



 **LOWER NICOLA**  
 **INDIAN BAND**

## **NOTICE OF CUSTOM ELECTION RULES AMENDMENTS**

LNIB Chief and Council wish to provide notice that a

### **SPECIAL INFORMATION MEETING**

will be held on

**April 12, 2022 at 6PM** at the Shulus Band Hall

### **PURPOSE of SPECIAL INFORMATION MEETING**

1. Review of Amendments to LNIB's Custom Election Rules

During this Special Information Meeting, proposed amendments to LNIB's Custom Election Rules will be presented and discussed. Summaries of the proposed amendments and the amended Custom Election Rules will be provided.

These amendments would allow LNIB to offer members the option of using online voting in LNIB elections.

Chief and Council will provide opportunities at this Special Information Meeting for LNIB members to ask questions and make comments on the proposed amendments.

Full copies of the Custom Election Rules are available at the LNIB Administration Office for review by all LNIB members during regular business hours, or by email from [Sondra.Tom@lnib.net](mailto:Sondra.Tom@lnib.net)

After the Special Information Meeting, a Special Band Meeting will be scheduled for a time and date to be announced, at which LNIB members can vote on the proposed amendments.

### **QUESTIONS?**

Please contact Sondra Tom at [Sondra.Tom@lnib.net](mailto:Sondra.Tom@lnib.net) or 250-378-5157 if you have any questions regarding this notice.

## **TECHNICAL INFORMATION**

### **WHEREAS:**

Chief and Council of LNIB have determined that it is in the best interests of LNIB to introduce the option of online voting for LNIB elections and by-elections to ensure greater accessibility, engagement, and safety for LNIB members.

Chief and Council have been presented with proposed amendments to the Custom Election Rules that would introduce the option of online voting for LNIB elections and by-elections.

Section 32 to 34 of the Custom Election Rules require that any amendment to the Custom Election Rules be approved by a two thirds majority of LNIB Electors at a Special Band Meeting, and that an Information Meeting to discuss the proposed amendments be held prior to that Special Band Meeting.

#### **1. Special Information Meeting**

A Special Information Meeting will be held on:

April 12, 2022, at 6pm

The purpose of this Special Information Meeting is to allow LNIB Electors to review the proposed amendments to the Custom Election Rules and provide LNIB Electors with an opportunity to ask questions or provide comments. During this meeting, Chief and Council will review and explain the purpose of the proposed amendments with LNIB Electors.

#### **2. Special Band Meeting**

A Special Band Meeting will be held on at time and location to be announced.

The purpose of this Special Band Meeting is for LNIB Electors to vote on the proposed amendments to the Custom Election Rules.

#### **3. Proposed Amendments**

The language of the proposed amendments is set out below. Note that only the sections that are proposed to be amended are listed below. For a full copy of the proposed amended Custom Election Rules, please contact the band office directly.

### **Definitions**

“Band” means the Lower Nicola Indian Band.

“Election” means a general election of the Band held under the provisions of these Rules.

“Electoral Officer” means a person, appointed by a Band Council Resolution before each Election, who has the responsibility of conducting the nomination period, the Election, and the post-election procedures.

“Electronic Voting Platform” means computer software that directs a computer to perform and monitor the required tasks for a person to either register to vote or vote in an Election or By-Election using an electronic device, such as a computer or mobile phone.

“Online Voting” means voting in an Election or By-Election using an Electronic Voting Platform in accordance with Sections 25 to 31 of these Rules.

“Polling Station” means a building, hall, or room, which is selected as the site at which voting takes place.

“VIN” means a unique voter identification number that is issued to each Elector for use during Online Voting.

### **Election Day and Voting**

13. At least 32 days before the Election Day, the Electoral Officer shall:

- a) post notices including the time and date of the Election Day, the location of the Polling Station and a list of candidates for the offices of Chief and Councillor at the Band Office and in at least two conspicuous places on all Band Reserves where Electors reside;
- b) mail to each Elector not residing on a Band Reserve for whom he has a mailing address: a Mail-in Ballot package consisting of the election notice described in subsection 13(a), Mail-in Ballots, a Voter Declaration Form, voting instructions and such further materials as may be required to ensure that all Electors have a fair opportunity to vote in the Election; and
- c) at the option of Chief and Council as evidenced in a Band Council Resolution authorizing Online Voting, provide to each Elector, by mail, electronic communication, or other method that the Electoral Officer deems appropriate, Online Voting instructions and such further materials as may be required to ensure that all Electors have a fair opportunity to vote in the Election.

14. The Electoral Officer shall provide an appropriate Polling Station for Elections and an appropriate number of private booths so that voting can be accomplished in person by secret ballot and the place of Elections shall be kept open from 9AM to 8PM for the purposes of voting on Election Day.

### **Advance Poll**

22. Immediately after the close of the poll as described in Section 14 above, the Electoral Officer shall open each Mail-in Ballot package and, for each Mail-in Ballot for which there is a completed Voter Declaration Form from an Elector who has not otherwise voted in the Election, mark a line through that Elector's name on the Electors List, initial the ballot without looking at the candidates selected and deposit the ballot in the sealed ballot box. The Electoral Officer shall then open the sealed ballot box in the presence of such candidates or their scrutineers as may be present and, with the assistance of any agents he may have appointed pursuant to Section 4 above;

[...]

- b) shall count the votes each candidate has received from the unspoiled ballots, including any unspoiled ballots cast through the Online Voting process, if applicable, and sign a written statement of those results and the number of spoiled ballots.

### **Electronic Voting Platform Requirements**

25. If the Band uses Online Voting, the Electronic Voting Platform permitting that Online Voting must:
- a) be provided by an independent third-party service provider;
  - b) at a minimum, require the same verification declaration as is used for Mail-in Ballots and the use of a unique VIN for each Elector;
  - c) keep Online Voting results secret at all times and encrypt them in a manner in which they can never be revealed except to the Electoral Officer or their agents;
  - d) generate and provide automated notifications in real-time to the Electoral Officer or their agents upon voting completion by Electors and of any incomplete or failed vote or incomplete or failed registration of an Elector with the Electronic Voting Platform;
  - e) receive notifications in real time from the Electoral Officer or their agents on the day of Election indicating that an Elector has voted in person; and
  - f) generate and provide activity reports to the Electoral Officer and their agents on a daily basis and upon request.

### **Online Voting Process**

26. Prior to the opening of online polls, the Electronic Voting Platform must be populated with the Electors List and must assign one VIN to each Elector.
27. Online Voting must begin and close at the hour and date specified in an election notice described in section 13(a).
28. Immediately after an Elector's vote is recorded in the Electronic Voting Platform, the provider of the Electronic Voting Platform must:
- a) record and provide the Electoral Officer and their agents with the person's name, personal contact information, and the date and time their online ballot has been received;
  - b) place that Elector's online ballot in an electronic ballot box; and
  - c) provide notice to that Elector that their vote has been received.
29. Upon receipt of notification under section 28(a), the Electoral Officer will:
- a) confirm that the Elector is an eligible voter and will record the vote;

- b) confirm that the Elector has not already voted either by the Electronic Voting Platform, in-person, or by Mail-in Ballot; and
- c) record the date and time when the vote was received.

30. Once an Elector has voted either electronically or in person at a Polling Station:

- a. The Electronic Voting Platform must not allow any person to vote again once notice of their online ballot has been sent to the Electoral Officer; and
- b. the Electoral Officer and their agents must not allow that Elector to vote in any other manner.

31. If the Electoral Officer or their agents are notified of an incomplete or failed vote or Elector registration as contemplated in Section 25(d), the Electoral Officer or their agents will immediately contact that Elector with alternative voting solutions, including Mail-In Ballots or voting in person.

32. After the close of polls, an Electronic Voting Platform must:

- a) seal the electronic ballot box;
- b) remove the option to vote electronically; and
- c) provide the electronic voting results to the Electoral Officer and their agents.

### **Amendments**

41. An amendment proposed pursuant to Section 39 above must be approved by a two thirds majority of those Electors voting by Mail-in Ballot, by Online Voting, or in person at the special Band meeting convened for that purpose.