

**INFORMATION SESSION FOR
THE JANUARY 25, 2024 MEMBERSHIP ADMISSION VOTE ON
DISCRETIONARY MEMBERSHIP APPLICATIONS IN THE
ASHCROFT INDIAN BAND**

This Information Session will give an overview of the upcoming Membership Admission Vote on January 25, 2024.

1. The Court Decision

The Federal Court has in its October 5, 2022 judgment in *Pittman et al v. Ashcroft Indian Band* (the “**Court Decision**”) at paragraphs 63, 106 and 107, confirmed that:

- (a) any person who was admitted to discretionary membership in the Band after December 31, 1996; and
- (b) any person who applied to transfer in to the Band after 1996, and was accepted without a Band membership vote;

must have his or her membership in the Band confirmed by this Membership Admission Vote.

2. Who is Being Voted on in the January 25, 2024 Vote

The Band has given everyone in the two groups listed above the chance to be confirmed as members. Every one had to complete the application form and provide the supporting documents.

The Membership Clerk has checked that the applications and supporting documents of all persons listed on the ballot are complete. All the persons on the ballot have applied to be confirmed as members.

If the Band membership of the persons listed on the ballot is not confirmed by this vote, those persons will lose their membership in the Band.

3. The Membership Admission Vote

The “**Membership Admission Vote**” is a vote either in person or by mail in ballot, by the Eligible Electors, for acceptance or rejection of each applicant for discretionary membership in the Band.

This vote will be held under the 1987 Membership Rules of the Band (the “**Membership Rules**”).

4. Who Will Vote in the January 25, 2024 Vote

The “**Eligible Electors**” are the only three groups confirmed by the Court Decision to actually have membership in the Band at this time:

- (a) all persons who acquired membership before 1997, whether discretionary or automatic (the “**Pre 1997 Membership List**”);

- (b) all persons who acquired “automatic” membership under the *Membership Rules* after 1996 (the “**Post 1996 Automatic Membership List**”); and
- (c) all persons who applied to transfer their membership from another Band/First Nation to the Ashcroft Indian Band after 1996, whose application was approved in a Membership Admission Vote (the “**Post 1996 Approved Transfer in List**”).

The persons in these three categories will be the persons entitled to vote in the January 25, 2024 Membership Admission Vote.

5. **Who Has Automatic Membership in the Band?**

Automatic membership under section 3 of the *Membership Rules* includes:

- (a) persons who were Band Members prior to April 17, 1985;
- (b) persons born on or after April 17, 1985, whose parents are both Members of the Band; and
- (c) some of the persons who regained Indian status under Bill C-31.

Automatic membership under section 4 of the *Membership Rules* includes all minor children, who have at least one restored natural member parent residing on reserve.

Persons having membership in the Band in one of the “automatic” categories become members upon providing proof of entitlement, without the requirement of having their membership accepted in a Membership Admission Vote.

6. **On and Off Reserve Eligible Electors**

There is no distinction made in the Court Decision between the legal rights of on and off reserve members in relation to the right to vote in elections, referenda, at Band general meetings, or in Membership Admission Votes.

The unwritten custom of the Band is that all electors vote in all elections of Council and on all referenda, whether ordinarily resident on or off reserve.

Accordingly, all Eligible Electors have the right to vote on January 25, 2024, whether they live on or off reserve.

7. **How Did the Band Get Here?**

No Membership Admission Votes to admit new members were held after 1996: see paragraphs 16 and 63 of the Court Decision. Instead, the Band adopted the practice of automatically admitting to membership, children having only one Band member parent, without a Membership Admission Vote: see paragraph 63 of the Court Decision. The Court Decision determined that all these post 1996 discretionary memberships were not lawful, because there was no Membership Admission Vote.

After the Court Decision, the Band discovered that there had been a Membership Admission Vote held after 1996 in which applicants who wished to transfer their membership into the Band from another Band/First Nation, were approved.

8. **Community Consultation Process**

A community consultation process was held from September 29 to October 20, 2023 with the Electors on:

- (a) the Court Decision and the upcoming Membership Admission Vote under the *Membership Rules* on discretionary membership applications; and
- (b) the draft *Membership Rules Regulation*.

9. **Membership Rules Regulation**

The *Membership Rules* in section 31 authorize the Band to make the *Membership Rules Regulation* for the purpose of administration of those rules. The regulation:

- (a) adopts a Discretionary Membership Application form and other forms required, for the purpose of the *Membership Rules*; and
- (b) sets out the administrative process for the Membership Admission Votes on discretionary membership applications.

Following the community consultation, the *Membership Rules Regulation* was brought into legal effect by Council Resolution on December 1, 2023.

10. **Electoral Officers**

The Electoral Officer is Marcus Hadley, 255 Linden Avenue, Victoria, BC V8V 4E6. His phone number is 250-884-4703 and his e-mail is marcus.hadley@gmail.com.

The Deputy Electoral Officers are Lee White, who works for Marcus Hadley, and Diana Hoggard, who is a Band employee.

11. **Mail In Ballot Packages**

The Mail in Ballot Packages were mailed to off reserve Eligible Electors on December 19, 2023. The earlier Mail in Ballot Package mailed out on December 8, 2023 had some minor issues and should be disregarded. The duly completed Mail In Ballot Package must be received by the Electoral Officer by the close of the poll at 8:00 pm on January 25, 2024 to be counted.

12. **Providing Current Mailing Addresses to the Band Office**

All Eligible Electors must provide the Administration Office with a current mailing address in order to vote. If you are an Eligible Elector living off reserve and have not received a Mail in Ballot Package, please contact the Membership Clerk by phone at 250-453-9154 or by e-mail to membership@ashcroftband.ca.

13. **Voting Can Take a While**

The ballot contains the names of 81 applicants for membership, so each Eligible Elector should be aware that voting will take some time.

14. **Being Confirmed as a Band Member**

An applicant for discretionary membership will be confirmed as a Member of the Band upon a vote for acceptance by a majority of the Eligible Electors voting in the Membership Admission Vote.

15. **The Vote Count**

There are a large number of votes to be counted, because of a large number of applicants to be voted on, and a large number of Eligible Electors, who get to cast a vote for approval or rejection of each applicant. The vote count is scheduled for January 26, 2024, the day after the Membership Admission Vote. The vote count and any recounts can also be carried over to January 29 to 31, 2024, as necessary.

16. **Appeal**

An applicant who is rejected for membership by the Membership Admission Vote, has an appeal by way of a right of reapplication for membership made to the Band after April 25, 2024. Additional evidence can be provided on re-application. The Membership Admission Vote made in response to that re-application is final.

17. **Further Information**

While the Band is pleased to advise you generally about the Court Decision, the Band cannot give you legal advice and recommends that you seek independent legal advice about the judgment.

In the event of any difference in wording or meaning between this Information Session, and the *Membership Rules Regulation* adopted by the Band, that regulation shall govern.

Please submit any questions regarding this Information Session to the Band via e-mail at membership@ashcroftband.ca.

18. Conclusion

This Information Session has provided an overview of the major points in relation to the Membership Admission Vote on January 25, 2024. Hopefully, it has been of assistance to everyone involved in that process, either as an applicant for membership or as one of the persons voting as an Eligible Elector.