



Tahltan
Band Council

LAND CODE

Dena nenn Sogga neh 'ine

Working with a Committee of members, Tahltan Band is working to develop our Land Code

COMMUNITY RATIFICATION PROCESS SUMMARY

INTRODUCTION

The purpose of this document is to provide a summary of the process that will be used to approve the Tahltan Band Land Code and the Individual Agreement. It is important for Tahltan Band members to review this to understand how we will be voting.

CONFIRMATION BY VERIFIER

Before the community vote can happen, the Verifier must confirm that the Community Ratification Process (CRP) document and the Land Code are consistent with the *Framework Agreement on First Nations Land Management* and the *First Nations Land Management Act*.

Before the CRP can be verified, Council will pass a Resolution and provide the Verifier with an electronic copy of the document.

This resolution must be passed at least 65 days before the first regular voting day. The Verifier will then have 30 days to review these documents to confirm that they are consistent with the *Framework Agreement on First Nations Land Management* and the *First Nations Land Management Act*.

LAUNCHING THE VOTE

Once the Verifier confirms that the Land Code and the CRP are consistent with the *Framework Agreement on First Nations Land Management* and the *First Nations Land Management Act*, Council will pass a Resolution to set the voting day. This resolution will also include the following:

- confirm the Ratification Officer
- confirm the list of eligible voters
- confirm that an electronic voting option will be provided
- approve the text of the Land Code and the CRP
- order that the Ratification Vote be held to determine if the community approves the Ratification Documents

WHO IS THE VERIFIER?

The Verifier is someone who is responsible for monitoring the Land Code process. They are jointly appointed by the First Nation and Canada to provide an independent and third-party review. It is their job to make sure that all of the proper steps are taken when developing and ratifying the Land Code.

WHO IS THE RATIFICATION OFFICER?

The Ratification Officer is appointed by Council to oversee the voting process. This person must be knowledgeable about overseeing voting processes and they must also have no personal interest in the outcome of the vote.



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- set the regular voting days and the advance voting day
- confirm the wording of the ballot question

THE BALLOT QUESTION

When Tahltan Band members go to vote on the Land Code. The ballot question will look something like this:

DUTY OF THE RATIFICATION OFFICER

BALLOT QUESTION

Do you approve:

- The Tahltan Band Land Code, dated XX for reference; and
- The Individual Agreement between Tahltan Band and Her Majesty the Queen in right of Canada?

EXPLANATION

A "YES" vote means that the Tahltan Band will manage its own reserve lands under the Tahltan Band Land Code.

A "NO" vote means that the Tahltan Band lands will continue to be managed by Indigenous and Northern Affairs Canada under the *Indian Act*.

The Ratification Officer is responsible for overseeing the process for the ratification vote and will have all the powers that are needed to carry out that responsibility. This includes the power to appoint one or more assistant Ratification Officers to help with the process.

Assistant Ratification Officers may be given any of the duties set out in the Ratification Process except:

- the initialing of ballots
- the deposit of the mail-in ballots in the ballot box
- the counting of ballots

All of these duties must still be done by the Ratification Officer.

NOTICE OF VOTE

A notice will be posted at least 30 days prior to the first voting day. This notice must be placed in public places where it can be read by the Tahltan Band members. The Verifier must also publish the notice in one or more newspapers at least 28 days before the first regular voting day.

The notice of vote will contain the following information:

- the date, place and time of the poll on the regular voting days
- the date, place and time of the poll on the advance polling day



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- the ballot question
- the procedures for registering in the Land Code vote
- instructions for getting a copy of the *Framework Agreement on First Nations Land Management*, Individual Agreement, Tahltan Band, the Background Documents and the CRP
- the name, office address and telephone number of the Ratification Officer
- information on options for voting

PRELIMINARY PROCEDURES

The Ratification Officer and the Band Manager will work together to get everything ready for the vote. This will include:

- designating the polling place
- preparing enough copies of regular ballots and mail-in ballots
- preparing sufficient copies of the secrecy envelopes, the identification envelopes and return envelopes
- preparing sufficient copies of the voting instructions
- obtaining a sufficient number of ballot boxes
- providing for a designated voting area at the polling place(s) such that a registered voter can mark a ballot free from observation
- providing a sufficient number of lead pencils and blue or black ink pens for marking the ballot
- ensuring that samples of the ballot question are posted or available for examination at the poll
- ensuring that a Commissioner for Taking Oaths or Notary Public will be available as required

INFORMATION FOR MEMBERS

All eligible voters will receive the information that they need to make an informed vote. The following information will be sent to each Tahltan Band member on the list of eligible voters:

- a copy of the Notice of Vote
- a copy of the Land Code
- a summary of the Land Code
- a copy of the Individual Agreement
- a summary of the Individual Agreement
- a summary of the *Framework Agreement on First Nations Land Management*
- a summary of the *First Nations Land Management Act*

WHO IS AN ELIGIBLE VOTER?

An eligible voter is a Tahltan Band member who is 18 years old or older on the date of the Land Code vote.

This information will be sent to the voter's last known address and will be mailed at least 30 days prior to the first regular voting day. Eligible voters may choose to receive this information electronically.

In addition to the information provided in the mail-out there may also be:

- visits at the homes of Eligible Voters
- telephone contact with Eligible Voter
- information meetings at the Tahltan Band administrative offices and other appropriate places
- such other information activities as Council may be deemed appropriate



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INFORMATION TO THIRD PARTIES

There may be people or companies that currently hold an interest (such as a lease) in Tahltan Band reserve lands. It is important for that they are also informed about the Land Code. At least 30 days prior to the first regular voting day, the following information will be provided to them to ensure they have the information that they need to understand Land Code:

- the date of the Ratification Vote
- a communiqué from the Tahltan Band explaining the effect of the Ratification Vote
- a summary of the *First Nations Land Management Act*
- a summary of the *Framework Agreement on First Nations Land Management*
- a summary of the Land Code
- 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 Tahltan Band Reserve Lands

Tahltan may also wish to share information about the Land Code with local municipalities, regional districts, First Nations, or any other entity operating in the area.

REGISTERING TO VOTE

Each eligible voter must register for the Land Code vote with the Ratification Officer. This is so that the Ratification Officer knows that intend to vote. This will ensure that they receive all of the documents that are needed to cast their vote.

The Ratification Officer will send to each eligible voter a registration package at least 30 days before the first regular voting day. This package will be sent to the voter's last known address and will include:

- instructions about the electronic registration process
- a voter registration document and a prepaid return envelope
- a mail-in voting package

This mail-in voting package will include:

- voting instructions
- a pre-folded and initialed ballot
- a ballot envelope
- a prepaid return envelope

An eligible voter who wishes to vote must register with the Ratification Officer. There are two options to register for the vote:

1. completing and signing a voter registration document in front of a witness and return the voter registration document to the Ratification Officer by mail, courier, hand delivery or facsimile
2. completing registration through the electronic registration process



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ELECTRONIC VOTING

Any Tahltan Band member that has registered to participate in the Land Code vote may cast their vote online. To cast an electronic vote, the registered voter will:

- enter the website address provided or call the designated telephone number provided
- enter their unique voter identification code
- confirm their Band registry number
- complete the electronic voter registration process and digitally sign their declaration
- confirm their eligibility to participate using electronic voting
- declare their intent to vote electronically and digitally sign their declaration
- make their electronic vote by selecting between YES or NO
- confirm their electronic vote

Electronic voting will end automatically when the polls are closed on the last regular voting day or the additional polling day, if applicable. All electronic voting must be completed by this time. Once the polls have closed, voters will no longer be able to access the electronic voting system.

MAIL-IN BALLOTS

An Tahltan Band member who has registered to vote in the Land Code vote can also choose to vote by mail-in ballot. In order to submit a vote through a mail-in ballot, a registered voter will:

- mark the ballot by placing a cross ("X") in the box marked "YES" or in the box marked "NO"
- enclose and seal the ballot in the secrecy envelope
- enclose and seal the secrecy envelope in the identification envelope
- sign the outside of the identification envelope
- enclose and seal the identification envelope in the prepaid mailing envelope
- deliver the sealed mailing envelope to the Ratification Officer

A completed mail-in ballot may be delivered to the Ratification Officer by mail, courier or hand delivery. It must also be received by the Ratification Officer no later than the close of the poll on the last regular voting day or, if applicable, the additional polling day.

The Ratification Officer will review the ballots that have been received each day to make sure that each registered voter has only submitted one vote.

ADVANCE VOTING DAY

Tahltan Band may choose to have an advance voting day prior to the launch of the vote. Voting on this day will happen in the same way as during the regular voting days.

REGULAR VOTING DAYS

The voting stations will be open from 9 a.m. until 8 p.m. on each regular voting day. The Ratification Officer or Assistant Ratification Officer will be present whenever the poll is open.

When a person wishes to cast their vote at a polling station, the Ratification Officer will:



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- ensure that the person is a registered voter
- check that the person has not already voted
- provide the registered voter with a ballot

Every registered voter receiving a ballot at a poll will:

- proceed immediately to a designated voting area
- mark the ballot by placing a cross ("X") in the box marked "YES" or in the box marked "NO"
- fold the ballot appropriately
- immediately give the folded ballot to the Registration Officer

OBJECTIONS

There may be cases where there are objections to the results of the vote. Any Tahltan Band member who is eligible to vote may submit an objection. An objection may also be submitted by the representative of Canada who has been appointed under the Framework Agreement. This objection may be submitted to the Verifier and should show that the eligible voter or representative has reasonable grounds for believing that:

- there was a violation of, or irregularity in, this CRP
- the final result of the Ratification Vote might have been different but for the violation or irregularity

Any objection must be received by the Verifier within 5 days of the last day on which voting occurred, and it must be submitted in writing. The objection must also:

- identify the name, address and telephone number of the eligible voter or representative of Canada making the objection
- summarize the grounds for the objection
- be accompanied by a statutory declaration setting out the grounds for the objection

Based on the information provided, the Verifier may choose to conduct such further investigations as he or she deems necessary. The Verifier must then decide if the objection is valid within 15 days of the last day on which voting occurred. If the Verifier determines the objection is valid, he or she may allow the objection and call another Ratification Vote.

If the Verifier may dismiss the objection if:

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

CERTIFICATION OF LAND CODE

The Land Code and the Individual Agreement will be approved if a majority of Tahltan Band members that register to vote in the Land Code vote choose to vote "yes". The total number of "yes" votes must also represent at least 25% plus 1 of the total number of eligible voters.



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