeeding business day after the date of the Membership Admission Vote, from 9:00 AM until 5:00 PM each day, until completion. For the ballot count, the Electoral Officer shall in the presence of the Eligible Electors, open all ballot boxes and examine all the ballots, and:

- (a) set aside any ballot that does not have the initials of the Electoral Officer on the back;
- (b) mark as “rejected” all ballots:
 - (i) that have been marked incorrectly; or
 - (ii) upon which anything appears by which the Eligible Elector can be identified;
- (c) take note of any objection made by any Eligible Elector to any ballot found in the ballot box, and decide any question arising out of the objection;
- (d) number any objection and place a corresponding number on the back of the ballot, with the Electoral Officer’s initials, and the words “ballot allowed” or “ballot disallowed” as the case may be, and the reason;
- (e) count the votes in favour of and against admitting to discretionary membership in the Band, each Applicant listed on the ballot;

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- (f) deal with any Mail in Ballots from deceased Eligible Electors as directed by section 15.5, adding any such ballots which are accepted to the vote count;
 - (g) pursuant to section 21 of the Rules, confirm for each Applicant listed on the ballot, whether or not the majority of those Eligible Electors who voted, approved the admission to discretionary membership in the Band effective on the date of the referendum; and
 - (h) prepare and sign the statement of the Membership Admission Vote Results in the form of Appendix 9 to this Regulation.
- (l) Article 17, Approval by General Band Membership, is deleted and replaced by the following:

17. APPROVAL BY GENERAL BAND MEMBERSHIP

17.1 **Difficulties:** The Band acknowledges that many of the Eligible Electors reside off reserve, and a considerable distance from the reserve lands of the Band, making:

- (a) assembly of the General Band Membership in person on the reserve for an in person vote; or
- (b) a mail in referendum vote for the whole of the General Band Membership;

time consuming and difficult, and beyond the financial and administrative resources of the Band, for seeking approvals or consents of the General Band Membership for bringing this Regulation into effect, amending, repealing or replacing it.

17.2 **Custom of the Band:** Any approvals or consents required from the General Band Membership prior to bringing this Regulation into effect, amending, repealing or replacing it, shall be obtained according to the custom of the Band, as set out in this Article 17.

17.3 **Band Website:** The custom of the Band is to keep the General Band Membership informed by way of the Band website.

17.4 **Broad Consensus:** Subject to section 17.5, the custom of the Band is to determine the broad consensus for or against a matter amongst the General Band Membership, by:

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- (a) posting reasonably detailed information about the matter on the Band website;
- (b) inviting on the Band website:
 - (i) questions and comments from all the Eligible Electors; and
 - (ii) written responses from all Eligible Electors within the 14 day period following the posting; and
- (c) tallying the responses received from the Eligible Electors within the 14 day period to determine the broad consensus in the General Band Membership for or against the matter.

17.5 **Confidential Matters:** On matters concerning confidential information of the Band, the custom of the Band is to determine the broad consensus for or against a matter amongst the General Band Membership, by:

- (a) providing reasonably detailed information about the matter either by mail or delivery to all Eligible Electors, together with a notice from the Band:
 - (i) inviting questions and comments from all Eligible Electors; and
 - (ii) requesting a written response from each Eligible Elector within 28 days of the date of the notice; and
- (b) tallying the responses received from the Eligible Electors within the 28 day period to determine the broad consensus in the General Band Membership for or against the matter.

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4. **COMING INTO EFFECT**

4.1 **Approval Process:** Following consultation with the General Band Membership, in accordance with the custom of the Band as described in Article 17 of the Regulation, this Amending Regulation shall be brought into legal effect by Council Resolution.

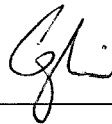
Coming Into Effect

The ASHCROFT INDIAN BAND COUNCIL HEREBY RESOLVES BY CONSENT of a quorum of the members of the Council of the Band present at a meeting of Council duly convened and held on the 6th day of February, 2025 that:

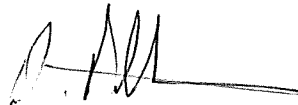
The General Band Membership having been consulted, in accordance with custom of the Ashcroft Indian Band, this Amending Regulation is issued under the authority of the Council of the Band, to come into immediate legal effect.

ASHCROFT INDIAN BAND

Per:



Chief



Councillor



Councillor

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CRAIG NIXON LAW CORPORATION

Barristers and Solicitors

880 - 175 Second Avenue

Kamloops, BC V2C 5W1

Telephone: (250) 374-1555

Fax: (250) 374-9992

E-mail: cnlc@CNixonLaw.ca

www.CNixonLaw.ca

File No. 112-105

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