

September 15, 2023

**Notice re Membership Admission Vote
Ashcroft Indian Band**

The Band wishes to bring this urgent matter regarding Band membership to your attention.

1. The Court Decision

The Federal Court has in its October 5, 2022 judgment in *Pittman v. Ashcroft First Nation* (the “**Court Decision**”) confirmed that any person who was admitted to discretionary membership in the Band after December 31, 1996 must have his or her membership confirmed by way of a Membership Admission Vote. These existing members together make up the “**Post 1996 Discretionary Membership List**”.

The membership of all persons who have transferred into the Band from another Band/First Nation after December 31, 1996, must also be confirmed by the Membership Admission Vote. These existing members together make up the “**Post 1996 Unapproved Transfer in List**”.

Persons whose application for membership was held as pending by the Band while awaiting the Court Decision, must also now have their application accepted by the Membership Admission Vote. These applicants for discretionary membership together make up the “**Pending Applications List**”.

2. 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 application for discretionary membership in the Band.

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

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;
- (b) all persons who acquired “automatic” membership under the *Membership Rules* after 1996; 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.

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.

3. Band Processing of a Discretionary Membership Application

The procedure under the *Membership Rules* for the Band to process a discretionary membership application is:

- (a) the application form is submitted to the Membership Clerk;

- (b) an application on behalf of a person under the age of 18 years may be made by a parent or legal guardian;
- (c) the Membership Clerk confirms that the application and the supporting documents are complete and conform to those rules;
- (d) the Membership Committee of the Band reviews each application and supporting documents, and makes a non-binding recommendation for acceptance or rejection of each application; and
- (e) Council schedules a Membership Admission Vote among the Eligible Electors to determine the admission of each applicant to membership.

4. **Urgent Requirement to Submit a Discretionary Membership Application**

According to the Band membership records, your membership must either be confirmed or accepted by the upcoming Membership Admission Vote.

Can you please contact the Membership Clerk by phone at 250-453-9154 or by e-mail to membership@ashcroftband.ca.

We will advise you as to any documentation requirements for your membership file, in order that your application can go forward to the Membership Committee. Your fully completed application and supporting documents must be received by the Membership Clerk by **October 27, 2023**, in order for your application to be considered in the Membership Admission Vote on **March 7, 2024**.

5. **Potential Loss of Band Membership**

If you are on the Post 1996 Discretionary Membership List or the Post 1996 Unapproved Transfer in List, your membership must be confirmed by a Membership Admission Vote within 18 months of the Federal Court judgment, that is on or before April 4, 2024. If not, you will lose all rights of Band membership. Until that date, you maintain all rights of Band membership except for the right to vote in Band elections, any referenda or general band meetings.

6. **Pending Applications**

Persons whose application for membership was held as pending by the Band while awaiting the Court Decision, will have to reapply to the Band using the Discretionary Membership Application form, and may have to supply additional documents and information.

7. **Election of Chief and Council Confirmed by Court Decision**

The election of Greg Blain as Chief, and Earl Blain and Dennis Pittman as Councillors of the Band, on May 6, 2021 was confirmed by the Court Decision.

8. **New Membership Code Quashed by Court Decision**

The Band referendum on May 6, 2021 approving the new Membership Code was quashed by the Federal Court. The reason was that the margin of approval was not large enough to overcome all 27 votes which were disputed by the applicants in the court case.

9. Other Matters

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.

The Band has elected not to appeal the Court Decision.

The link to the Court Decision is at [Pittman v. Ashcroft First Nation-Federal Court \(fct-cf.gc.ca\)](https://www.fct-cf.gc.ca), in case you wish to read the judgment.

Please call or e-mail the Band with any questions.

10. Date

This notice is dated September 15, 2023.