**Esquimalt Nation**

**COMMUNITY RATIFICATION PROCESS**

**- In accordance with -**

***The Framework Agreement on First***

***Nation Land Management***

**Dated for Reference February 21, 2024**

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**Esquimalt Nation**

**COMMUNITY RATIFICATION PROCESS**

# TITLE AND PURPOSE

## The title of this document is the Esquimalt Nation Community Ratification Process.

## The purpose of this document is to set out the procedure by which Esquimalt Nation will decide whether to approve its *Land Code* and the Individual Agreement with Canada, as required under the *Framework Agreement on First Nation Land Management*.

# DEFINITIONS

## In this Ratification Process:

“*Act*” means the *Framework Agreement on First Nation Land Management Act*, S.C. 2022, c. 19, s. 121;

“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:

1. the *Framework Agreement*;
2. the *Act*;
3. a summary of the *Framework Agreement*;
4. a summary of the *Act*;
5. a summary of the *Xʷsepsəm Land Code*; and
6. a summary of the Individual Agreement.

“Ballot Question” means the question asked in the Ratification Vote in [*Form 1*](#FORM1);

“Council” means the Chief and Councillors of the Esquimalt Nation;

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

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

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

“Eligible Voter” means a Member of Esquimalt Nation who is 18 years of age or older on the Official Voting Day;

“Emergency, Disaster or Interruption” includes, but is not limited to:

1. severe inclement weather;
2. death of a Member;
3. natural disasters such as fire, earthquake, tornado; or
4. other emergency or disasters, such as a national, provincial or Nation declared emergency, epidemic, explosion, power failure, or an act of sabotage.

“Nation” means the Esquimalt Nation;

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

“Individual Agreement” means the Individual Agreement made between Esquimalt Nation and His Majesty in right of Canada in accordance with clause 6.1 of the *Framework Agreement*;

“*Land Code*” means the proposed *Xʷsepsəm Land Code*;

“Land Code Coordinator” means the person designated by Council to act as Land Code Coordinator for the purposes of the Ratification Process;

“List of Eligible Voters” means the list of Eligible Voters prepared in accordance with section 3.1;

“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 Esquimalt Nation membership list;

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

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

“Ratification Documents” means the *Land Code* and the Individual Agreement;

“Ratification Officer” means the person appointed to that position by Council in accordance with the Ratification Process;

“Ratification Process” means this Esquimalt Nation 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 Background Documents to be sent to all Eligible Voters;

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

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

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

## In this Ratification Process:

1. 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. 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; and
3. “or” is used in its inclusive sense, meaning A or B, or both A and B.

# INFORMATION TO VERIFIER

1.

## At least 90 days before the Official Voting Day, Council shall by resolution in [*Form 2*](#FORM2) send, or cause to be sent, an electronic copy of the Ratification Process, *Land Code* and List of Eligible Voters to the Verifier.

## As soon as reasonably practicable, Council shall send, or cause to be sent, to the Verifier an electronic copy of any addenda to the List of Eligible Voters made by resolution in [*Form 10*](#FORM11) and approved by the Ratification Officer in accordance with this Ratification Process.

# CONFIRMATION BY VERIFIER

## Upon receipt of the documents under clause 3, the Verifier shall review the *Land Code* and the Ratification Process to determine whether they are consistent with the *Framework Agreement.*

## In accordance with clause 8.9 of the *Framework Agreement,* the Verifier shall, within 30 days of receiving the documents under clause 3, issue a notice in [*Form 3*](#FORM3) to the Nation, the Minister and the Lands Advisory Board confirming whether the *Land Code* and the Ratification Process are consistent with the *Framework Agreement.*

# COUNCIL RESOLUTIONS

1.

## After the Verifier confirms that the *Land Code* and the Ratification Process are consistent with the *Framework Agreement* under clause 4.1, Council shall pass a Resolution:

1. in [*Form 4*](#FORM4) to:
2. appoint the Ratification Officer;
3. confirm the List of Eligible Voters, subject to final approval by the Ratification Officer;
4. confirm the voting methods, as set out in the Ratification Process;
5. confirm the text of the *Land Code* and the Ratification Process;
6. order that the Ratification Vote be held to determine if the Eligible Voters approve the Ratification Documents;
7. confirm that the *Land Code* and Individual Agreement shall be approved in accordance with the thresholds set out in section 26;
8. confirm the wording of the Ballot Question; and
9. set dates and locations for Electronic Voting Methods, Advance Polls and the Official Voting Day; and
10. in [*Form 5*](#FORM5) to confirm the Individual Agreement.

# DUTY OF RATIFICATION OFFICER AND APPOINTMENT OF ASSISTANT

## Upon the appointment of the Ratification Officer, the Ratification Officer shall execute an Appointment of a Ratification Officer in [*Form 6*](#FORM6)*.*

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

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

1. the initialling of ballots;
2. the determination to holdan additional day for voting under clause 14.3;
3. the deposit of the Mail-in Ballots in the ballot box under clause 17.13(i);
4. the safekeeping of ballot boxes under clause 18.22; and
5. the counting of ballots under section 22.

## Upon the appointment of an assistant, the Ratification Officer and each assistant shall execute an Appointment of an Assistant Ratification Officer in [*Form 7*](#FORM7).

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

# LIST OF ELIGIBLE VOTERS

1.

## At least 60 days before the Official Voting Day, the Ratification Officer shall obtain from the Esquimalt Nation membership clerk a List of Eligible Voters containing the full names, band numbers, birth dates, and last known mailing and e-mail addresses of all Eligible Voters.

## At least 56 days before the Official Voting Day, the Ratification Officer shall post a list containing the names of all eligible voters in alphabetical order in a public area of the Esquimalt Nation administration office, on the Esquimalt Nation website, or in other conspicuous places as may be determined by the chief electoral officer.

##

## The Ratification Officer may remove the name of a deceased voter from the List of Eligible Voters upon receipt from Council of an addendum to the List of Eligible Voters in *Form 10* and an official death certificate.

## A person may, at any time before the Advance Voting Day, demonstrate that the name of a person who is not an Eligible Voter has been incorrectly included on the List of Eligible Voters by presenting in writing to the Ratification Officer evidence that the person is not an Eligible Voter.

## Where the Ratification Officer removes the name of a person who is alive from the List of Eligible Voters, the Ratification Officer shall give written notice to the person whose name has been removed and, if the person has cast a vote by Mail-in Ballot, that the vote is not counted.

## A person may, at any time before the close of polls on Voting Day, demonstrate that the name of an Eligible Voter has been omitted from or incorrectly set out in the List of Eligible Voters by presenting in writing to the Ratification Officer evidence that the person is an Eligible Voter.

## The Ratification Officer is responsible for final approval of any changes to the List of Eligible Voters.

# NOTICE OF VOTE

1.

## At least 56 days prior to the Official Voting Day, the Ratification Officer, in consultation with Council, shall post a Notice of Vote in [Form 8](#FORM8) in at least one location accessible to Members.

## Immediately after posting the Notice of Vote, the Ratification Officer shall e-mail a true copy of the Notice of Vote to the Verifier.

## For greater certainty, nothing in clause 8.1 prevents the Ratification Officer from posting the Notice of Vote in other locations at any time before the Official Voting Day.

## The Notice of Vote shall contain the following information:

1. voting methods and procedures;
2. the date, place(s) and time(s) of the Advance Polls and Official Voting Day;
3. the date(s) and time(s) designated for Electronic Voting Methods;
4. a statement that the *Land Code* and Individual Agreement shall be approved in accordance with the thresholds set out in section 26;
5. the Ballot Question; and
6. the name, office address, email address and telephone number of the Ratification Officer.

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1.

# VOTER INFORMATION PACKAGE

1.

## At least 56 days prior to the Official Voting Day, the Ratification Officer will send or cause to be sent, in one or more mailings, a Voter Information Package to each Eligible Voter.

## Voter Information Packages must be delivered:

1. electronically by e-mail to the last known e-mail address of each Eligible Voter; and
2. mailed, couriered or hand delivered to the last known mailing address of each Eligible Voter.

## The Voter Information Package shall contain:

1. a copy of the Notice of Vote;
2. instructions on accessing electronic copies of the Ratification Documents, Background Documents, map(s) of the reserve land that will be subject to the Land Code and the Ratification Process;
3. summaries of the Ratification Documents and Background Documents;
4. instructions on how to vote in person, by Mail-in Ballot and by Electronic Voting Methods; and
5. instructions on how to complete an Eligible Voter Declaration.

# INFORMATION TO THIRD PARTIES

1.

## At least 28 days prior to Official Voting Day, Council shall send or cause to be sent, via regular mail to the address provided by Indigenous Services Canada, the following information to persons who are not Members and who hold an interest in or licence in relation to Esquimalt Nation land:

* 1. the date of the Ratification Vote;
	2. an explanation of the effect of the Ratification Vote;
	3. a summary of the *Land Code*;
	4. a summary of the *Framework Agreement*;
	5. a summary of the *Act*; and
	6. the name, office address and telephone number of a person who may be contacted for the purposes of obtaining copies of the *Land Code* and Background Documents or further information about the management of Esquimalt Nation land.

## For greater certainty, in addition to information provided in accordance with clause 11.1, Esquimalt Nation may meet with, or otherwise provide information directly to, persons who are not Members and who hold an interest in Esquimalt Nation land.

## Nothing in the Ratification Process precludes Esquimalt Nation from providing information in any form it deems appropriate to a municipal corporation, regional district, another Nation or other entity with an interest in land in the vicinity of Esquimalt Nation land.

# INFORMATION TO ELIGIBLE VOTERS

1.

## For the purposes of sharing information related to the Ratification Documents, Background Documents or the Ratification Process, Council may conduct or cause to be conducted, up until and including the Official Voting Day:

1. visits at the homes of Eligible Voters;
2. telephone contact with Eligible Voters;
3. information meetings at Esquimalt Nation and other appropriate places; and
4. such other information activities as may be deemed appropriate.

## For greater certainty, Council may conduct or cause to be conducted personal visits, text, email, telephone or other contact with an Eligible Voter on Official Voting Day for the purposes of assisting the Eligible Voter to vote.

## The Ratification Officer shall ensure that, at least 56 days prior to Official Voting Day and until the end of Official Voting Day, the Ratification Documents, Background Documents and Ratification Process are available online and sufficient paper copies are available at the administrative offices of Esquimalt Nation.

## Any person who holds an interest in or licence in relation to Esquimalt Nation land may, on request, obtain a physical or electronic copy of the Ratification Documents or Background Documents free of charge.

## Any Member may, on request, obtain a physical or electronic copy of the Ratification Documents, Background Documents and Ratification Process free of charge.

# PRELIMINARY PROCEDURES

## The Ratification Officer, in consultation with the Land Code Coordinator, shall:

1. designate the polling places in accordance with the direction set out in clause 5.1;
2. prepare and initial sufficient copies of Regular Ballots and Mail-in Ballots, which shall be uniform in size, appearance, quality and weight;
3. prepare sufficient copies of the secrecy envelopes, the identification envelopes, and the return envelopes, with prepaid postage where necessary;
4. prepare sufficient copies of the voting instructions;
5. obtain a sufficient number of ballot boxes;
6. provide for a designated voting area at the polling places such that an Eligible Voter can mark a ballot free from observation;
7. provide a sufficient number of lead pencils and blue or black ink pens for marking the ballot;
8. ensure that samples of the Ballot Question are posted or available for examination at the polling places; and
9. ensure that a Commissioner for taking Oaths or Notary Public shall be available as required.

# POSTPONED OR ADDITIONAL DAY FOR VOTING

1.

## If an Emergency, Disaster or Interruption interferes with the vote process, up until the day prior to the Official Voting Day, Council may, in consultation with the Ratification Officer:

1. postpone the Official Voting Day; or
2. designate alternative polling places for the Official Voting Day.

## Where Council decides to postpone or adjust a vote under clause 14.1, the Ratification Officer shall as soon as possible advise the Verifier and Eligible Voters of the decision by posting notices at each polling place, online and by any other method deemed appropriate.

## If the Ratification Officer determines that participation on the Official Voting Day may have been affected by an Emergency, Disaster or Interruption, the Ratification Officer may, in his or her sole discretion and immediately upon the close of the polls on the Official Voting Day, decide that an additional day for voting shall be held.

## If the Ratification Officer decides that an additional day for voting will be held under clause 14.3, the Ratification Officer shall formally advise the Verifier and Council in writing.

## If Council decides to postpone the Official Voting Day under clause 14.1 or the Ratification Officer decides to hold an additional day for voting under clause 14.3:

1. the Ratification Officer and Council shall, within 2 days of the applicable decision, set a date and hours for the postponed or additional day for voting, which shall not be more than 20 days after the original Official Voting Day;
2. the Ratification Officer shall, as soon as practicable, prepare a notice showing the decision, the reason for the postponed or additional day for voting, the number of Eligible Voters who voted by the Official Voting Day if applicable, the hours and date of the postponed or additional day for voting;
3. the Ratification Officer shall publish the notice prepared under paragraph (b) at the Esquimalt Nation administration offices and send the notice to the Verifier and all Eligible Voters by mail, hand delivery or e-mail;
4. the Ratification Officer shall ensure that the Electronic Voting Platform remains active and available until the postponed or additional day for voting;
5. Eligible Voters who did not vote by the close of the polls on the original Official Voting Day shall be entitled to vote on the postponed or additional day for voting;
6. Mail-in Ballots and electronic ballots must be received by the close of the polls on the postponed additional day for voting;
7. the counting of ballots shall occur after the close of polls on the postponed or additional day for voting;
8. where anything is to be done within a time after the Official Voting Day, the time will be calculated from the postponed or additional day for voting; and
9. the Ratification Process otherwise applies to the postponed or additional day for voting, with the necessary modifications.

# ELECTRONIC VOTING METHODS

## An Eligible Voter may vote by Electronic Voting Methods in accordance with this section.

## Eligible Voters may not use a proxy voter to vote by Electronic Voting Methods.

## Electronic Voting Methods shall open and close at the hours and dates specified in the Notice of Vote, or as modified under section 14.

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

## To cast an electronic ballot, an Eligible Voter shall:

* 1. 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, as set out in the Voter Instruction Package;
	2. enter their unique one-time voter security code, if required;
	3. answer a security question or provide the name of a witness, if required;
	4. confirm their Band Registry Number and date of birth;
	5. declare their intent to vote electronically;
	6. make the selection between “YES” or “NO”;
	7. be provided with the option to change or confirm their selection;
	8. submit the final electronic ballot; and
	9. be provided with confirmation that their electronic ballot has been cast.

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

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

## The Electronic Voting Platform shall:

1. confirm that the Eligible Voter has not previously voted;
2. 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;
3. put the electronic ballot cast by an Eligible Voter into the electronic ballot box; and
4. send an e-mail notification to the Ratification Officer to confirm the Eligible Voter has cast their electronic ballot.

## An Eligible Voter may report an issue or request assistance with the Electronic Voting Platform by contacting the Ratification Officer in one of the ways set out in the Voter Instruction Package.

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

1. assist the Eligible Voter in completing the verification or vote;
2. allow the Eligible Voter to correct the verification;
3. provide confirmation to the Ratification Officer of the Eligible Voter’s identity and that the electronic verification or vote was completed by the Eligible Voter;
4. if necessary, cancel the unique one-time voter security code and issue a new one-time voter security code; or
5. provide alternative voting solutions, including Mail-in Ballot or voting in person.

# ELECTRONIC VOTING PLATFORM PROTOCOL

## 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, including the date, time and location of the vote.

## Daily and 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.

## The Ratification Officer shall arrange with the independent service provider for the following from the Electronic Voting Platform:

1. accessing daily and weekly reports and detailed activity reports;
2. modifying, updating and viewing the List of Eligible Voters;
3. if applicable, viewing, issuing and canceling unique one-time voter security codes;
4. providing the List of Eligible Voters who have voted on the Electronic Voting Platform; and
5. providing the summary of the vote results as per clause 16.7.

## 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.

## Automated e-mail notifications shall be generated in real-time to the applicable Eligible Voter and Ratification Officer of the following activity associated with an Eligible Voter using the Electronic Voting Platform, including:

* 1. attempted verification or voting;
	2. completed voter verification;
	3. completed voting;
	4. failed verification or vote; and system or communication failures, interruptions or lost data.

## Upon the instructions of the Ratification Officer, following the time limitations of clause 22.6, all electronic data shall be deleted and wiped.

## After the close of polls on the Official Voting Day,

1. the option to vote electronically shall be removed as an option from the Electronic Voting Platform; and
2. the Ratification Officer shall cause the Electronic Voting Platform to seal the electronic ballot box and send or make accessible the results to the Ratification Officer.

## The results sent or made accessible to the Ratification Officer will form part of the Ratification Officer’s Declaration of Ratification Officer in [*Form 14*](#FORM16).

# MAIL-IN BALLOTS

## An Eligible Voter may vote by Mail-in Ballot in accordance with this section.

## The Ratification Officer shall send a Mail-in Ballot package by mail, courier or hand delivery to all Eligible Voters at their last known addresses.

## Each Mail-in Ballot package shall contain a pre-folded and initialled ballot in [Form 1](#FORM1), a secrecy envelope, a voter identification envelope in [Form 9](#FORM9), a pre-paid return envelope and voting instructions.

## To cast a Mail-in Ballot, an Eligible Voter shall:

(a) mark the ballot by placing an **🗙** in the box marked “YES” or in the box marked “NO”;

1. enclose and seal the ballot inside the secrecy envelope;
2. enclose and seal the secrecy envelope in the voter identification envelope;
3. complete and sign the outside of the voter identification envelope in the presence of a witness who is at least 18 years of age;
4. enclose and seal the signed and witnessed voter identification envelope in the return envelope, with prepaid postage where necessary; and
5. deliver the sealed return envelope to the Ratification Officer.

## Eligible Voters may not use a proxy voter to vote by Mail-in Ballot.

## A Mail-in Ballot may be delivered to the Ratification Officer by mail, courier or hand delivery.

## A Mail-in Ballot must be received by the Ratification Officer no later than the close of the polls on the Official Voting Day.

##

## 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.

## After the Ratification Officer has received a Mail-in Ballot, and opens the return envelope, the Ratification Officer shall:

1. confirm that the sender of the Mail-in Ballot is an Eligible Voter;
2. confirm that the voter identification envelope was duly signed and witnessed;
3. record the date when the Mail-in Ballot package was received;
4. confirm that no other Mail-in Ballot package has been received from the Eligible Voter;
5. confirm that the Eligible Voter has not voted electronically; and
6. store the Mail-in Ballot package in a secure location until the Official Voting Day.

## The Ratification Officer may contact an Eligible Voter if a voter identification envelope is not completed properly in order to:

1. allow the Eligible Voter to correct the voter identification envelope; or
2. 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.

## 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 .

## 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.

## After retrieving any Mail-in Ballot packages in accordance with clause 17.12 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 acting as witnesses:

1. open a ballot box to be used only for the Mail-in Ballots;
2. request that one or more Eligible Voters witness that the ballot box is empty;
3. place his or her signature on the seal;
4. ask the witnesses to place their signatures on the seal;
5. forthwith seal the ballot box;
6. in the presence of the witnesses, open each Mail-in Ballot package;
7. 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;
8. if the Eligible Voter has already voted, set aside the unopened voter identification envelope;
9. if the Eligible Voter has not already voted, deposit the Mail-in Ballot in its unopened secrecy envelope into the ballot box; and
10. record on the List of Eligible Voters that the Eligible Voter cast a Mail-in Ballot.

## 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 voter identification envelope, and shall forthwith place the unopened voter identification envelope into a suitable envelope retained for that purpose, where:

1. an Eligible Voter has previously voted in person, by Mail-in Ballot or by electronic ballot;
2. a voter is not an Eligible Voter;
3. a Mail-in Ballot is not accompanied by a voter identification envelope; or
4. the voter identification envelope is not completed properly and cannot be verified by the Ratification Officer under clause 17.10.

## After completing the steps in clause 17.9, the Ratification Officer shall:

1. execute a Declaration of Ratification Officer in [*Form 11*](#FORM11); and
2. ensure that each witness executes a Statement of Witness in [*Form 12*](#FORM12) and [*Form 13*](#FORM13).

# VOTING PROCEDURES AT THE POLLS ON VOTING DAYS

## An Eligible Voter may vote in person in accordance with this section.

## The polls shall be opened on the date(s) and during the hours specified on the Notice of Vote.

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

## At each poll, the Ratification Officer shall:

1. before the first vote is cast, open the ballot box and request an Eligible Voter to witness that the ballot box is empty;
2. 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;
3. keep the ballot box in view for reception of Regular Ballots;
4. execute a Declaration of Ratification Officer in [*Form 14*](#FORM14); and
5. ensure that each witness executes a Statement of Witness in [*Form 15*](#FORM15).

## When a person at a poll requests to vote, the Ratification Officer shall:

1. ensure that the person is an Eligible Voter;
2. check the List of Eligible Voters to ensure that the person has not already voted; and
3. 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.

## The Ratification Officer shall record, on the List of Eligible Voters, the name of every Eligible Voter receiving a Regular Ballot at a poll.

## Where there is more than one polling place, the Ratification Officer shall establish a process of ongoing communication by telephone, online or other effective means between polls to ensure that Eligible Voters do not cast more than one vote.

## Upon request, the Ratification Officer shall explain the voting procedure.

##

## 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.

## Eligible Voters may not use a proxy voter to vote in person.

## Notwithstanding clause 18.10, an Eligible Voter may request special assistance from the Ratification Officer at the polls.

## 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.

## The Ratification Officer, after providing special assistance to an Eligible Voter, shall make an entry on the List of Eligible Voters indicating:

1. that the Regular Ballot was marked by the Ratification Officer at the request of the Eligible Voter;
2. the reason for the Eligible Voter’s request; and
3. the name of the witness.

## Except for an Eligible Voter requiring special assistance, every Eligible Voter receiving a Regular Ballot at a poll shall:

1. proceed immediately to a designated voting area;
2. mark the Regular Ballot by placing an **🗙** in the box marked “YES” or in the box marked “NO”;
3. fold the Regular Ballot so as to conceal the mark and expose the initials of the Ratification Officer; and
4. immediately give the folded Regular Ballot to the Ratification Officer.

## Upon receiving a marked Regular Ballot, the Ratification Officer, without unfolding it, shall:

1. verify the Ratification Officer’s initials;
2. remove the perforated strip, if any; and
3. deposit the Regular Ballot into the ballot box.

## 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.

## The Ratification Officer shall record a Regular Ballot returned in accordance with clause as spoiled.

## 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.

## 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.

## After the close of a poll on any Advance Polls, and Official Voting 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:

1. seal the ballot box at that poll such that no further Regular Ballots may be deposited in that ballot box; and
2. initial the seal.

## 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:

1. seal the ballot box at that poll such that no further Regular Ballots may be deposited in that ballot box;
2. initial the seal; and
3. forthwith transport the sealed ballot box to the Ratification Officer at the poll at which he or she is presiding.

## 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.

# ORDERLY VOTING

## The Ratification Officer shall ensure that peace and good order are maintained at polling places.

## 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.

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

## No person shall:

1. interfere or attempt to interfere with an Eligible Voter when the Eligible Voter is voting;
2. obtain or attempt to obtain information as to how an Eligible Voter is about to vote or has voted;
3. mark a ballot in a way that identifies the Eligible Voter;
4. mark the secrecy envelope for a Mail-in Ballot in a way that indicates how the ballot was cast;
5. if applicable, use another Eligible Voter’s unique one-time voter security code to vote electronically;
6. if applicable, take, seize, or otherwise deprive an Eligible Voter of his/her unique one-time voter security code; or
7. if applicable, sell, gift, transfer, assign or purchase a unique one-time voter security code.

# REJECTED BALLOTS

1.

## A cast Paper Ballot orMail-in Ballot shall be rejected if:

1. the ballot was not supplied by the Ratification Officer or assistant Ratification Officer;
2. the ballot was not marked as either “YES” or “NO”;
3. the ballot was marked as both “YES” and “NO”;
4. 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;
5. the ballot has any writing or mark which can identify the Eligible Voter; or
6. the intent of the Eligible Voter is unclear.

## A cast electronic ballot shall be rejected if the ballot was not marked as either “YES” or “NO”.

# OPENING MAIL-IN BALLOTS

1.
2.

## 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;

1. open the secrecy envelope and confirm the authenticity of each ballot by verifying the Ratification Officer’s initials; and
2. deposit the Mail-in Ballot, without opening or showing it, in a ballot box used at the polls.

# COUNTING OF BALLOTS

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

## After the Mail-in Ballots have been deposited in a ballot box, the Ratification Officer, in the presence of the Verifier and any Eligible Voter who may be present, shall:

1. count the number of spoiled ballots under clause 18.17;
2. examine all ballots contained in the ballot boxes;
3. reject any ballots as required under clause 17.14 and section 20;
4. count the number of ballots marked “YES”, the number of ballots marked “NO” and the number of rejected ballots; and
5. after reviewing the report in clause 16.7 and confirming that the Eligible Voters who cast a vote electronically did not cast a vote by Mail-in Ballot or in person, count the number and results of ballots cast by Electronic Voting Methods.

## When the results of the Ratification Vote have been determined, the Ratification Officer shall execute a Confirmation by Ratification Officer in [*Form 16*](#FORM16) and shall provide the form to the Esquimalt Nation and the Verifier.

## 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:

1. affix his or her signature to the seals; and
2. request that an Eligible Voter affix his or her signature to the seals.

## The Ratification Officer shall retain in his or her secure possession the separate envelopes.

## 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.

# PROCEDURAL AMENDMENTS

1.
2.

## 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:

1. deem it necessary to do so; and
2. reasonably believe the variation shall not result in any substantive change to those procedural requirements.

## The Ratification Officer shall state in writing the nature and basis of a variation under clause 23.1 and make a copy of the statement publicly available.

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

# OBJECTIONS

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

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

## An objection must be received by the Verifier within 5 days of the Official Voting Day.

## An objection shall be in writing and shall:

1. identify the name, address and telephone number of the Eligible Voter making the objection;
2. summarize the grounds for the objection; and
3. be accompanied by a statutory declaration setting out the grounds for the objection.

## The Verifier may, if the material provided under clause 24.3 is insufficient to decide the validity of the objection, conduct such further investigations as the Verifier deems necessary.

## 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.

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

## The Verifier shall dismiss the objection if the Verifier determines that:

1. there was neither a violation of this Ratification Process nor an irregularity in that process; or
2. there was a violation or an irregularity, but the final result of the Ratification Vote was not affected.

# REPORT BY VERIFIER

1.
2.

## Within 15 days of the Official Voting Day, the Verifier shall send a written report in [*Form 17*](#FORM17) on the results of the Ratification Vote to the Esquimalt Nation, the Minister and the Chair of the Lands Advisory Board.

# APPROVAL OF LAND CODE AND INDIVIDUAL AGREEMENT

1.

## The *Land Code* and the Individual Agreement shall be approved if a minimum of 20% of Eligible Voters cast a ballot in the Ratification Vote and fifty plus one (50% + 1) of the participating Eligible Voters vote to approve them.

## If fewer than 20% of Eligible Voters case a ballot in the Ratification Vote, Council may direct a second Ratification Vote to be held in accordance with the process set out in this Ratification Process, with the necessary modifications in the discretion of the Ratification Officer.

# EXECUTION OF INDIVIDUAL AGREEMENT AND CERTIFICATION OF LAND CODE

## If the *Land Code* and the Individual Agreement are approved,

1. Council shall as soon as practicable after receiving the report of the Verifier under clause 25.1, sign the Individual Agreement electronically and send the signed electronic Individual Agreement to the Department for signing by the Minister; and
2. the Minister shall electronically sign the Individual Agreement, and forward one fully executed electronic copy to Esquimalt Nation and the Department Regional Office.

## As soon as practicable after receiving the fully electronically signed Individual Agreement, Council shall

1. pass a resolution in [*Form 18*](#FORM18)as a declaration of the results of the vote; and
2. send the resolution, a copy of the approved *Land Code*, and a copy of the fully signed Individual Agreement to the Verifier.

## Upon receiving the *Land Code*, the fully signed Individual Agreement and the resolution in [*Form 18*](#FORM18) from Council, the Verifier shall certify the *Land Code* and forward a completed copy of [*Form 19*](#FORM19) together with a copy of the certified *Land Code* to the Esquimalt Nation, the Minister and the Chair of the Lands Advisory Board.

**Form 1**

**Ratification Process**

**BALLOT QUESTION**

**Do you approve:**

* **The *Xʷsepsəm Land Code*, dated for reference \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_; and**

 **⮚ The Individual Agreementwith His Majesty the King in right of Canada, dated for reference \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_?**

**EXPLANATION**

A **“YES”** vote means that Esquimalt Nation will govern its own reserve lands under the *Xʷsepsəm Land Code*.

A **“NO”** vote means that Esquimalt Nation 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.

**WARNING: Do not make any marking on this ballot other than an X in one of the above boxes. Ballots cannot be counted if they include any other markings.**

**Form 2**

**Ratification Process**

**ESQUIMALT NATION COUNCIL RESOLUTION**

(Information to Verifier)

The Council of Esquimalt Nation, in accordance with the clause 8.4 of the *Framework Agreement on First Nation Land Management* and section [4](#Clause4) of the Esquimalt Nation Community Ratification Process, do hereby resolve to submit the following information to the Verifier:

1. the proposed *Xʷsepsəm Land Code* dated for reference \_\_\_\_\_\_\_\_\_\_\_\_, 202\_;
2. the proposed Esquimalt Nation Community Ratification Process, dated for reference \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_; and
3. the initial List of Eligible Voters who, according to the records of Esquimalt Nation, would be eligible under the Community Ratification Process to vote on whether to approve the proposed *Xʷsepsəm Land Code*.

Dated at Esquimalt Nation, Province of \_\_\_\_\_\_\_\_\_\_\_\_, on the \_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 202\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief (Jerome Thomas)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Councillor (Sherry Thomas) Councillor (Eddie Thomas Jr.)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Councillor (Anastasia Thomas) Councillor (Alicia Thomas)

(\* A quorum for Esquimalt Nation consists of 3 Council members)

**Form 3**

**Ratification Process**

**CONFIRMATION BY VERIFIER**

(*Land Code* and Ratification Process)

CANADA )

 )

PROVINCE OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in the Province of \_\_\_\_\_\_\_\_\_\_\_\_,

DO SOLEMNLY DECLARE THAT:

1. I was appointed as the Verifier for Esquimalt Nation by the Nation on the \_\_\_\_ day of \_\_\_\_\_\_\_\_ 202\_ and by Canada on the \_\_\_ day of \_\_\_\_\_\_\_ 202\_ for the purpose of verifying the community approval of their *Land Code* and their Individual Agreement, in accordance with the *Framework Agreement on Nation Land Management*.

2. In accordance with clause 8.4 of the *Framework Agreement*,I received the following information from Esquimalt Nation on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_:

1. a copy of *the Xʷsepsəm Land Code*;
2. a detailed description of the Community Ratification Process that Esquimalt Nation proposes to use; and
3. a list of the names of every Member of Esquimalt Nation who, according to Esquimalt Nation’s records at that time, would be eligible to vote on whether to approve the *Land Code* and the Individual Agreement.

3. A true copy of the *Land Code*, entitled the *Xʷsepsəm Land Code,* dated for reference \_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_ is attached hereto as Annex “1” to this declaration.

4. A true copy of the Community Ratification Process, entitled Esquimalt Nation Community Ratification Process, dated for reference \_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_ is attached hereto as Annex “2” to this declaration.

1. In accordance with clause 8.5 of the *Framework Agreement*, I reviewed the *Xʷsepsəm Land Code* and the Esquimalt Nation Community RatificationProcess to decide whether:
2. the *Xʷsepsəm Land Code* conforms with the requirements of clause 5 of the *Framework Agreement*; and
3. the Esquimalt Nation Community Ratification Process conforms with clause 7 of the *Framework Agreement*.

6. In accordance with clause 8.9 of the *Framework Agreement*, *the Xʷsepsəm Land Code* and the Esquimalt Nation Community Ratification Process are hereby confirmed/not confirmedas being consistent with the *Framework Agreement.*

7. My reasons for not confirming *the Xʷsepsəm Land Code* or Esquimalt Nation 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 \_\_\_\_\_\_\_\_\_\_\_\_, 202\_. )

 ) ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ) Verifier

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

A Commissioner for Taking Oaths in and )

for the Province of \_\_\_\_\_\_\_\_\_\_\_\_. )

 **Form 4**

**Ratification Process**

**ESQUIMALT NATION COUNCIL RESOLUTION**

(Commencement of Vote)

The Council of Esquimalt Nation, in accordance with the *Framework Agreement on First Nation Land Management* and the Esquimalt Nation Community Ratification Process, do hereby resolve to:

* 1. Appoint \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as the Ratification Officer;
	2. Confirm the List of Eligible Voters;
	3. Confirm that Eligible voters may cast a vote in person, by Mail-in Ballot or by Electronic Voting Methods with an Electronic Voting Platform service offered by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, an independent service provider;
	4. Confirm the text of the Esquimalt Nation Community Ratification Process, as confirmed by the Verifier and dated for reference \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_;
	5. Confirm the text of the *Xʷsepsəm Land Code,* as confirmed by the Verifier and dated for reference \_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_;
	6. Hold a Ratification Vote to determine if the community approves the Ratification Documents in accordance with the Esquimalt Nation Community Ratification Process;
	7. Confirm the Ballot Question in the form attached as Annex #1;
	8. Confirm that the *Land Code* and Individual Agreement shall be approved if at least 20% of Eligible Voters cast a vote and fifty percent plus one (50%+1) of the participating Eligible Voters vote to approve them;
	9. Set the Electronic Voting days to be the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 202\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 202\_\_;
	10. Set the Advance Voting Day(s) to be \_\_\_\_\_ day(s) of \_\_\_\_\_\_\_\_\_\_, 202\_\_; and
	11. Set the Official Voting Day to be the \_\_\_ day of \_\_\_\_\_\_\_\_\_, 202\_\_.

Capitalized terms in this Resolution are defined in the Esquimalt Nation Community Ratification Process.

Dated at Esquimalt Nation, Province of British Columbia on the \_\_\_day of \_\_\_\_\_\_\_, 202\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief (Jerome Thomas)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Councillor (Sherry Thomas) Councillor (Eddie Thomas Jr.)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Councillor (Anastasia Thomas) Councillor (Alicia Thomas)

(\* A quorum for Esquimalt Nation consists of 3 Council members)

**Form 5**

**Ratification Process**

**ESQUIMALT NATION COUNCIL RESOLUTION**

(Approval of Individual Agreement for Vote)

The Council of Esquimalt Nation, in accordance with the *Framework Agreement on First Nation Land Management* and the Esquimalt Nation Community Ratification Process, do hereby resolve to confirm the text of the Individual Agreement, dated for reference \_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_, which includes a process for amendment.

Dated at Esquimalt Nation, Province of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ on the \_\_\_day of \_\_\_\_\_\_\_, 202\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief (Jerome Thomas)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Councillor (Sherry Thomas) Councillor (Eddie Thomas Jr.)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Councillor (Anastasia Thomas) Councillor (Alicia Thomas)

(\* A quorum for Esquimalt Nation consists of 3 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 Esquimalt Nation approve the Ratification Documents, and shall discharge my duties in accordance with the Esquimalt Nation Community Ratification Process and the requirements of confidentiality.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Ratification Officer

Note: Capitalized terms in this Appointment are defined in the Esquimalt Nation Community Ratification Process.

**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 Esquimalt Nation 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 Esquimalt Nation Community Ratification Process and the requirements of confidentiality*.*

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Assistant Ratification Officer

Note: Capitalized terms in this Appointment are defined in the Esquimalt Nation Community Ratification Process.

**Form 8**

**Ratification Process**

**NOTICE OF VOTE**

**TO: MEMBERS OF Esquimalt Nation**

**TAKE NOTICE** that a Ratification Vote shall be held in accordance with the Esquimalt Nation Community Ratification Process in order to determine if Eligible Voters approve the *Xʷsepsəm Land Code* and the Individual Agreement. The *Land Code* and Individual Agreement shall be approved if a minimum of 20% of the Eligible Voters cast a ballot in the Ratification Vote and fifty percent plus one (50%+1) of the participating Eligible Voters vote to approve them.

The following question will be asked of the Eligible Voters of Esquimalt Nation by ballot:

**"Do you approve:**

* **The *Xʷsepsəm Land Code,* dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_; and**
* **The Individual Agreementwith His Majesty the King in Right of Canada?”**

Advance Polls for the Ratification Vote will take place on \_\_\_\_\_\_\_\_\_\_ (day of the Week) the \_\_\_ day(s) of \_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_ 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 \_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_ from \_\_\_ a.m. until \_\_\_\_\_ p.m. at:

(Location/s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Street address) \_\_\_\_\_\_\_\_\_\_\_\_\_, Province of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The Electronic Voting Methods will be available from \_\_\_ a.m. on \_\_\_\_\_\_\_\_\_\_ (day of the Week) the \_\_\_ day(s) of \_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_ to \_\_\_ p.m. on \_\_\_\_\_\_\_\_\_\_ (day of the Week) the \_\_\_ day(s) of \_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_. 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Land Code Coordinator, at the Esquimalt Nation Administration Offices, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(address) telephone \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Copies may also be obtained from the website: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**AND FURTHER TAKE NOTICE** that all Members of Esquimalt Nation 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.

**DATED** at Esquimalt Nation, Province of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ this \_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_ 202\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Ratification Officer

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Province of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_

Telephone: (XXX) XXX-XXXX Facsimile: (XXX) XXX-XXXX E-mail: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**NOTE: All Eligible Voters shall be sent a Mail-in Ballot package and instructions on how to vote electronically. Eligible Voters who wish to vote in person may attend the polls on Voting Days.**

**Form 9**

**Ratification Process**

**ELIGIBLE VOTER IDENTIFICATION ENVELOPE**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. I am a member of the Esquimalt Nation.
2. My Band number is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and my date of birth is\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
3. My current mailing address is:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. 1. I am at least 18 years of age.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is an offence to make a false statement in this declaration.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Signature of Voter Date**Witness Declaration (must be 18 years of age or older)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Declared before me |  |  |  | at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |  | (Print witness name) |  | (location/city) |
| this |  | day of | 2024. |
|  | (date) |  |  | (month) |  |  |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Signature of WitnessAddress of witness\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_City Province Postal Code( ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Telephone number of Witness |

**Form 10**

**Ratification Process**

**ESQUIMALT NATION COUNCIL RESOLUTION**

(List of Eligible Voters)

The Council of Esquimalt Nation, in accordance with the Esquimalt Nation 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. Request that the Ratification Officer confirm the removal of the deceased Members from the List of Eligible Voters.

Dated at Esquimalt Nation, Province of \_\_\_\_\_\_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ 202\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief (Jerome Thomas)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Councillor (Sherry Thomas) Councillor (Eddie Thomas Jr.)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Councillor (Anastasia Thomas) Councillor (Alicia Thomas)

(\* A quorum for Esquimalt Nation consists of 3 Council members)

**Form 11**

**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 Esquimalt Nation when Eligible Voters of Esquimalt Nation voted in a Ratification Vote concerning the Ratification Documents.

2. In preparation for depositing Mail-in Ballots, I opened ballot box number #\_\_\_\_.

1. I saw that the ballot box was empty and I asked Eligible Voters who were present to witness that the ballot box was empty.
2. 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 \_\_\_\_\_\_\_\_\_\_, 202\_\_. ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ) Ratification Officer

 ) )

 )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

A Commissioner for Oaths in and for )

the Province of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

**Form 12**

**Ratification Process**

**STATEMENT OF WITNESS**

(Deposit of Mail-In Ballots)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was personally present at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on the \_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_ 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 13**

**Ratification Process**

**STATEMENT OF WITNESS**

(Opening of Mail-In Ballots)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was personally present at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_ 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 14**

**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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 202\_\_ when Eligible Voters of Esquimalt Nation 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 \_\_\_\_\_\_\_\_\_\_, 202\_\_. ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ) Ratification Officer

 ) )

 )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

A Commissioner for Oaths in and for )

the Province of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

**Form 15**

**Ratification Process**

**STATEMENT OF WITNESS**

(Regular Polls)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was personally present at the polling place at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on the \_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_ when Eligible Voters of Esquimalt Nation 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 16**

**Ratification Process**

**CONFIRMATION BY RATIFICATION OFFICER**

(Conclusion of Vote)

CANADA )

)

Province of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Ratification Officer for Esquimalt Nation in the Province of \_\_\_\_\_\_, DO SOLEMNLY DECLARE THAT:

1. I was present at Esquimalt Nation on the \_\_\_\_\_\_\_\_ day(s) of \_\_\_\_\_\_\_\_\_\_, 202\_\_\_when Eligible Voters of Esquimalt Nation voted concerning approval of the *Xʷsepsəm Land Code* and Individual Agreement in accordance with the Esquimalt Nation Community Ratification Process*,*

2. A true copy of the Notice of Vote is attached as Annex “1” to this declaration.

1. In accordance with clause 8.1 of the Esquimalt Nation Community Ratification Process, I posted the Notice of Vote at least 56 days prior to the Official Voting Day.
2. In accordance with section 9 of the Esquimalt Nation Community Ratification Process, a Voter Instruction Package was 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.
3. In accordance with the Esquimalt Nation Community Ratification Process, visits at the homes of Eligible Voters, telephone contact with Eligible Voters and information meetings were conducted.
4. In accordance with clause 11.1 of the Esquimalt Nation Community Ratification Process, the information package was sent to any persons who are not Members who hold an interest in Esquimalt Nation Land at least 28 days prior to the Official Voting Day.
5. The voting procedure, including the handling of electronic ballots, Mail-in Ballots and the counting of results, was conducted in accordance with the applicable sections of the Esquimalt Nation Community Ratification Process.
6. The names of \_\_\_\_\_\_\_\_ Eligible Voters appeared on the List of Eligible Voters.
7. The number of participating Eligible Voters was \_\_\_\_\_\_\_\_.
8. The number of participating Eligible Voters who constituted a majority was \_\_\_\_\_\_\_\_.
9. The results of the Ratification Vote are as follows:
10. \_\_\_\_\_\_\_\_ electronic ballots were cast in the Ratification Vote in accordance with the Esquimalt Nation Community Ratification Process;
11. \_\_\_\_\_\_\_\_ Mail-in Ballots were cast in the Ratification Vote in accordance with the Esquimalt Nation Community Ratification Process;
12. \_\_\_\_\_\_\_\_ Regular Ballots were cast in the Ratification Vote in accordance with the Esquimalt Nation Community Ratification Process;
13. \_\_\_\_\_\_\_\_ Mail-in Ballots were rejected in accordance with clause 17.14 of the Esquimalt Nation Community Ratification Process and not opened or deposited into the ballot box;
14. \_\_\_\_\_\_\_\_ Regular Ballots were spoiled as provided in clause 18.17 of the Esquimalt Nation Community Ratification Process;
15. \_\_\_\_\_\_\_\_ Regular Ballots were cancelled in accordance with clause 18.18 of the Esquimalt Nation Community Ratification Process;
16. \_\_\_\_\_\_\_\_ ballots were rejected in accordance with section 20 of the Esquimalt Nation Community Ratification Process;
17. \_\_\_\_\_\_\_\_ ballots were marked “YES” for the Ballot Question; and
18. \_\_\_\_\_\_\_\_ ballots were marked “NO” for the Ballot Question.
19. Based on the voting thresholds set out in the Ratification Process, the Ratification Documents were *approved/not**approved* by the Eligible Voters of the Esquimalt Nation.

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 \_\_\_\_\_\_\_\_\_\_, 202\_\_. ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ) Ratification Officer

 ) )

 )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

A Commissioner for Oaths in and for )

the Province of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

**Form 17**

**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 Esquimalt Nation on the \_\_ day(s) of \_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_ the Eligible Voters of the Esquimalt Nation voted concerning approval of *the Xʷsepsəm Land Code* and their Individual Agreement in accordance with the Esquimalt Nation Community Ratification Process.

2. A copy of the declaration of Ratification Officer in [*Form 16*](#FORM16) is attached as Annex “1” to this declaration.

1. The names of \_\_\_\_\_\_\_\_\_ Eligible Voters appeared on the List of Eligible Voters.
2. The number of participating Eligible Voters was \_\_\_\_\_\_\_\_.
3. The number of participating Eligible Voters who constituted a majority was \_\_\_\_\_\_\_\_.
4. The results of the Ratification Vote are as follows:
5. \_\_\_\_\_\_\_\_ ballots were marked “YES” for the Ballot Question; and
6. \_\_\_\_\_\_\_\_ 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 \_\_\_\_\_\_\_\_\_\_, 202\_\_. ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ) Verifier

 ) )

 )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

A Commissioner for Oaths in and for )

the Province of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

**Form 18**

**Ratification Process**

**ESQUIMALT NATION COUNCIL RESOLUTION**

(Submission to Verifier)

Whereas the *Xʷsepsəm Land Code* and the Individual Agreement were submitted to a Ratification Vote at Esquimalt Nation on the \_\_\_\_\_\_\_\_ days of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_;

And Whereas the Verifier and Ratification Officer have reported that the Ratification Vote was conducted in accordance with the Esquimalt Nation Community Ratification Processconfirmed by the Verifier;

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

And Whereas the Esquimalt Nation Council and the Minister or delegate have fully signed the Individual Agreement; and

Now thereforethe Council of Esquimalt Nation, in accordance with the *Framework Agreement on Nation Land Management* and theEsquimalt Nation 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 *Xʷsepsəm Land Code,* attached hereto as Annex “2” for certification by the Verifier.

Dated at Esquimalt Nation, Province of this \_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief (Jerome Thomas)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Councillor (Sherry Thomas) Councillor (Eddie Thomas Jr.)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Councillor (Anastasia Thomas) Councillor (Alicia Thomas)

(\* A quorum for Esquimalt Nation consists of 3 Council members)**Form 19**

**Ratification Process**

**CERTIFICATION OF LAND CODE**

Whereas the *Xʷsepsəm Land Code* and the Individual Agreement were submitted to a Ratification Vote at Esquimalt Nation on the \_\_\_\_\_\_\_\_\_\_days of \_\_\_\_\_\_\_\_\_, 202\_\_;

And Whereas I have reported that the Ratification Vote was conducted in accordance with the Esquimalt Nation Community Ratification Process;

And Whereas the *Xʷsepsəm Land Code* and the Individual Agreement were approved by the Eligible Voters at the Ratification Vote on the \_\_\_\_\_\_\_\_\_\_ days of \_\_\_\_\_\_\_\_\_, 202\_\_;

And Whereas the Esquimalt Nation Council has sent a true copy of the fully signed Individual Agreement and a statement that the *Xʷsepsəm Land Code* and the Individual Agreement were properly approved;

And Whereas clause 10.6 of the *Xʷsepsəm Land Code* states that the *Land Code* shall take effect on the first day of the month following the certification of *Xʷsepsəm Land Code* by the Verifier;

Therefore, I hereby certify the *Xʷsepsəm Land Code,* attached as Annex “1” hereto, and the effective date of the *Xʷsepsəm Land Code* is \_\_\_\_ day of \_\_\_\_\_\_\_\_, 202\_\_.

DECLARED BEFORE me at the \_\_\_\_\_\_\_\_\_\_\_ )

of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the Province of )

\_\_\_\_\_\_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 202\_\_. ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ) Verifier

 ) )

 )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

A Commissioner for Oaths in and for )

the Province of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )