

**ASHCROFT INDIAN BAND**  
**REFERENDUM REGULATION AMENDMENT No. 2021-001**

**PREAMBLE:**

- (A) The *Referendum Regulation* of the Band came into legal effect on September 6, 2019.
- (B) The *Referendum Regulation* sets out the custom of the Band where a formal vote in to be held among all its Electors on a matter requiring a broad consensus.
- (C) Some or all the time requirements for the referendum process specified in the *Referendum Regulation* could be reduced by Council Resolution for a particular referendum, where this would benefit the Band.

**1. AMENDMENTS TO THE REFERENDUM REGULATION**

**1.1** New sections 4.23 to 4.26 are added to the *Referendum Regulation*, as follows:

- 4.23 Reducing Time Requirements:** To conduct a Referendum Vote among the Electors of the Band on a particular issue, the time requirements specified in the following sections of this Regulation, may be reduced:
  - (a) section 4.3, **Time Required** (*minimum of 90 days for the referendum process*);
  - (b) section 4.5, **Conclusion of Community Consultation** (*completion of community consultation at least 75 days prior to the Referendum Vote*);
  - (c) section 4.11, **Contents of Council Resolution** (*Council Resolution authorizing the Referendum Vote shall be made at least 70 days prior to the Referendum Vote*);
  - (d) section 4.12, **Notice to Electors re Current Addresses Required** (*Band gives notice to Electors at least 70 days prior to the Referendum Vote, that a current mailing address is required*);
  - (e) section 4.14, **Voters List** (*Voters List is provided to the Electoral Officer at least 40 days prior to the Referendum Vote*);
  - (f) section 4.17, **Notice of Referendum Vote and Mail in Ballot Package** (*At least 33 days prior to the Referendum Vote, the Electoral Officer posts the Notice of Referendum at the Administration Office, and mails to all Off Reserve Electors the Mail in Ballot Package*);

- (g) section 4.18, **Requesting a Mail in Ballot Package** (*An Elector may request a Mail in Ballot Package at least 12 days prior to the Referendum Vote*); and
- (h) section 4.20, **Information Meeting** (*The Band shall hold an information meeting for the Electors at least 12 days prior to the Referendum Vote*).

4.24 **Time Requirements Not to be Reduced:** The time requirements in the following provisions of this Regulation are not to be reduced for any Referendum Vote:

- (a) the 14 day community consultation period specified in paragraph 4.4(b) for issues which are not confidential to the Electors;
- (b) the 28 day community consultation period specified in paragraph 4.4(c) for issues which are confidential to the Electors; and
- (c) the time periods after which written notice from the Band forwarded to the Electors by various methods is deemed to be given and received, as set out in sections 10.1 and 10.2.

4.25 **Process:** Where the Band proposes to reduce one or more time requirements listed in section 4.23, for conducting a Referendum Vote among the Electors of the Band for a particular issue, the Band shall proceed as follows:

- (a) the Band shall as part of the community consultation process for that Referendum Vote, also consult with the Electors by the process set out in section 4.4 about the proposed reductions in the time requirements for conducting that Referendum Vote.
- (b) the Band shall identify in writing which time requirements listed in section 4.23 are proposed to be reduced, by how much, and the reason for each specific reduction.
- (c) a written statement by the Band about the overall benefit to the Band of the reduced time requirements for that Referendum Vote shall be provided to the Electors as part of the community consultation.
- (d) if the broad consensus among the Electors is in favour of the reductions proposed by the Band in the time requirements for conducting the Referendum Vote, then a Council Resolution may be made authorizing the Referendum Vote to proceed with reduced time requirements, and specifying which time requirements are reduced and by how much.
- (e) if the broad consensus among the Electors is against the reductions proposed by the Band in the time requirements for conducting that Referendum Vote, then that Referendum Vote shall not proceed at that time under the proposed reduced time requirements.

4.26 **New Referendum Vote:** Whenever a Referendum Vote process:

- (a) once started by an authorizing Council Resolution made under section 4.11, does not proceed through to the voting for any reason; or
- (b) proceeds to a vote but the referendum does not pass by the double majority specified in paragraph 7.3(g);

Chief and Council is free to proceed with a new Referendum Vote on the same issue at any point in the future whenever they consider it advisable under section 4.2 to do so.

## 2. INTERPRETATION

- 2.1 **Headings:** Headings inserted in this Amendment are for convenience of reference only, and in no way define, limit or enlarge the scope or meaning of this Amendment or any provision.
- 2.2 **Issuing Authority:** This Amendment is issued under the authority of the Chief and Council of the Ashcroft Indian Band, following consultation with the General Band Membership.

## 3. APPROVAL BY GENERAL BAND MEMBERSHIP

- 3.1 **Difficulties:** The Band acknowledges that many of the Members live 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.
- 3.2 **Custom of the Band:** Any approvals or consents required from the General Band Membership shall be obtained according to the custom of the Band, as set out in this Article 3.
- 3.3 **Band Newsletter and Website:** The custom of the Band is to keep the General Band Membership informed by way of the Band newsletter and website.
- 3.4 **Broad Consensus:** Subject to section 3.5, the custom of the Band is to determine the broad consensus for or against a matter amongst the General Band Membership, by:
  - (a) posting reasonably detailed information about the matter on the Band website;
  - (b) e-mailing all Members to advise them that an important matter requiring their written response within 14 days of the date of the notice, has been placed on the Band website;

- (c) inviting on the Band website:
  - (i) questions and comments from all the Members; and
  - (ii) written responses from all Members within the 14 day period; and
- (d) tallying the responses received from the Members within the 14 day period to determine the broad consensus in the General Band Membership for or against the matter.

3.5 **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 Members, together with a notice from the Band:
  - (i) inviting questions and comments from all Members; and
  - (ii) requesting a written response from each Member within 28 days of the date of the notice; and
- (b) tallying the responses received from the Members within the 28 day period to determine the broad consensus in the General Band Membership for or against the matter.

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 3, this Amendment shall be brought into legal effect by Council Resolution.

**Coming Into Effect**

The ASHCROFT INDIAN BAND CHIEF AND 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 day of \_\_\_\_\_, 2021 that:

The General Band Membership having been consulted, in accordance with the custom of the Band, this Referendum Regulation Amendment No. 2021-001 is issued under the authority of the Chief and Council of the Ashcroft Indian Band, to come into immediate effect.

**ASHCROFT INDIAN BAND**

Per:

\_\_\_\_\_  
Chief

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

**ASHCROFT INDIAN BAND**

**REFERENDUM REGULATION AMENDMENT No. 2021-001**

**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](mailto:cnlc@CNixonLaw.ca)  
[www.CNixonLaw.ca](http://www.CNixonLaw.ca)

File No. 112-065  
CN / kk