

KWANTLEN FIRST NATION REFERENDUM REGULATIONS

1. Application

These Regulations apply to a referendum of the Kwantlen First Nation.

2. Majority Required for Approval in a Referendum

Any question put to a Referendum shall be approved if a Majority of the Eligible Voters who cast ballots in that Referendum vote "YES" to the question submitted at that Referendum.

3. Vote by Eligible Voters Only

Only Eligible Voters are entitled to vote in a Referendum. Eligible voters are members of the Kwantlen First Nation who are aged 18 and older on the date of the Referendum.

4. Holding of Referendum

4.1. At least forty-four (40) days prior to the day on which a Referendum is to be held, the Kwantlen Band Council shall:

- (a) set the day on which the Referendum is to be held;
- (b) determine the question or questions to be asked in the Referendum; and

4.2. At least 15 days prior to the day on which a Referendum is to be held, the Kwantlen Band Council shall:

- (a) appoint one or more persons to be a Referendum Officer to conduct the Referendum.

5. Voters' List

5.1. At least fourteen (14) days before the day on which a Referendum is to be held, the Membership Clerk shall provide the Referendum Officer with a voters' list which shall contain:

- (a) in alphabetical order, the names of all Eligible Voters who reside on Kwantlen Lands and the names of all Eligible Voters who do not reside on Kwantlen Lands;
- (b) the Kwantlen membership number of each Eligible Voter; and
- (c) the last known mailing addresses of all Eligible Voters.
- (d) the last known phone numbers and email addresses of all Eligible Voters.

5.2. On request by a Member, the Referendum Officer shall confirm whether the name of a person is on the voters' list.

5.3. The Referendum Officer shall revise the voters' list where it is demonstrated to his or her satisfaction that:

- (a) the name of an Eligible Voter has been omitted from the list;
- (b) the name of an Eligible Voter is incorrectly set out in the list;
- (c) the name of a person not qualified to vote is included in the list; or the residency of an Eligible Voter is incorrectly set out in the list.

In the event that the Membership Clerk neglects or refuses to provide the necessary voters' list to the Referendum Officer, the Kwantlen Council shall take all reasonable steps to assemble a complete and accurate voters' list.

6. Notification of Referendum

6.1. At least seven (7) days prior to the day on which an information meeting for a Referendum is to be held and at least thirty (5) days prior to the day on which a Referendum is to be held, the Referendum Officer shall:

- (a) post a notice of referendum containing the information provided for in section 6.2 and the names of all Eligible Voters in at least one prominent location at the Kwantlen reserves.
- (b) deliver to every Eligible Voter for whom an email, mailing, or delivery address is available:
 - (i) a notice of the Referendum;
 - (ii) a letter of instructions regarding voting methods, including information for accessing electronic voting and
 - (iv) any relevant information or documents pertaining to the question or questions to be asked in the Referendum; and

6.2. A notice of referendum shall state:

- (a) the question or questions to be submitted to the Eligible Voters;
- (b) the day on which the Referendum will be held;
- (c) the location of each polling station and the hours that it will be open for voting;
- (d) that Eligible Voters may vote either in person at a polling station or by electronic voting;
- (e) the name and telephone number of the Referendum Officer; and
- (f) the date, time and location of the information meeting to be held pursuant to article 7.

6.3. The Referendum Officer shall indicate on the voters' list the Eligible Voters to whom he or she has mailed, delivered or otherwise provided the documents in section 6.1 and keep a record

of the date on which, and the addresses to which, each mail-in ballot was mailed, delivered, or sent.

6.4. An Eligible Voter that votes through electronic voting is not entitled to vote in person at a polling station.

7. Information Meeting

Before the day on which a Referendum is to be held, the Referendum Officer shall ensure that at least one information meeting is held to provide Eligible Voters with information regarding the subject matter of the Referendum.

8. Preparation for Referendum

The Referendum Officer shall:

- (a) prepare sufficient ballots, initialed on the back by the Referendum Officer, stating the question or questions to be submitted to the Eligible Voters;
- (b) procure a sufficient number of ballot boxes; and
- (c) before the poll is open on the day of a Referendum, cause to be delivered to the Polling Stations, the ballots and a sufficient number of lead pencils for marking the ballots.

9. Electronic Voting

9.1. An Eligible Voter may vote electronically in accordance with the instructions for electronic voting provided by the Referendum Officer.

9.2 Before deciding to utilize a particular electronic voting platform, the Referendum Officer must be satisfied that the electronic voting platform is sufficiently secure to ensure that only Eligible Voters are permitted to vote and to ensure that no voters are permitted to vote more than once.

10. Voting at Polling Stations

10.1. The Referendum Officer shall establish at least one polling station on Kwantlen Lands.

10.2. The Referendum Officer shall provide a compartment at each polling place where the elector can mark his or her ballot free from observation.

10.3. The Referendum Officer shall, immediately before the opening of the poll on the day of a Referendum, open the ballot box to be used and call upon such persons who may be present to witness that it is empty and shall then lock and properly seal the box and place it in view of the reception of the ballots.

10.4. Polling stations shall be kept open from 9:00 a.m., local time, until 8:00 p.m., local time, on the day of a Referendum.

10.5. An Eligible Voter who is inside a polling station at the time that the polling station is to close is entitled to vote.

10.6. Subject to section 6.5, where a person attends at a polling station for the purpose of voting, the Referendum Officer shall, if the person's name is set out in the voters' list, provide that person with a ballot.

10.7. The Referendum Officer shall place on the voters' list a mark opposite the name of every Eligible Voter receiving a ballot. The Referendum Officer shall maintain a current list of voters that have voted electronically and take all necessary steps to ensure that no Eligible Voters are permitted to vote more than once.

10.8. The Referendum Officer shall explain the mode of voting to an Eligible Voter when requested to do so by such Eligible Voter.

10.9. Upon the request of an Eligible Voter who is:

- (a) not able to read; or
- (b) incapacitated by blindness or other physical cause, the Referendum Officer shall assist that Eligible Voter by marking his or her ballot in the manner directed by the Eligible Voter and shall place such ballot in the ballot box.

10.10. The Referendum Officer shall make an entry in the voters' list opposite the name of the Eligible Voter that the ballot was marked by him or her at the request of the Eligible Voter and the reason therefore.

10.11. Except as provided in section 10.9, every Eligible Voter receiving a ballot shall:

- (a) proceed immediately to the compartment provided for marking the ballot;
- (b) mark the ballot by placing a cross or check mark, clearly indicating the Eligible Voter's response to the question or questions stated on the ballot;
- (c) fold the ballot in a manner that conceals the question or questions and any marks, but exposes the initials of the Referendum Officer on the back; and
- (d) forthwith deliver it to the Referendum Officer for deposit in the ballot box.

10.12. An Eligible Voter who receives a soiled or improperly printed ballot, or inadvertently spoils his or her ballot in marking it, shall, upon returning the ballot to the Referendum Officer, be entitled to another ballot.

10.13. An Eligible Voter who has received a ballot and:

(a) leaves the compartment for marking ballots without delivering the same to the Referendum Officer in the manner provided; or

(b) refuses to vote,

shall forfeit his or her right to vote on the Referendum and the Referendum Officer shall make an entry on the voters' list opposite the name of that Eligible Voter that he or she did not return the ballot or refused to vote, as the case may be.

10.14. The Referendum Officer shall allow only one Eligible Voter in the compartment for marking the ballot at any one time.

10.15 No person shall interfere, or attempt to interfere, with an Eligible Voter when marking his or her ballot or obtain, or attempt to obtain, at the polling place information as to how an Eligible Voter is about to vote or has voted.

10.16 The Referendum Officer shall maintain peace and good order during the voting.

11. Counting of Votes

11.1. As soon as is practicable after the close of the polls on the day of a Referendum, the Referendum Officer shall tabulate the results of the electronic voting.,

11.2. As soon as is practicable after the closing of the polls, the Referendum Officer shall, in the presence of a member of Kwantlen Band Council who is present, open all ballot boxes and:

(a) examine the ballots;

(b) set aside any ballot that does not have the initials of the Referendum Officer on the back;

(c) reject all ballots:

(i) that have been marked incorrectly; or

(ii) upon which anything appears by which an Eligible Voter can be identified;

(d) count the physical votes given in favour of and against the question or questions submitted in the Referendum and add them to the tabulation results related to the electronic voting; and
(e) prepare a statement in writing of the number of votes so given and of the number of ballots rejected.

11.3. The statement referred to in subsection 11.2(e) shall be signed by the Referendum Officer or by a member of Kwantlen Band Council and shall be filed with the Kwantlen Band Council.

11.4 A ballot set aside under subsection 11. is void and shall not be counted as a vote cast.

11.5. As soon as is practicable after the results of the voting are known, the Referendum Officer shall:

- (a) prepare a statement in triplicate, signed by the Referendum Officer and a member of Kwantlen Band Council, indicating the number of votes cast in favour of and against the question or questions submitted in the Referendum and the number of rejected ballots; and
- (b) deliver a copy of that statement to the Kwantlen Band Council

11.6. The Referendum Officer shall deposit the ballots used in the voting in a sealed envelope and retain them.

11.7. If the Referendum Officer has not received from Kwantlen Band Council notice of a request for a review of a Referendum within thirty (30) days after the day of that Referendum, the Referendum Officer shall destroy the ballots used in the voting.

12. Review Procedure

12.1. An Eligible Voter may, in the manner set out in this article 12, request a review of a Referendum where the Eligible Voter believes that:

- (a) there was a contravention of this Code that may affect the result of the Referendum; or
- (b) there was corrupt practice in connection with the Referendum.

12.2. A request for a review of a Referendum shall be made in writing and forwarded to the Kwantlen Band Council by registered mail within seven (7) days after the day of the Referendum. The written request shall be accompanied by a statutory declaration, sworn before a notary public or a commissioner for taking oaths, setting forth the grounds for requesting the review and the facts substantiating these grounds and shall be accompanied by any documents relied on to support the request for the review.

12.3. Within fourteen (14) days after the receipt by the Kwantlen Band Council of a request for a review pursuant to section 12.2, the Kwantlen Band Council shall forward, by registered mail, a copy of the request to the Referendum Officer who conducted the Referendum.

12.4. Within fourteen (14) days after the request for a review has been sent by the Kwantlen Band Council pursuant to section 12.3,

- (a) the Referendum Officer shall forward to the Kwantlen Band Council, by registered mail, statutory declaration, sworn before a notary public or a commissioner for taking oaths, responding to the grounds stated in the request.

12.5. Within ten (10) days after the expiry of the fourteen (14) day period provided for in section

12.4:

- (a) Kwantlen Band Council shall appoint an Arbitrator; and
- (b) the Kwantlen Band Council shall provide the Arbitrator with the information received by the Kwantlen Band Council pursuant to sections 12.3 and 12.4 and shall request a decision in writing from the Arbitrator either confirming or invalidating the Referendum result.

12.5. The Arbitrator shall provide a written decision together with reasons and shall deliver a copy of the written decision to Kwantlen Band Council and the Eligible Voter who requested the review.

12.6. The Kwantlen Band Council shall post the decision of the Arbitrator for at least seven (7) days:

- (a) at the administrative offices of Kwantlen; and
- (b) at a location other than the administrative offices of Kwantlen or electronically on the website of Kwantlen.

12.7. The Arbitrator may, prior to rendering a decision, hold a hearing on the matter.

12.8. The Arbitrator may, in his or her discretion, give directions for any matter related to the hearing, including but not limited to:

- (a) fixing the date, time and place for the hearing of the review;
- (b) designating the method for taking evidence; and
- (c) designating those persons who are to be notified and the method of notification.

12.9 If a hearing is held, the Arbitrator may, in his or her discretion, make an order respecting the payment of costs of the hearing.

12.10 The determination of the Arbitrator shall be final and not subject to appeal.