

XENI GWET'IN FIRST NATIONS GOVERNMENT

COMMUNITY RATIFICATION PROCESS

- In accordance with -

*The Framework Agreement on
First Nations Land Management*

Dated for Reference: July 14, 2023

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XENI GWET'IN FIRST NATIONS GOVERNMENT COMMUNITY RATIFICATION PROCESS

1. TITLE AND PURPOSE

- 1.1 The title of this document is the Xeni Gwet'in First Nations Government Community Ratification Process.
- 1.2 The purpose of this document is to set out the procedure by which the Xeni Gwet'in First Nations Government will decide whether to approve *Nen Ch'eh (Land Code)* and the Individual Agreement with Canada, as required under the *Framework Agreement on First Nations Land Management*.

2. DEFINITIONS

- 2.1 In this Ratification Process:

“Act” means the *First Nations Land Management Act*, S.C. 1999, c. 24;

“Advance Polls” means any early Voting Day held prior to the Official Voting Day to permit Eligible Voters who expect to be absent on the Official Voting Day to cast their ballots;

“Background Documents” means:

- (a) the *Framework Agreement*;
- (b) the *First Nations Land Management Act*;
- (c) a summary of the *Framework Agreement*;
- (d) a summary of the *First Nations Land Management Act*;
- (e) a summary of the *Xeni Gwet'in First Nations Nen Ch'eh (Land Code)*; and
- (f) a summary of the Individual Agreement.

“Ballot Question” means the question asked in the Ratification Vote in [Form 1](#);

“Council” means the Chief and Councillors of the Xeni Gwet'in First Nations Government;

“Department” means the Department/s of Indigenous Services Canada/Crown-Indigenous Relations and Northern Affairs Canada;

“Eligible Voter” means a Member of Xeni Gwet'in First Nations Government who is 18 years of age or older on the Official Voting Day;

“Electronic Voting Platform” means a web-based database where cast electronic ballots and telephone ballots are stored;

“Electronic Voting Methods” means casting an electronic ballot via internet voting and/or automated telephone voting;

“First Nations” means the Xeni Gwet'in First Nations Government;

“*Framework Agreement*” means the *Framework Agreement on First Nations Land Management* entered into between Canada and the signatory First Nations on February 12, 1996;

“Individual Agreement” means the Individual Agreement made between Xeni Gwet'in First Nations Government and Her Majesty in right of Canada in accordance with clause 6.1 of the *Framework Agreement*;

“List of Eligible Voters” means the list of Members who are eligible to vote;

“Mail-in Ballot” means a ballot mailed or delivered by an Eligible Voter who is unable or does not wish to vote at the polls on Voting Days;

“Member” means a person whose name appears or is entitled to appear on the Xeni Gwet'in First Nations Government membership list;

“Minister” means the Minister/s of Indigenous Services Canada/Crown-Indigenous Relations and Northern Affairs Canada;

“*Nen Ch'eh*” means the proposed *Xeni Gwet'in First Nations Nen Ch'eh (Land Code)*;

“Official Voting Day” means the date set for holding the Ratification Vote;

“Ratification Documents” means *Nen Ch'eh (Land Code)* and the Individual Agreement;

“Ratification Officer” means the person appointed by Council and confirmed under

clause 6.1(a);

“Ratification Process” means this Xeni Gwet'in First Nations Government Community Ratification Process;

“Ratification Vote” means a vote by the Eligible Voters on the Ballot Question conducted according to the Ratification Process;

“Regular Ballot” means a paper ballot used to cast a secret vote at the polls on Voting Days;

“Verifier” means an independent person appointed pursuant to clauses 8 and 44 of the *Framework Agreement*; to observe the conduct of the vote and verify the opting in process

“Voter Information Package” means the package of information containing voting information to be sent to all Eligible Voters; and

“Voting Days” means any Advance Polls, Official Day of Voting and additional day(s) for voting.

“XGFNG” means Xeni Gwet'in First Nations Government.

2.2 Unless otherwise provided, words defined in the *Framework Agreement* have the same meaning in this Ratification Process.

2.3 When calculating time, where anything is to be done within a time after, from, of, or before a specified day, or where a time is expressed to begin after or to be from a specified day, the time does not include that day.

2.4 Words in the singular include the plural, words in the plural include the singular and words in the masculine include the feminine and words in the feminine include the masculine, as the context may require.

3. LIST OF ELIGIBLE VOTERS AND DECLARATION

3.1 Council shall ensure that a List of Eligible Voters is prepared containing the full names, band numbers, birth dates, known addresses and known e-mail addresses of the Eligible Voters.

3.2 The Ratification Officer is responsible for determining if a person is an Eligible Voter.

- 3.3 Council shall ensure that, if required, an addendum to the List of Eligible Voters is prepared that may also include a list of Members who are deceased with accompanying supporting documentation or comments by the person who has confirmed that the Member is deceased and the person's full name, address and relationship to the deceased Member.
- 3.4 The Ratification Officer will determine that the name of a deceased Member should not be included on the List of Eligible Voters, he or she shall, in his or her sole discretion, make the decision and such decision shall be final.
- 3.5 Notwithstanding clause 17.11, the List of Eligible Voters confirmed by the Ratification Officer shall determine the number of Eligible Voters.
- 3.6 The List of Eligible Voters shall be a live web-based list and populated on the Electronic Voting Platform under clause 15.4.
- 3.7 An Eligible Voter who intends to vote shall complete a declaration by:
- (a) completing and signing a voter declaration in [Form 9](#) prior to the Official Voting Day;
 - (b) appearing in person at the polls and completing and signing a voter declaration in [Form 9](#);
 - (c) submitting a Mail-in Ballot, and completing and signing the voter declaration envelope in [Form 10](#) as part of the Mail-in Ballot process; or
 - (d) completing the electronic voting process.
- 3.8 An Eligible Voter may complete the declaration prior to the posting of the Notice of Vote.
- 3.9 To be valid, a voter declaration shall be received by the Ratification Officer no later than the close of the polls on the Official Voting Day.
- 3.10 An Eligible Voter who has completed the Electronic Voting Method process is deemed to have completed the voter declaration and delivered it to the Ratification Officer.
- 3.11 The Ratification Officer shall record on the List of Eligible Voters the names of all Eligible Voters who have completed a declaration.

4. INFORMATION TO VERIFIER

- 4.1 At least 103 days before the Official Voting Day, Council shall by resolution in [Form 2](#) send, or cause to be sent, an electronic copy of the Ratification Process, *Nen Ch'eh (Land Code)* and List of Eligible Voters to the Verifier, and to the Ratification Officer.
- 4.2 Prior to the Official Voting Day, Council shall by resolution in [Form 11](#) send, or cause to be sent to the Verifier an electronic copy of the addendum to the List of Eligible Voters under clause 4.1, listing any changes to the List of Eligible Voters.

5. CONFIRMATION BY VERIFIER

- 5.1 Upon receipt of the documents under clause 4.1, the Verifier shall review *Nen Ch'eh (Land Code)* and the Ratification Process to determine whether they are consistent with the *Framework Agreement*.
- 5.2 In accordance with clause 8.9 of the *Framework Agreement*, the Verifier will, within 30 days of receiving the documents, issue a notice in [Form 3](#) to the First Nations, the Minister and the Lands Advisory Board stating whether *Nen Ch'eh (Land Code)* and the Ratification Process are consistent with the *Framework Agreement*.

6. COUNCIL RESOLUTIONS

- 6.1 After the Verifier confirms *Nen Ch'eh (Land Code)* and this Ratification Process under clause 5.2, Council shall pass a Resolution in [Form 4](#) to:
- (a) appoint the Ratification Officer;
 - (b) confirm the List of Eligible Voters;
 - (c) confirm the use of Electronic Voting Methods, internet and/or automated telephone voting, with an Electronic Voting Platform service offered by an independent service provider;
 - (d) confirm the text of *Nen Ch'eh (Land Code)* and the Ratification Process;
 - (e) order that the Ratification Vote be held to determine if the Eligible Voters approve the Ratification Documents;

- (f) confirm that *Nen Ch'eh (Land Code)* and Individual Agreement shall be approved if a majority of participating Eligible Voters vote to approve them;
- (g) confirm the wording of the Ballot Question; and
- (h) set the Advance Polls and the Official Voting Day.

6.2 Council shall pass a Resolution in [Form 5](#) to confirm the Individual Agreement.

7. DUTY OF RATIFICATION OFFICER AND APPOINTMENT OF ASSISTANT

7.1 Upon the appointment of the Ratification Officer, the Ratification Officer shall execute an Appointment of a Ratification Officer in [Form 6](#).

7.2 The Ratification Officer is responsible for overseeing the conduct of the Ratification Vote and has all the powers necessary to carry out that responsibility.

7.3 The Ratification Officer may appoint assistants and may delegate any of the duties set out in the Ratification Process to the assistants, except:

- (a) the initialling of ballots;
- (b) the determination to hold an additional day for voting under clause 13.4;
- (c) the deposit of the Mail-in Ballots in the ballot box under clauses 16.13(i) and 20.1(c);
- (d) the safekeeping of ballot boxes under clause 17.23; and
- (e) the counting of ballots under section 21.

7.4 Upon the appointment of an assistant, the Ratification Officer and each assistant shall execute an Appointment of an Assistant Ratification Officer in [Form 7](#).

7.5 If the Ratification Officer is unable to perform his or her duties, Council may appoint an acting Ratification Officer.

8. NOTICE OF VOTE

8.1 The Ratification Officer, in consultation with Council, shall post a Notice of Vote in [Form 8](#) at least 56 days prior to the Official Voting Day in public places where it can be

read by the Members.

- 8.2 Forthwith after posting the Notice of Vote, the Ratification Officer shall e-mail a true copy of the Notice of Vote to the Verifier.
- 8.3 The Ratification Officer shall publish the Notice of Vote in various media deemed appropriate, such as newspapers, online media, newsletters and websites, at least 15 days prior to Official Voting Day.
- 8.4 The Notice of Vote shall contain the following information:
- (a) the date, place and time of the Advance Polls and Official Voting Day;
 - (b) that internet and/or automated telephone voting is available and the time and days designated for Electronic Voting Methods;
 - (c) that *Nen Ch'eh (Land Code)* and the Individual Agreement shall be approved if a majority of the participating Eligible Voters vote to approve them;
 - (d) the Ballot Question;
 - (e) the procedure for completing an Eligible Voter declaration;
 - (f) the procedure for obtaining a Mail-in Ballot package;
 - (g) the procedures for Electronic Voting; and
 - (h) the name, office address, email address and telephone number of the Ratification Officer.

9. VOTER INFORMATION PACKAGE

- 9.1 The Ratification Officer shall, at least 56 days prior to the Official Voting Day, send a Voter Information Package to each Eligible Voter, at their last known address or e-mail.
- 9.2 Voter Information Packages may be e-mailed, mailed, couriered or hand delivered.
- 9.3 The Voter Information Package shall contain:
- (a) a copy of the Notice of Vote;

- (b) instructions on obtaining copies of the Ratification Documents, Background Documents, map(s) of the reserve land that will be subject to *Nen Ch'eh (Land Code)* and the Ratification Process which shall be available online;
 - (c) instructions for obtaining a Mail-in Ballot package; and
 - (d) instructions on how to vote by Electronic Voting Methods.
- 9.4 Eligible Voters may request to receive a paper copy of the information in clause 9.3 by contacting the Ratification Officer.
- 9.5 Council may conduct or cause to be conducted:
- (a) visits at the homes of Eligible Voters;
 - (b) telephone contact with Eligible Voters;
 - (c) information meetings at Xeni Gwet'in First Nations Government and other appropriate places; and
 - (d) such other information activities as may be deemed appropriate.
- 9.6 Activities conducted in accordance with clause 9.5 may take place up until the day before the Official Voting Day.
- 9.7 Notwithstanding clause 9.6, personal visits, text, email, telephone or other contact with an Eligible Voter on Official Voting Day may take place for the purposes of assisting such Eligible Voter to vote.
- 10. INFORMATION TO THIRD PARTIES**
- 10.1 At least 28 days prior to Official Voting Day the Council shall send or cause to be sent the following information to persons who are not Members and who hold an interest in Xeni Gwet'in First Nations Government land:
- (a) the date of the Ratification Vote;
 - (b) a communiqué from Xeni Gwet'in First Nations Government explaining the effect of the Ratification Vote;
 - (c) a summary of *Nen Ch'eh (Land Code)*;

- (d) a summary of the *Framework Agreement*;
 - (e) a summary of the *Act*; and
 - (f) the name, office address and telephone number of a person who may be contacted for purposes of obtaining copies of *Nen Ch'eh (Land Code)* and Background Documents or further information about the management of Xeni Gwet'in First Nations Government land.
- 10.2 In addition to information provided in accordance with clause 10.1, Xeni Gwet'in First Nations Government may meet with, or otherwise provide information directly to, persons who are not Members and who hold an interest in Xeni Gwet'in First Nations Government land.
- 10.3 Nothing in this Ratification Process precludes Xeni Gwet'in First Nations Government from providing information in any form it deems appropriate to a municipal corporation, regional district, another First Nations or other entity with an interest in land in the vicinity of Xeni Gwet'in First Nations Government land.

11. AVAILABILITY OF DOCUMENTS

- 11.1 The Ratification Officer shall ensure that the Ratification Documents, Background Documents and Ratification Process are available online and sufficient paper copies are available at the administrative offices of Xeni Gwet'in First Nations Government.
- 11.2 Any person who holds an interest in First Nations land may, on request, obtain a copy of the Ratification Documents and Background Documents free of charge.
- 11.3 Any Member may, on request, obtain a copy of the Ratification Documents, Background Documents and Ratification Process.

12. PRELIMINARY PROCEDURES

- 12.1 The Ratification Officer, in consultation with Council, shall:
- (a) designate the polling places;
 - (b) prepare sufficient copies of the declaration documents;
 - (c) prepare and initial sufficient copies of Regular Ballots and Mail-in Ballots, which

shall be uniform in size, appearance, quality and weight;

- (d) prepare sufficient copies of the secrecy envelopes, the declaration envelopes, and the return envelopes, with prepaid postage where necessary;
- (e) prepare sufficient copies of the voting instructions;
- (f) obtain a sufficient number of ballot boxes;
- (g) provide for a designated voting area at the polls such that an Eligible Voter can mark a ballot free from observation;
- (h) provide a sufficient number of lead pencils and blue or black ink pens for marking the ballot;
- (i) ensure that samples of the Ballot Question are posted or available for examination at the polls; and
- (j) ensure that a Commissioner for taking Oaths or Notary Public shall be available as required.

13. POSTPONEMENT AND ADDITIONAL DAY FOR VOTING

12.1 An emergency, disaster or interruption, includes but is not limited to:

- (a) severe inclement weather;
- (b) death of a community Member;
- (c) natural disasters such as fire, earthquake, tornado; or
- (d) other emergency or disasters, such as a national, provincial or First Nations declared emergency, epidemic, explosion, power failure, or an act of sabotage.

12.2 If an emergency, disaster or interruption interferes with the vote process, up until the day prior to the Official Vote Day, the Council may:

- (a) postpone the vote and set an additional day for voting; or
- (b) specify alternative polling stations.

12.3 Where Council decides to postpone or adjust a vote because of an emergency, disaster or interruption, the Ratification Officer shall as soon as possible advise the Verifier and

- Eligible Voters of the decision by posting notices at each designated polling station, notices online and by any other method deemed appropriate.
- 12.4 Immediately upon the close of the polls on the Official Voting Day, the Ratification Officer may, in his or her sole discretion, decide that an additional day for voting shall be held, where participation may have been affected by an emergency, disaster or interruption.
- 12.5 If the Ratification Officer decides that an additional day for voting will be held, the Ratification Officer shall formally advise the Verifier and Council in writing.
- 12.6 If a vote is postponed, the Ratification Officer and Council shall, within 2 days of deciding to postpone the vote, set a date for an additional day for voting not be more than 20 days after the Official Voting Day and the hours during which the polls will be open.
- 12.7 If a decision is made to postpone a vote as a result of an emergency, disaster or interruption, the Ratification Officer shall ensure that the Electronic Voting Platform remains active and available until the additional day for voting.
- 12.8 The Ratification Officer shall publish a notice showing the decision, the reason for an additional day for voting, the number of Eligible Voters who voted by the Official Voting Day, the hours and date of the additional day for voting, and shall notify all Eligible Voters by mail, hand delivery service or e-mail.
- 12.9 Eligible Voters who did not vote by the close of the polls on the Official Voting Day shall be entitled to vote on the additional day for voting.
- 12.10 Eligible Voters may complete a declaration up to the close of polls on the additional day for voting.
- 12.11 Voting on the additional day for voting may be accomplished by extending the receipt of Mail-in Ballots up to the close of the polls on the additional day for voting.
- 12.12 Electronic Voting Methods may be extended and shall open and close at the hours and dates specified in the notice of the additional day for voting.
- 12.13 To be valid, Mail-in Ballots and electronic ballots must be received by the close of the polls on the additional day for voting.
- 12.14 In the event that an additional day for voting is scheduled, the counting of ballots shall occur after the close of polls on the additional day for voting.

12.15 In the event that an additional day for voting is scheduled, where anything is to be done within a time after the Official Voting Day, the time will be calculated from the additional day for voting.

14. ELECTRONIC VOTING METHODS

14.1 Each Eligible Voter may cast a vote by Electronic Voting Methods.

14.2 No proxy voter shall be used at any time.

14.3 Electronic Voting Methods shall open and close at the hours and dates specified in the Notice of Vote.

14.4 In the event that an additional day for voting is established under section 13, the Electronic Voting Methods shall re-open and close at the hours and dates specified by the Ratification Officer.

14.5 The Ratification Officer shall, at least 56 days before the Official Voting Day, send to each Eligible Voter at their last known address or e-mail address, a Voter Information Package that includes instructions on how to vote by Electronic Voting Methods.

14.6 An Eligible Voter shall declare their intent to vote by one of the methods under clause 3.7.

14.7 The electronic ballot shall contain the same Ballot Question as the Mail-in Ballots and the Regular Ballots.

14.8 Automated telephone voting can only be done either through a touch tone telephone or cellular telephone, voting cannot be completed by using a rotary telephone.

14.9 To cast an electronic ballot, an Eligible Voter:

- (a) shall follow the instructions on how to vote by Electronic Voting Methods;
- (b) shall click the link in the e-mail invitation, or enter the website address provided which shall automatically load the electronic voting website, or follow the process to download the mobile application, or call the designated telephone number;
- (c) shall enter their unique one-time voter security code if required;

- (d) may be required to answer a security question or provide the name of a witness;
- (e) shall confirm their Band Registry Number and date of birth;
- (f) shall declare their intent to vote electronically;
- (g) shall make the selection between “YES” or “NO”;
- (h) shall be provided with the option to change or confirm their selection;
- (i) shall submit the final electronic ballot; and
- (j) shall be provided with confirmation that their electronic ballot has been cast.

14.10 Upon submission of the final electronic ballot, no changes can be made.

14.11 An Eligible Voter shall be limited to only one vote through the Electronic Voting Platform.

14.12 The Electronic Voting Platform shall:

- (a) record the name of the Eligible Voter on the List of Eligible Voters as having declared electronically;
- (b) confirm that the Eligible Voter has not previously voted;
- (c) record on the List of Eligible Voters that the Eligible Voter cast an electronic ballot and the date and time the electronic ballot was received;
- (d) put the electronic ballot cast by an Eligible Voter into the electronic ballot box; and
- (e) shall send an e-mail notification to the Ratification Officer to confirm the Eligible Voter has cast their electronic ballot.

14.13 Once an Eligible Voter has voted electronically, they cannot vote again electronically or otherwise, and shall be restricted from doing so again.

14.14 Where the Ratification Officer is notified of an issue with the electronic declaration or vote, the Ratification Officer shall contact the Eligible Voter immediately to:

- (a) assist the Eligible Voter in completing the declaration or vote;
- (b) allow the Eligible Voter to correct the declaration;
- (c) provide confirmation to the Ratification Officer of the Eligible Voter's identity and that the electronic declaration or vote was completed by the Eligible Voter;
- (d) if necessary, cancel the unique one-time voter security code and issue a new one-time voter security code; or
- (e) provide alternative voting solutions, including Mail-in Ballot or voting in person.

15. ELECTRONIC VOTING PLATFORM PROTOCOL

- 15.1 Xeni Gwet'in First Nations Government authorizes the use of Electronic Voting Methods, internet and/or automated telephone voting, with an Electronic Voting Platform service offered by an independent service provider.
- 15.2 All Eligible Voters may exercise their right to cast a ballot with full confidence that the following principles are assured:
- (a) the secrecy and confidentiality of individual votes is paramount;
 - (b) the Ratification Vote shall be fair and non-biased;
 - (c) the Ratification Vote shall be accessible to all Eligible Voters;
 - (d) the integrity of the Ratification Process shall be maintained throughout the Ratification Vote;
 - (e) certainty that the results of the Ratification Vote reflect the votes cast; and
 - (f) Eligible Voters shall be treated fairly and consistently.
- 15.3 At a minimum, the Electronic Voting Platform shall meet the threshold of verification and due diligence as for Mail-in Ballots.
- 15.4 The Electronic Voting Platform shall be populated with the confirmed List of Eligible Voters at least 70 days prior to the Official Voting Day.
- 15.5 The List of Eligible Voters shall be a live web-based list.

- 15.6 Once an Eligible Voter casts an electronic ballot, their name shall be automatically recorded on the List of Eligible Voters as having cast their electronic ballot indicating the date, time and location of the vote.
- 15.7 Daily/weekly detailed activity reports shall be generated and available to the Ratification Officer and an inventory of all reports shall be maintained and accessible on the Electronic Voting Platform.
- 15.8 The Ratification Officer shall arrange with the independent service provider for the following from the Electronic Voting Platform:
- (a) accessing daily/weekly reports and detailed activity reports;
 - (b) modifying, updating and viewing the List of Eligible Voters;
 - (c) if applicable, viewing, issuing and canceling unique one-time voter security codes;
 - (d) providing the List of Eligible Voters who have voted on the Electronic Voting Platform; and
 - (e) providing the summary of the vote results as per clause 15.16.
- 15.9 Only the Ratification Officer is authorized to post the vote results.

Individual voting results shall remain secret at all times, shall not be revealed and shall be encrypted in such a way that it can never be revealed.

- 15.11 Automated e-mail notifications shall be generated in real-time to the Eligible Voter and Ratification Officer of all and any activity associated with an Eligible Voter using the Electronic Voting Platform, including:
- (a) attempted declaration and/or voting;
 - (b) completed voter declaration;
 - (c) completed voting;
 - (d) failed declaration and/or vote; and system or communication failures, interruptions or lost data.

- 15.12 Upon the instructions of the Ratification Officer, following the time limitations of clause 21.6, all electronic data shall be deleted and wiped.
- 15.13 At the official close of Electronic Voting Methods, the option to vote electronically is removed as an option from the Electronic Voting Platform.
- 15.14 Any Eligible Voter who is in the electronic polling station, or in the process of voting when the poll is closing, shall receive a notification of the time limitation to complete their vote.
- 15.15 If an Eligible Voter violates the time limitation, they are in effect ejected from the vote sequence and the poll is closed.
- 15.16 After the close of polls on the Official Vote Day, the Ratification Officer shall cause the Electronic Voting Platform to seal the electronic ballot box, and the results shall be sent or accessible to the Ratification Officer.
- 15.17 The results will form part of the Ratification Officer's Declaration of Ratification Officer in [Form 17](#).
- 15.18 In the event that an additional day for voting is established under section 13, the Ratification Officer shall ensure that the Electronic Voting Platform remains active and the Electronic Voting Methods shall re-open and close at the hours and dates specified by the Ratification Officer.

16. MAIL-IN BALLOTS

- 16.1 An Eligible Voter may cast a Mail-in Ballot.
- 16.2 The Ratification Officer shall send a Mail-in Ballot Package to each Eligible Voter who requests to vote by mail.
- 16.3 Mail-in Ballot packages may be mailed, couriered or hand delivered to the Eligible Voter.
- 16.4 The Mail-in Ballot package shall contain a pre-folded and initialled ballot in [Form 1](#), a secrecy envelope, a declaration envelope in [Form 10](#), a return envelope and voting instructions.
- 16.5 To cast a Mail-in Ballot, an Eligible Voter shall:
- (a) mark the ballot by placing an **X** in the box marked "YES" or in the box marked

“NO”;

- (b) enclose and seal the ballot inside the secrecy envelope;
 - (c) enclose and seal the secrecy envelope in the declaration envelope;
 - (d) complete and sign the outside of the declaration envelope in the presence of a witness who is at least 18 years of age;
 - (e) enclose and seal the signed and witnessed declaration envelope in the return envelope, with prepaid postage where necessary; and
 - (f) deliver the sealed return envelope to the Ratification Officer.
- 16.6 A Mail-in Ballot may be delivered to the Ratification Officer by mail, courier or hand delivery.
- 16.7 A Mail-in Ballot shall be received by the Ratification Officer no later than the close of the polls on the Official Voting Day.
- 16.8 An Eligible Voter who inadvertently spoils or loses a Mail-in Ballot may obtain another ballot by contacting the Ratification Officer, and the Ratification Officer shall make an entry on the List of Eligible Voters indicating that a second Mail-in Ballot was provided to the Eligible Voter.
- 16.9 After the Ratification Officer has received a Mail-in Ballot, and opens the return envelope, the Ratification Officer shall:
- (a) confirm that the sender of the Mail-in Ballot is an Eligible Voter;
 - (b) confirm that the declaration envelope was duly signed and witnessed;
 - (c) record the date when the Mail-in Ballot package was received;
 - (d) confirm that no other Mail-in Ballot package has been received from the Eligible Voter;
 - (e) confirm that the Eligible Voter has not voted electronically; and
 - (f) store the Mail-in Ballot package in a secure location until the Official Voting Day.

- 16.10 The Ratification Officer may contact an Eligible Voter if a declaration envelope is not completed properly in order to:
- (a) allow the Eligible Voter to correct the declaration; or
 - (b) to provide confirmation to the Ratification Officer of the Eligible Voter's identity and that the Mail-in Ballot was completed by the Eligible Voter,
- and the Ratification Officer, in his or her sole discretion, may make the determination to accept or reject the Mail-in Ballot.
- 16.11 The Ratification Officer is responsible for the safekeeping of Mail-in Ballot packages until such time as the packages are opened, verified and deposited in a Mail-in Ballot box in accordance with clause 16.13.
- 16.12 The Ratification Officer shall, after the last mail delivery on the Official Voting Day and prior to the close of the polls on that day, retrieve any Mail-in Ballot packages from the mail.
- 16.13 After retrieving any Mail-in Ballot packages in accordance with clause 16.12 and after the close of the polls on the Official Voting Day, the Ratification Officer shall in the presence of one or more Eligible Voters who shall act as witnesses:
- (a) open a ballot box to be used only for the Mail-in Ballots;
 - (b) request that one or more Eligible Voters witness that the ballot box is empty;
 - (c) place his or her signature on the seal;
 - (d) ask the witnesses to place their signatures on the seal;
 - (e) forthwith seal the ballot box;
 - (f) in the presence of the witnesses, open each Mail-in Ballot package;
 - (g) check the List of Eligible Voters to ensure that the Eligible Voter has not previously voted by Mail-in Ballot, electronic ballot or in person;
 - (h) if the Eligible Voter has already voted, set aside the unopened declaration envelope;

- (i) if the Eligible Voter has not already voted, deposit the Mail-in Ballot in its unopened secrecy envelope into the ballot box; and
- (j) record on the List of Eligible Voters that the Eligible Voter cast a Mail-in Ballot.

16.14 The Ratification Officer shall reject the Mail-in Ballot and note the reason for the rejection on the List of Eligible Voters and on the unopened declaration envelope, and shall forthwith place the unopened declaration envelope into a suitable envelope retained for that purpose, where:

- (a) an Eligible Voter has previously voted in person, by Mail-in Ballot or by electronic ballot;
- (b) a voter is not an Eligible Voter;
- (c) a Mail-in Ballot is not accompanied by a declaration envelope; or
- (d) the declaration envelope is not completed properly and cannot be verified by the Ratification Officer under clause 16.10.

16.15 The Ratification Officer shall:

- (a) execute a Declaration of Ratification Officer in [Form 12](#); and
- (b) ensure that each witness executes a Statement of Witness in [Form 13](#) and [14](#).

17. VOTING PROCEDURES AT THE POLLS ON VOTING DAYS

17.1 The Ratification Officer and Council shall post the locations of the polling stations and the hours that the polls shall be opened on the Notice of Vote.

17.2 The polls shall be opened during the hours specified on the Voting Days.

17.3 All voting at the polls shall be by secret Regular Ballot.

17.4 No proxy voter shall be used at any time.

17.5 The Ratification Officer is responsible for determining whether a person is an Eligible Voter.

17.6 At each poll, the Ratification Officer shall:

- (a) before the first vote is cast, open the ballot box and request an Eligible Voter to witness that the ballot box is empty;
 - (b) thereupon seal the ballot box and place his or her signature on the seal in front of the witness, and ask the witness to place his or her signature on the seal;
 - (c) keep the ballot box in view for reception of Regular Ballots;
 - (d) execute a Declaration of Ratification Officer in [Form 15](#); and
 - (e) ensure that each witness executes a Statement of Witness in [Form 16](#).
- 17.7 When a person at a poll requests to vote, the Ratification Officer shall:
- (a) ensure that the person is an Eligible Voter;
 - (b) ensure that the Eligible Voter completes a declaration document in [Form 9](#) and witness the signature;
 - (c) check the List of Eligible Voters to ensure that the person has not already voted, either in person or by electronic ballot;
 - (d) check the List of Eligible Voters to ensure that the person has not already voted by Mail-in Ballot, in which case the Eligible Voter may cast a Regular Ballot and the Mail-in Ballot shall be rejected under clause 16.14; and
 - (e) provide the Eligible Voter with a Regular Ballot, on the back of which are affixed the Ratification Officer's initials so that the initials can be seen when the ballot is folded.
- 17.8 The Ratification Officer shall record, on the List of Eligible Voters, the name of every Eligible Voter receiving a Regular Ballot at a poll.
- 17.9 The Ratification Officer shall establish a process of ongoing communication by telephone, online or other effective means between polls, where there are more than one polling station.
- 17.10 Upon request, the Ratification Officer shall explain the method of voting.
- 17.11 If the Ratification Officer determines that the name of an Eligible Voter has been

omitted, incorrectly set out or incorrectly included on the List of Eligible Voters, he or she shall, in his or her sole discretion, make the necessary revision and such revision shall be final.

- 17.12 An Eligible Voter may request special assistance from the Ratification Officer at the polls.
- 17.13 The Ratification Officer shall, on request and in the presence of a witness acceptable to the Eligible Voter and the Ratification Officer, provide special assistance to an Eligible Voter at the polls by marking a Regular Ballot in secret as directed by the Eligible Voter and immediately folding and depositing the Regular Ballot into the ballot box.
- 17.14 The Ratification Officer, after providing special assistance to an Eligible Voter, shall make an entry on the List of Eligible Voters indicating:
- (a) that the Regular Ballot was marked by the Ratification Officer at the request of the Eligible Voter;
 - (b) the reason for the Eligible Voter's request; and
 - (c) the name of the witness.
- 17.15 Except for an Eligible Voter requiring special assistance, every Eligible Voter receiving a Regular Ballot at a poll shall:
- (a) proceed immediately to a designated voting area;
 - (b) mark the Regular Ballot by placing an **X** in the box marked "YES" or in the box marked "NO";
 - (c) fold the Regular Ballot so as to conceal the mark and expose the initials of the Ratification Officer; and
 - (d) immediately give the folded Regular Ballot to the Ratification Officer.
- 17.16 Upon receiving a marked Regular Ballot, the Ratification Officer, without unfolding it, shall:
- (a) verify the Ratification Officer's initials;
 - (b) remove the perforated strip, if any; and

- (c) deposit the Regular Ballot into the ballot box.
- 17.17 An Eligible Voter at a poll who receives a spoiled or improperly printed Regular Ballot, or who accidentally spoils his or her Regular Ballot when marking it, is entitled to receive another Regular Ballot from the Ratification Officer after returning the original Regular Ballot.
- 17.18 The Ratification Officer shall record a Regular Ballot returned in accordance with clause 17.17 as spoiled.
- 17.19 An Eligible Voter at a poll who receives a Regular Ballot and does not return it to the Ratification Officer shall forfeit the right to vote and the Ratification Officer shall make an entry on the List of Eligible Voters stating that the Eligible Voter left the poll without delivering the Regular Ballot and shall record the Regular Ballot as cancelled.
- 17.20 At the time set for closing the polls, the Ratification Officer shall declare the polls closed, and entry shall be denied to the polls until all remaining Eligible Voters in the polls at that time have voted.
- 17.21 After the close of a poll on any Advance Polls, and Official Vote Day if an additional day for voting is scheduled, the Ratification Officer or Assistant Ratification Officer presiding at that poll, with an Eligible Voter who shall act as a witness, shall:
- (a) seal the ballot box at that poll such that no further Regular Ballots may be deposited in that ballot box; and
 - (b) initial the seal.
- 17.22 After the close of a poll other than the poll at which the Ratification Officer is presiding, the Assistant Ratification Officer presiding at that poll, with an Eligible Voter who shall act as a witness, shall:
- (a) seal the ballot box at that poll such that no further Regular Ballots may be deposited in that ballot box;
 - (b) initial the seal; and
 - (c) forthwith transport the sealed ballot box to the Ratification Officer at the poll at which he or she is presiding.

17.23 The Ratification Officer is personally responsible for ensuring the safekeeping of the ballot boxes, and any and all other material and documents related to any polls.

18. ORDERLY VOTING

18.1 Council, with the assistance of the Ratification Officer, shall ensure that peace and good order are maintained at the polls.

18.2 The Ratification Officer shall allow only one Eligible Voter at a time into a designated voting area, except for an Eligible Voter receiving special assistance.

18.3 An Eligible Voter who is present and available to vote at a poll before the closing time shall be entitled to vote.

18.4 No person shall:

- (a) interfere or attempt to interfere with an Eligible Voter when the Eligible Voter is voting;
- (b) obtain or attempt to obtain information as to how an Eligible Voter is about to vote or has voted;
- (c) mark a ballot in a way that identifies the Eligible Voter;
- (d) mark the secrecy envelope for a Mail-in Ballot in a way that indicates how the ballot was cast;
- (e) if applicable, use another Eligible Voter's unique one-time voter security code to vote electronically;
- (f) if applicable, take, seize, or otherwise deprive an Eligible Voter of his/her unique one-time voter security code; or
- (g) if applicable, sell, gift, transfer, assign or purchase a unique one-time voter security code.

19. REJECTED BALLOTS

19.1 A cast ballot or electronic ballot shall be rejected if:

- (a) the ballot was not supplied by the Ratification Officer or assistant Ratification

Officer;

- (b) if applicable, the unique one-time voter security code was not issued by the Ratification Officer or the independent service provider;
 - (c) the ballot was not marked as either “YES” or “NO”;
 - (d) the ballot was marked as both “YES” and “NO”;
 - (e) the ballot was marked outside a box marked “YES” or “NO” such that the Ratification Officer cannot reasonably discern the intent of the Eligible Voter; or
 - (f) the ballot has any writing or mark which can identify the Eligible Voter.
- 19.2 A ballot marked with anything other than an **X**, or marked with anything other than a lead pencil or blue or black pen, shall not be rejected if:
- (a) the mark is in a box;
 - (b) the mark does not identify the Eligible Voter; and
 - (c) in the opinion of the Ratification Officer, the intent of the Eligible Voter is clear.

20. OPENING MAIL-IN BALLOTS

- 20.1 After the close of the polls on the Official Voting Day the Ratification Officer, in the presence of the Verifier and any Eligible Voters who may be present, shall:
- (a) open the ballot box for Mail-in Ballots;
 - (b) open the secrecy envelope and confirm the authenticity of the ballot by verifying the Ratification Officer’s initials; and
 - (c) deposit the Mail-in Ballot, without opening or showing it, in a ballot box used at the polls.

21. COUNTING OF BALLOTS

- 21.1 Where there is more than one poll, the Ratification Officer shall not begin the count until all the ballot boxes are returned to the poll at which the Ratification Officer is presiding.

- 21.2 After the Mail-in Ballots have been deposited in a ballot box and after the close of polls on the Official Vote Day, the Ratification Officer, in the presence of the Verifier and any Eligible Voter who may be present, shall:
- (a) count the number of spoiled ballots under clause 17.18;
 - (b) examine all ballots contained in the ballot boxes;
 - (c) reject any ballots as required under clause 16.14 and section 19;
 - (d) count the number of ballots marked “YES”, the number of ballots marked “NO” and the number of rejected ballots; and
 - (e) count the number of ballots cast by Electronic Voting Methods based on the report in clause 15.16.
- 21.3 When the results of the Ratification Vote have been determined, the Ratification Officer shall execute a Confirmation by Ratification Officer in [Form 17](#) and shall provide the form to the Xeni Gwet'in First Nations Government and the Verifier.
- 21.4 The Ratification Officer shall seal in separate envelopes the spoiled ballots, the rejected ballots, the ballots cast in favour and the ballots cast against and shall thereupon:
- (a) affix his or her signature to the seals; and
 - (b) request that an Eligible Voter affix his or her signature to the seals.
- 21.5 The Ratification Officer shall retain in his or her secure possession the separate envelopes.
- 21.6 After 75 days from Official Voting Day, unless otherwise instructed by Council, the Ratification Officer may thereafter destroy the ballots cast, including the rejected ballots, and the spoiled ballots.

22. PROCEDURAL AMENDMENTS

- 22.1 In order to give effect to and carry out the objectives and purpose of the Ratification Vote, the Ratification Officer, Council or its designate and the Verifier may agree upon a variation of the procedural requirements of this Ratification Process if they:
- (a) deem it necessary to do so; and

- (b) reasonably believe the variation shall not result in any substantive change to those procedural requirements.

22.2 The Ratification Officer shall state in writing the nature and basis of a variation under clause 22.1 and make a copy of the statement publicly available.

22.3 The appended forms to this Ratification Process may be amended to add or update, but not remove, material detail.

23. OBJECTIONS

23.1 Any Eligible Voter may file an objection with the Verifier if the Eligible Voter has reasonable grounds for believing that:

- (a) there was a violation of, or irregularity in, this Ratification Process; and
- (b) the final result of the Ratification Vote might have been different but for the violation or irregularity.

23.2 An objection shall be received by the Verifier within 5 days of the Official Voting Day.

23.3 An objection shall be in writing and shall:

- (a) identify the name, address and telephone number of the Eligible Voter making the objection;
- (b) summarize the grounds for the objection; and
- (c) be accompanied by a statutory declaration setting out the grounds for the objection.

23.4 The Verifier may, if the material provided under clause 23.3 is insufficient to decide the validity of the objection, conduct such further investigations as the Verifier deems necessary.

23.5 If an objection is filed under this section, the Verifier shall, within 10 days of the Official Voting Day determine whether the objection is valid.

23.6 If the Verifier determines the objection is valid, the Verifier may allow the objection and call another Ratification Vote.

- 23.7 The Verifier shall dismiss the objection if the Verifier determines that:
- (a) there was neither a violation of this Ratification Process nor an irregularity in that process; or
 - (b) there was a violation or an irregularity, but the final result of the Ratification Vote was not affected.

24. REPORT BY VERIFIER

- 24.1 Within 15 days of the Official Voting Day, the Verifier shall send a written report in [Form 18](#) on the results of the Ratification Vote to the Xeni Gwet'in First Nations Government, the Minister and the Chair of the Lands Advisory Board.

25. CERTIFICATION OF NEN CH'EH (LAND CODE)

- 25.1 *Nen Ch'eh (Land Code)* and the Individual Agreement shall be approved if a majority of the participating Eligible Voters vote to approve them.
- 25.2 If *Nen Ch'eh (Land Code)* and the Individual Agreement are approved, Council shall as soon as practicable after receiving the report of the Verifier under clause 24.1, sign 3 copies of the Individual Agreement and send the copies to the Department for signing by the Minister.
- 25.3 The Minister shall sign the 3 copies of the Individual Agreement, keep one copy, send a copy to the Xeni Gwet'in First Nations Government and send a copy to the Department Regional Office.
- 25.4 Council shall as soon as practicable after receiving the fully signed Individual Agreement, pass a resolution in [Form 19](#) as a declaration of the results of the vote.
- 25.5 Council shall send the resolution, a copy of the approved *Nen Ch'eh (Land Code)*, and a copy of the fully signed Individual Agreement to the Verifier.
- 25.6 Upon receiving *Nen Ch'eh (Land Code)*, the fully signed Individual Agreement and the resolution in [Form 19](#) from Council, the Verifier shall certify *Nen Ch'eh (Land Code)* and forward a completed copy of [Form 20](#) together with a copy of the certified *Nen Ch'eh (Land Code)* to the Xeni Gwet'in First Nations Government, the Minister and the Chair of the Lands Advisory Board.

Form 1
Ratification Process

BALLOT QUESTION

Do you approve:

- ***The Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code), dated for reference _____, 2024; and***
- **The Individual Agreement with Her Majesty the Queen in right of Canada, dated for reference _____, 2024?**

EXPLANATION

A “**YES**” vote means that Xeni Gwet'in First Nations Government will govern its own reserve lands under the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)*.

A “**NO**” vote means that Xeni Gwet'in First Nations Government lands will continue to be managed by Canada under the *Indian Act*.

YES

NO

Mark this Ballot by placing an in one of the above boxes.

Form 2
Ratification Process

FIRST NATION COUNCIL RESOLUTION

(Information to Verifier)

The Council of Xeni Gwet'in First Nations Government, in accordance with the clause 8.4 of the *Framework Agreement on First Nation Land Management* and section 4 of the Xeni Gwet'in First Nations Government Community Ratification Process, do hereby resolve to submit the following information to the Verifier:

1. the proposed *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)* dated for reference _____, 2024;
2. the proposed Xeni Gwet'in First Nations Government Community Ratification Process, dated for reference _____, 2024; and
3. the initial List of Eligible Voters who, according to the records of Xeni Gwet'in First Nations Government, would be eligible to vote on whether to approve the proposed *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)*.

Dated at Xeni Gwet'in First Nations Government, Province of British Columbia, on the _____ day of _____ 2024.

Chief (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

(* A quorum for this Band consists of __ Council members)

Form 3
Ratification Process

CONFIRMATION BY VERIFIER

(*Nen Ch'eh (Land Code)* and Individual Agreement Ratification Process)

CANADA)
)
PROVINCE OF _____)

I, _____, of _____, in the Province of _____,
DO SOLEMNLY DECLARE THAT:

1. I was appointed as the Verifier for Xeni Gwet'in First Nations Government by the First Nations on the ____ day of _____ 2024 and by Canada on the ____ day of _____ 202_ for the purpose of verifying the community approval of *Nen Ch'eh (Land Code)* and their Individual Agreement, in accordance with the *Framework Agreement on First Nations Land Management*.
2. In accordance with clause 8.4 of the *Framework Agreement*, I received the following information from Xeni Gwet'in First Nations Government on _____, 2024:
 - (a) a copy of the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)*;
 - (b) a detailed description of the Community Ratification Process that Xeni Gwet'in First Nations Government proposes to use; and
 - (c) a list of the names of every Member of Xeni Gwet'in First Nations Government who, according to Xeni Gwet'in First Nations Government's records at that time, would be eligible to vote on whether to approve *Nen Ch'eh (Land Code)* and the Individual Agreement.
3. A true copy of *Nen Ch'eh (Land Code)*, entitled the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)*, dated for reference _____, 2024 is attached hereto as Annex "1" to this declaration.
4. A true copy of the Community Ratification Process, entitled Xeni Gwet'in First Nations Government Community Ratification Process, dated for reference _____, 2024

is attached hereto as Annex “2” to this declaration.

- 5. In accordance with clause 8.5 of the *Framework Agreement*, I reviewed the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)* and the Xeni Gwet'in First Nations Government Community Ratification Process to decide whether:
 - (a) the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)* conforms with the requirements of clause 5 of the *Framework Agreement*; and
 - (b) the Xeni Gwet'in First Nations Government Community Ratification Process conforms with clause 7 of the *Framework Agreement*.
- 6. In accordance with clause 8.9 of the *Framework Agreement*, the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)* and the Xeni Gwet'in First Nations Government Community Ratification Process are hereby confirmed/not confirmed as being consistent with the *Framework Agreement*.
- 7. My reasons for not confirming the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)* or Xeni Gwet'in First Nations Government Community Ratification Process are as follows:

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
 _____ of _____,)
 in the Province of _____, this)
 _____ day of _____, 2024.)
)

 _____, Verifier

 A Commissioner for Taking Oaths in and)
 for the Province of _____)

Ratification Process

FIRST NATION COUNCIL RESOLUTION

(Commencement of Vote)

The Council of Xeni Gwet'in First Nations Government, in accordance with the *Framework Agreement on First Nation Land Management* and section 6 of the Xeni Gwet'in First Nations Government Community Ratification Process, do hereby resolve to:

1. Appoint _____ as the Ratification Officer;
2. Confirm the List of Eligible Voters;
3. Authorize the use of Electronic Voting Methods, internet and/or automated telephone voting, with an Electronic Voting Platform service offered by _____, an independent service provider;
4. Confirm the text of the Xeni Gwet'in First Nations Government Community Ratification Process, as confirmed by the Verifier and dated for reference _____, 2024;
5. Confirm the text of the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)*, as confirmed by the Verifier and dated for reference _____, 2024;
6. Hold a Ratification Vote to determine if the community approves the Ratification Documents in accordance with the Xeni Gwet'in First Nations Government Community Ratification Process;
7. Confirm the Ballot Question in the form attached as Annex #1;
8. Confirm that *Nen Ch'eh (Land Code)* and Individual Agreement shall be approved if a majority of the participating Eligible Voters vote to approve them;
9. Set the Advance Voting Day(s) to be ____ day(s) of _____, 2024; and
10. Set the Official Voting Day to be the ____ day of _____, 2024.

Dated at Xeni Gwet'in First Nations Government, Province of _____ on the ____ day of _____, 2024.

Chief (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

(* A quorum for this Band consists of __ Council members)

**Form 5
Ratification Process**

FIRST NATION COUNCIL RESOLUTION
(Approval of Individual Agreement for Vote)

The Council of Xeni Gwet'in First Nations Government, in accordance with the *Framework Agreement on First Nations Land Management* and section 6 of the Xeni Gwet'in First Nations Government Community Ratification Process, do hereby resolve to confirm the text of the Individual Agreement, dated for reference _____, 2024, which includes a process for amendment.

Dated at Xeni Gwet'in First Nations Government, Province of _____ on the ___ day of _____, 2024.

Chief (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

(* A quorum for this Band consists of __ Council members)

Form 6
Ratification Process

APPOINTMENT OF RATIFICATION OFFICER

Date

I, _____, agree to act as Ratification Officer for the Ratification Vote to determine if the Eligible Voters of the Xeni Gwet'in First Nations Government approve the Ratification Documents, and shall discharge my duties in accordance with the Xeni Gwet'in First Nations Government Community Ratification Process and the requirements of confidentiality.

Ratification Officer

Form 7
Ratification Process

APPOINTMENT OF AN ASSISTANT RATIFICATION OFFICER

Date

I, _____, Ratification Officer, appoint _____
to act as my assistant in carrying out my duties in accordance with the Xeni Gwet'in First
Nations Government Community Ratification Process for the purpose of the Ratification Vote.

Ratification Officer

I, _____ agree to act as an assistant to the Ratification Officer for
the purpose of the Ratification Vote and promise to carry out all assigned duties to the best of my
abilities and in accordance with the Xeni Gwet'in First Nations Government Community
Ratification Process and the requirements of confidentiality.

Assistant Ratification Officer

**Form 8
Ratification Process**

NOTICE OF VOTE

TO: MEMBERS OF XENI GWET'IN FIRST NATIONS GOVERNMENT

TAKE NOTICE that a Ratification Vote shall be held in accordance with the Xeni Gwet'in First Nations Government Community Ratification Process in order to determine if Eligible Voters approve the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)* and the Individual Agreement. The *Nen Ch'eh (Land Code)* and Individual Agreement shall be approved if a majority of the participating Eligible Voters vote to approve them.

The following question will be asked of the Eligible Voters of Xeni Gwet'in First Nations Government by ballot:

"Do you approve:

- **The *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)*, dated May 8, 2024; and**
- **The Individual Agreement with Her Majesty the Queen in Right of Canada?"**

Advance Polls for the Ratification Vote will take place on _____ (day of the Week) the ___ day(s) of _____, 2024__ from ___ a.m. until _____ p.m. at:

(Location/s) _____ (Street address) _____, Province of _____.

The Official Voting Day for the Ratification Vote will take place on _____ (day of the Week) the ___ day(s) of _____, 2024__ from ___ a.m. until _____ p.m. at:

The Xeni Gwet'in First Nations Government Administration Offices (Street address) _____, Province of _____.

The Electronic Voting Methods will be available from ___ a.m. on _____ (day of the Week) the ___ day(s) of _____, 2024__ to ___ p.m. on _____ (day of the Week) the ___ day(s) of _____, 2024__. Electronic Voting Methods (will be available/not be available) during regular polls on voting days (Advance Polls and Official Voting Day).

Electronic and paper copies of the Background Documents, the Ratification Documents and the Ratification Process may be obtained from _____, Nen Ch'eh (Land Code) Coordinator, at the Xeni Gwet'in First Nations Government Administration Offices, (address) Province of _____, telephone _____. Copies may also be obtained from the website:

_____.

AND FURTHER TAKE NOTICE that all Members of Xeni Gwet'in First Nations Government who are 18 years of age or older as of the date of the Official Voting Day of the Ratification Vote are eligible to vote, **PROVIDED THAT SUCH MEMBERS MUST COMPLETE A VOTER DECLARATION FORM OR COMPLETE THE ELECTRONIC VOTING PROCESS.** Voter declaration forms are available from the community website, _____ or _____, Ratification Officer at the address and telephone number appearing below.

ELIGIBLE VOTERS CAN COMPLETE A DECLARATION AT THE POLLS UP TO THE CLOSE OF THE POLLS ON THE OFFICIAL VOTING DAY.

DATED at Xeni Gwet'in First Nations Government, Province of _____ this ____ day of _____ 2024.

_____, Ratification Officer

_____, Province of _____, _____
Telephone: (XXX) XXX-XXXX Facsimile: (XXX) XXX-XXXX e-mail: _____

NOTE: All Eligible Voters shall receive instructions on how to obtain a Mail-in Ballot package and instructions on how to vote electronically. If an Eligible Voter would like to vote by Mail-in Ballot, please contact the Ratification Officer for a mail-in package. Eligible Voters who wish to vote in person may attend the polls on Voting Days.

Form 9
Ratification Process

ELIGIBLE VOTER DECLARATION DOCUMENT
To Vote in the Xeni Gwet'in First Nations Government Ratification Vote

I, _____, am an Eligible Voter and:
(Print full name)

(Check one only)

- I will be casting my ballot in person at a polling station; OR
- I wish to cast my ballot via internet voting; OR
- I wish to cast my ballot via automated telephone voting; OR
- I wish to receive a mail-in ballot package.

My mailing address is: _____
_____ Postal/Zip Code

My e-mail address is: _____

My phone number is: _____

I confirm that I am at least 18 years of age, or will be 18 years of age by the Official Voting Day of _____, 2024 and I am a Member of the Xeni Gwet'in First Nations Government, and that:

My Band Number is _____ and my Date of Birth is _____;

And that I have signed this Voter Declaration, together with a witness to my signature.

Print Name of Eligible Voter

Signature of Eligible Voter

Date

_____ Print Name of Witness	_____ Date
_____ Signature of Witness	_____ Date
_____ Telephone of Witness	
For Ratification Officer's Use Only	
This is to certify that this Eligible Voter has completed the declaration and his or her full name, band number and date of birth have been recorded on the List of Eligible Voters.	
_____ Date	_____ Ratification Officer

Form 10
Ratification Process

DECLARATION ENVELOPE

Declaration of Mail-In Voter
Xeni Gwet'in First Nations Government Ratification Vote

PLEASE ENCLOSE ONE SECRECY ENVELOPE CONTAINING ONE BALLOT

I, (Full Name of Eligible Voter): _____
(Please print your name)

DO SOLEMNLY DECLARE THAT:

1. I am a Member of Xeni Gwet'in First Nations Government.
2. I am at least 18 years of age or will be 18 years of age by the Official Voting Day of _____, 2024 and my date of birth is _____.
3. I have folded the ballot, hiding my mark and showing the initials marked on the back, and I have placed the ballot in the secrecy envelope.
4. I confirm that this envelope contains only my ballot, which is sealed inside a secrecy envelope.

SIGNED THIS ____ day of _____, 2024 at _____
(town/city and province/state)

In the presence of witness:

Eligible Voter Signature and Information:

(Witness' signature)

(Signature of Eligible Voter)

(Witness, please print name)

(Eligible Voter 10-digit band number)

(Witness address)

(Eligible Voter address)

(Witness Telephone)

(Eligible Voter Telephone)

(Witness does not have to be a member, must be 18 years of age or older and is attesting that the Voter signing this Declaration of Mail-in Voter is the person whose name is set out in the form.)

DEADLINE FOR RETURNING THE BALLOT ENVELOPES WITH BALLOT

In order for your mail-in ballot to be valid, it *must* be received by the Ratification Officer by the close of polls on the Official Voting Day: ___ p.m. on ___ day of _____, 2024. Please ensure enough time for the package to arrive by this deadline. Ballot envelopes received *after* this deadline will not be opened or counted.

Form 11
Ratification Process

FIRST NATION COUNCIL RESOLUTION
(List of Eligible Voters)

The Council of Xeni Gwet'in First Nations Government, in accordance with clauses 3.3 and 4.2 of the Xeni Gwet'in First Nations Government Community Ratification Process, do hereby resolve to:

1. Confirm this addendum to the List of Eligible Voters;
2. Confirm that the attached list of Members are deceased; and
3. In accordance with clause 3.4 of the Xeni Gwet'in First Nations Government Community Ratification Process request that the Ratification Officer confirm the removal of the deceased Members from the List of Eligible Voters.

Dated at Xeni Gwet'in First Nations Government, Province of _____ on the ___ day of _____ 2024.

Chief (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

(* A quorum for this Band consists of ___ Council members)

**Form 12
Ratification Process**

**DECLARATION OF RATIFICATION OFFICER
(Mail-in Ballots)**

CANADA)
)
Province of _____)

I, _____, Ratification Officer, of _____, in the Province of _____,
DO SOLEMNLY DECLARE THAT:

1. I was personally responsible for receiving all Mail-in Ballots at Xeni Gwet'in First Nations Government when Eligible Voters of Xeni Gwet'in First Nations Government voted in a Ratification Vote concerning the Ratification Documents.
2. In preparation for depositing Mail-in Ballots, I opened ballot box number #_____.
3. I saw that the ballot box was empty and I asked Eligible Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of the Eligible Voters who were present, and prepared it for the reception of Mail-in Ballots.
5. I personally deposited all of the Mail-in Ballots received by me into ballot box # ___ without opening the secrecy envelope and kept the ballot box sealed when not in my custody until the ballots were counted.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the Province of _____)
_____, this ____ day of _____, 2024.)

_____)
Ratification Officer

_____)
A Commissioner for Oaths in and for the Province of _____

Form 13
Ratification Process

STATEMENT OF WITNESS
(Deposit of Mail-In Ballots)

Date

I, _____ was personally present at _____ on the
__day of _____, 2024 when the Ratification Officer deposited the secrecy envelopes
containing the Mail-in Ballots in ballot box #__; and

1. I am an Eligible Voter.
2. I witnessed that ballot box #__ was empty before any secrecy envelopes containing Mail-in Ballots were deposited.
3. I witnessed the Ratification Officer seal the ballot box and sign the seal.
4. I signed the seal, as requested by the Ratification Officer.

Witness

Form 14
Ratification Process

STATEMENT OF WITNESS
(Opening of Mail-In Ballots)

Date

I, _____ was personally present at _____ on the _____ day of _____, 2024 when the Ratification Officer opened the Mail-in Ballot packages; and

1. I am an Eligible Voter.
2. The Declaration envelopes were unopened immediately prior to the time the Ratification Officer opened them.
3. The Ratification Officer checked the List of Eligible Voters and ensured that the Eligible Voter whose name appeared on the Mail-in Ballot package had not previously voted in person, by Mail-in Ballot or electronically.
4. The Ratification Officer recorded the name of each Eligible Voter on the List of Eligible Voters and deposited the secrecy envelope of that Eligible Voter in the separate ballot box kept for that purpose.

Witness

Form 15
Ratification Process

DECLARATION OF RATIFICATION OFFICER
(Regular Polls)

CANADA)
)
Province of _____)

I, _____, Ratification Officer, of _____, in the Province of _____,
DO SOLEMNLY DECLARE THAT:

1. I was personally present at _____ on the __ day of _____ 2024 when Eligible Voters of Xeni Gwet'in First Nations Government voted in a Ratification Vote concerning the Ratification Documents.
2. Immediately before the Ratification Vote began, I opened ballot box number #_____.
3. I saw that the ballot box was empty and I asked Eligible Voters who were present to witness that the ballot box was empty.
4. I then properly sealed the ballot box, in front of those persons who were present, and kept it in view for the reception of Regular Ballots.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the Province of _____)
_____, this ____ day of _____, 2024.)
)
_____)
Ratification Officer

_____)
A Commissioner for Oaths in and for the)
Province of _____

Form 16
Ratification Process

STATEMENT OF WITNESS
(Regular Polls)

Date

I, _____, was personally present at the polling place at _____ on the __ day of _____, 2024 when Eligible Voters of Xeni Gwet'in First Nations Government were to vote in a Ratification Vote concerning the Ratification Documents; and

1. I am an Eligible Voter.
2. I witnessed that the ballot box #__ was empty before any votes were cast in the Ratification Vote.
3. I witnessed the Ratification Officer seal the ballot box and sign the seal.
4. I signed the seal, as requested by the Ratification Officer.

Witness

**Form 17
Ratification Process**

CONFIRMATION BY RATIFICATION OFFICER
(Conclusion of Vote)

CANADA)
)
Province of _____)

I, _____, Ratification Officer for Xeni Gwet'in First Nations Government in the Province of _____, DO SOLEMNLY DECLARE THAT:

1. I was present at Xeni Gwet'in First Nations Government on the _____ day(s) of _____, 2024 when Eligible Voters of Xeni Gwet'in First Nations Government voted concerning approval of *the Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)* and Individual Agreement in accordance with the Xeni Gwet'in First Nations Government Community Ratification Process.
2. A true copy of the Notice of Vote is attached as Annex "1" to this declaration.
3. In accordance with clause 8.1 of the Xeni Gwet'in First Nations Government Community Ratification Process, I posted the Notice of Vote at least 56 days prior to the Official Voting Day.
4. In accordance with clause 8.3 of the Xeni Gwet'in First Nations Government Community Ratification Process, I arranged for the Notice of Vote to be published in the _____ at least 15 days prior to the Official Voting Day.
5. In accordance with section 9 of the Xeni Gwet'in First Nations Government Community Ratification Process, a copy of the Notice of Vote and a Voter Information Package were sent to each person on the List of Eligible Voters at their last known address or e-mail address at least 56 days prior to the Official Voting Day.
6. In accordance with clauses 9.5, 9.6 and 9.7 of the Xeni Gwet'in First Nations Government Community Ratification Process, visits at the homes of Eligible Voters, telephone contact with Eligible Voters and information meetings were conducted.
7. In accordance with clause 10.1 of the Xeni Gwet'in First Nations Government Community Ratification Process, the information package was sent to any persons who

are not Members who hold an interest in Xeni Gwet'in First Nations Government Land at least 28 days prior to the Official Voting Day.

8. The voting procedure, including the handling of electronic ballots, Mail-in Ballots and the counting of results, was conducted in accordance with sections 12, and 14 to 22, both inclusive, of the Xeni Gwet'in First Nations Government Community Ratification Process.
9. The names of _____ Eligible Voters appeared on the List of Eligible Voters.
10. The number of participating Eligible Voters was _____.
11. The number of participating Eligible Voters who constituted a majority was _____.
12. The results of the Ratification Vote are as follows:
 - (a) _____ electronic ballots were cast in the Ratification Vote in accordance with sections 14, 15 and clause 18.4 of the Xeni Gwet'in First Nations Government Community Ratification Process;
 - (b) _____ Mail-in Ballots were cast in the Ratification Vote in accordance with section 16 and clause 18.4 of the Xeni Gwet'in First Nations Government Community Ratification Process;
 - (c) _____ Regular Ballots were cast in the Ratification Vote in accordance with section 17 and 18 of the Xeni Gwet'in First Nations Government Community Ratification Process;
 - (d) _____ Mail-in Ballots were rejected in accordance with clause 16.14 of the Xeni Gwet'in First Nations Government Community Ratification Process and not opened or deposited into the ballot box;
 - (e) _____ Regular Ballots were spoiled as provided in clause 17.18 of the Xeni Gwet'in First Nations Government Community Ratification Process;
 - (f) _____ Regular Ballots were cancelled in accordance with clause 17.19 of the Xeni Gwet'in First Nations Government Community Ratification Process;
 - (g) _____ ballots were rejected in accordance with section 19 of the Xeni Gwet'in

First Nations Government Community Ratification Process;

(h) _____ ballots were marked “YES” for the Ballot Question; and

(i) _____ ballots were marked “NO” for the Ballot Question.

13. Based on the need to meet or exceed the number in item 11, above, the Ratification Documents were *approved/not approved* by the Eligible Voters of the Xeni Gwet'in First Nations Government.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the)
Province of _____, this _____ day of)
_____ 2024.)
_____)
Ratification Officer)
_____)
A Commissioner for Oaths in and for the)
Province of _____)

**Form 18
Ratification Process**

REPORT BY VERIFIER
(Conclusion of Objections Period)

CANADA)
)
Province of _____)

I, _____, in the Province of _____,
DO SOLEMNLY DECLARE THAT:

1. I was present at Xeni Gwet'in First Nations Government on the ___ day(s) of _____, 2024 the Eligible Voters of the Xeni Gwet'in First Nations Government voted concerning approval of *the Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)* and their Individual Agreement in accordance with the Xeni Gwet'in First Nations Government Community Ratification Process.
2. A copy of the declaration of Ratification Officer in [Form 17](#) is attached as Annex "1" to this declaration.
3. The names of _____ Eligible Voters appeared on the List of Eligible Voters.
4. The number of participating Eligible Voters was _____.
5. The number of participating Eligible Voters who constituted a majority was _____.
6. The results of the Ratification Vote are as follows:
 - (a) _____ ballots were marked "YES" for the Ballot Question; and
 - (b) _____ ballots were marked "NO" for the Ballot Question.
7. Based on the need to meet or exceed the number in item 5, above, the Ratification Documents were *approved/not approved* by the Eligible Voters.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE me at the _____)
of _____ in the)
Province of _____, this _____ day of)
_____ 2024.)

_____)
Verifier)

_____)
A Commissioner for Oaths in and for the)
Province of _____)

**Form 19
Ratification Process**

FIRST NATION COUNCIL RESOLUTION
(Submission to Verifier)

Whereas the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)* and the Individual Agreement were submitted to a Ratification Vote at Xeni Gwet'in First Nations Government on the _____ days of _____, 2024;

And Whereas the Verifier and Ratification Officer have reported that the Ratification Vote was conducted in accordance with the Xeni Gwet'in First Nations Government Community Ratification Process confirmed by the Verifier;

And Whereas the Eligible Voters approved these documents at the Ratification Vote;

And Whereas the Xeni Gwet'in First Nations Government Council and the Minister or delegate have fully signed the Individual Agreement; and

Now therefore the Council of Xeni Gwet'in First Nations Government, in accordance with the *Framework Agreement on First Nations Land Management* and clause 25.4 and 25.5 of the Xeni Gwet'in First Nations Government Community Ratification Process, do hereby resolve to send to the Verifier a true copy of the fully signed Individual Agreement hereto attached as Annex "1", and the approved *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)*, attached hereto as Annex "2" for certification by the Verifier.

Dated at Xeni Gwet'in First Nations Government, Province of this _____ day of _____, 2024.

Chief (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

Councillor (name)

(* A quorum for this Band consists of __ Council members)

**Form 20
Ratification Process**

CERTIFICATION OF NEN CH'EH (LAND CODE)

Whereas the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)* and the Individual Agreement were submitted to a Ratification Vote at Xeni Gwet'in First Nations Government on the _____ days of _____, 2024;

And Whereas I have reported that the Ratification Vote was conducted in accordance with the Xeni Gwet'in First Nations Government Community Ratification Process;

And Whereas the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)* and the Individual Agreement were approved by the Eligible Voters at the Ratification Vote on the _____ days of _____, 2024;

And Whereas the Xeni Gwet'in First Nations Government Council has sent a true copy of the fully signed Individual Agreement and a statement that the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)* and the Individual Agreement were properly approved;

And Whereas clause ___ of the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)* states that *Nen Ch'eh (Land Code)* shall take effect on the first day of the month following the certification of *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)* by the Verifier;

Therefore, I hereby certify the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)*, attached as Annex "1" hereto, and the effective date of the *Xeni Gwet'in First Nations Government Nen Ch'eh (Land Code)* is ___ day of _____, 2024.

DECLARED BEFORE me at the _____)
of _____ in the)
Province of _____, this _____ day of)
_____ 2024.)

_____)
Verifier)
_____)

A Commissioner for Oaths in and for the)
Province of _____ .)