

SKEETCHESTN INDIAN BAND MEMBERSHIP CODE

WHEREAS it has always been the right and the tradition of the Members of the Skeetchestn Band of Indians to determine the Membership of their Band by means of vote and;

WHEREAS the Skeetchestn Band of Indians wishes to preserve and improve upon its ethnic and racial integrity as an Indian community and;

WHEREAS the Membership of the Skeetchestn Band of Indians has the power to assume control of its membership and to make a Membership Code setting out the procedures for that control under Section 10 of the Indian Act R.S., c. 1-6;

BE IT HEREBY RESOLVED that by a vote of the majority of the Electors of the Band held on June 18, 1987, the following Membership Code was adopted;

PART I CITATION

1. Skeetchestn Indian Band Membership Code is called for the purpose of herein, the Code.

PART II INTERPRETATION

Definitions

2.(1) Unless the context indicates the contrary, in this Code:

“Act” means the Indian Act R.S. c-16 (1985).

“Applicant” means a person who is seeking to become a Band Member and who has made his/her application to the Membership Clerk.

“Band” means the Skeetchestn Band of Indians as determined by its Band List.

“Band Council Resolution” means a motion of the Council of the Band that has been approved by a majority of a quorum of the Council Members at a duly convened meeting and is recorded in the minutes of the meeting.

“Band List” means the list of names, identity numbers and birthdates of persons who are Band Members and is the official registration document of the Membership of the Band.

“Band Member” means a person who has met the requirements to become a Member of the Band as set out in this code and whose name has been entered on the Band List. Collectively these persons are called Band Membership. The status of being a Band Member is called Band Member standing.

“child” means a child born in or out of wedlock and includes legally adopted children and children adopted pursuant to the Band custom, where the child is a registered Indian or person entitled to be registered pursuant to sections 6.1 or 6.2 of the Indian Act.

“Elector” means a person who is a Band Member of the Skeetchestn Indian Band, who has reached his/her eighteenth birthday and who ordinarily is a resident of the Skeetchestn Indian Reserve..

“Probationary Band List” means the Band List of persons who have been approved by the Electors as Probationary Band Members and includes their names, and the date they would be eligible to have their Band Member standing with the Band confirmed by the Electors in a Membership Poll.

“Probationary Band Member” means a term given to a person who has been provisionally accepted by a vote of the Electors and who is waiting five years from that acceptance to be voted into the Band as a Band Member.

PART III ADMINISTRATION

Those Who are Automatically Band Members

3.

(1) A person who meets the following criteria will automatically be given Band Member standing under this Code notwithstanding other criteria set out herein:

(a) A person whose name was entered or eligible to be entered on the Band List as set out by Indian and Northern Affairs as of April 16, 1985.

(b) A person whose name is entitled to be on the Band List as a result of Section 11 i(c) of the Act.

(c) A person who is the child of at least one parent who is, or if deceased, was a Member of the Skeetchestn Indian Band, or was entitled to be a Member of the Skeetchestn Indian Band as pursuant to Section 3a)I or 3a)ii of this Code.

Application to Become a Band Member

4. (1) To make an application to become a Band Member, the Applicant must:

- (a) make an application in writing to the Membership Clerk to allow his/her name to stand in a Membership Poll;
- (b) the written application must be submitted no less than 30 days prior to the date set for the Membership Poll;
- (c) the written application must be set out in the following format:
 - (i) Full name of Applicant;
 - (ii) Name of the Band that the Applicant is a Band Member of and the Applicant's Band Member number (if applicable);
 - (iii) Names of both parents and grandparents and their Band affiliation;
 - (iv) Written confirmation from Indian and Northern Affairs Canada that the Applicant is a registered Indian under the Act;
 - (v) Address of Applicant;
 - (vi) Certified copy of birth certificate of Applicant;
 - (vii) A short statement of reasons why the Applicant wishes to join the Band;
 - (viii) A duly signed Statutory Declaration that the Applicant will have his/her Capital Funds forwarded to the Band from his/her former Indian Band upon receipt of Band Member standing if the Applicant is applying for a transfer;
 - (ix) A duly signed Statutory Declaration that the Applicant will forfeit his/her Band Membership in all other Bands upon receiving Band Member standing;
 - (x) It is the responsibility of the Applicant to furnish all required information for the application.

Basic Eligibility Criteria

5. (1) Every applicant who has made application under Section 4 of this Code must meet the Basic Eligibility Criteria to obtain Band Member standing before his/her name will be forwarded to a Membership Poll as follows:

- (a) The Applicant must have reached his/her nineteenth birthday by the date of his/her application;
- (b) The Applicant must be registered as an Indian under the Act;

- (c) The Applicant must have one parent who is, or was, registered as an Indian as set out under the Act;
- (d) The Applicant must demonstrate good character and conduct to the satisfaction of Council.
- (e) The Applicant must have a Statutory Declaration that he/she will (if applicable);
 - (i) Give up Membership in any other Indian Band once they obtain Band Membership standing with the Skeetchestn Indian Band;
 - (ii) Transfer his/her share of Band funds, or provide \$500.00, to the Capital Fund of the Skeetchestn Band upon obtaining Band Membership standing.

Transfer to Another Band and Withdrawal

6. (1) A Band Member cannot be a Band Member of the Skeetchestn and another Indian Band at the same time.
- (2) Should a Member of the Band obtain Membership in another Band, he/she must withdraw his/her Band Member standing from the Skeetchestn Indian Band immediately. To withdraw from the Band the Band Member must:
- (a) Send a Statutory Declaration to the Band swearing that he/she is a Member of another Indian Band, and wishes to have his/her name deleted from the Skeetchestn Band list.
 - (b) If it is discovered that a Band Member is a Member of another Indian Band, he/she may be struck from the Band List using the following procedure:
 - (i) The Membership Clerk will obtain a written confirmation from the Band in question that the Skeetchestn Band Member is also a Member of the Band in question.
 - (ii) A notice will be posted at the Skeetchestn Band Office and sent to the Band Member that his/her name will be withdrawn from the Skeetchestn Indian Band List within 60 days, unless the Band Member can provide evidence that he/she does not belong to the Band in question.

Procedure for the Applicant to Receive a Membership Poll

7. (1) The application of a person seeking Band Member standing will be put forward in the following manner:

- (a) The application will be accepted for a Membership Poll if it meets the Basic Eligibility Criteria. This will be done by the Membership Clerk forwarding the name of the Applicant to the Electoral Officer in writing. This will include whether the Applicant is eligible to be a Probationary Band Member or a Band Member;
- (b) Upon receiving acceptance by 65% of Electors, the Applicant's name will be entered on the Probationary Band List or the Band List depending upon his/her entitlement as set out in this Code;
- (c) The Chief and Council of the Band shall advise the Applicant, in writing, within 30 days if he/she has, or has not, been granted either Probationary Band Member standing or Band Member standing as applicable to his/her application. Chief and Council also will forward a copy of this Code to the Applicant at the same time. Included will be a letter advising the Applicant as to his/her rights as a Probationary Band Member or a Band Member as the case requires;
- (d) The Chief and Council shall advise the Membership Clerk who has been accepted as a Band Member or a Probationary Band Member within 48 hours of the Membership Poll.

Probationary Band Membership

8. (1) Probationary Band Member standing is given to all persons who have applied to become a Band Member and his/her application has been accepted by 65% of Electors unless their Probationary Band Member standing has been waved in accordance with Section 9 of this Code.

(2) The duration of Probationary Band Member standing is five years from the time the Applicant receives acceptance from the Electors to confer Probationary Band Member as set out in a) above.

(3) Probationary Band Member standing does not entitle the Probationary Band Member to:

- (a) Vote in Band elections;
- (b) Hold office as Chief or Band Councillor, participate in committees or advisory groups to the Band Council;
- (c) Vote at Band meetings, or on the issues that effect the Band;
- (d) Hold possessary rights on Reserve lands;
- (e) Use of programs which are in part or in whole financed by Band Membership;
- (f) Probationary Band Member standing does not permit:

- (i) Utilization of programs that are financed solely by Indian and Northern Affairs Canada;
- (ii) Attending Band Meetings and other Band functions;
- (iii) Utilization of Band facilities for health and education in the same role as those used by the Band Membership.

Waiver of Probationary Band Member Standing

9. (1) Probationary Band Member standing may be waived if an Applicant has lived on-reserve for half of his/her life. This may only be done by having the Electors approve this waiver at a Membership Poll at the same time the application for Band Member Standing is first put forward for a vote. Once Probationary Band Member standing is confirmed upon an Applicant, it cannot be shortened or modified.

Transfer of Band Membership

10. (1) For a person who wishes to transfer Band Member standing from the Skeetchestn Indian Band to another Band, or to withdraw his/her Band Member standing from the Skeetchestn Band, the following procedure applies:

(2) The Band Member must forward to the Membership Clerk, a duly signed Statutory Declaration stating that he/she wishes to have his/her Band Member standing withdrawn from the Skeetchestn Band. The same procedure applies to those persons who wish to withdraw their Probationary Band Member standing.

Removal of a Band Member

11. (1) A Band Member may have his/her Band Member standing withdrawn by the Electors of the Band for any one or more of the following reasons:

- (a) Has been found guilty by the court of law of having caused death or bodily injury to another Band Member or resident of the Skeetchestn Reserve;
- (b) Has been found guilty by a court of law of having caused extensive damage to the property of another Band Member or resident of the Skeetchestn Reserve or of the Band Membership as a whole;
- (c) Has been found guilty by a court of law of being a public nuisance to another Band Member or resident of the Skeetchestn Reserve;
- (d) Has been found guilty by a court of law of defrauding or causing financial loss to the Band.

(2) A Band Member may only have his/her Band Member standing withdrawn by the Electors in the following manner:

(a) By the Band Membership submitting a written petition to the Membership Clerk 30 days prior to the annual Membership Poll which includes the following:

(i) The names and signatures of no less than 30 Electors who support the petition;

(ii) The name of the Band Member whose Band Member Standing is to be put forward for removal;

(iii) The reasons for withdrawal in accordance with this Code.

(3) To have a Band Member's name withdrawn, the petition, as set out in this section, must receive approval of 65% of the eligible Electors of the Band at an annual Membership Poll.

(4) The provision of withdrawal of the Membership of a Band Member shall follow the same polling procedures as set out in Section 13 of this Code.

Annual Membership Poll

12. (1) There will be membership Polls of Electors to approve or remove Band Member standing. The Membership Polls will be held as follows:

- Second week of December 1987
- Second week of June 1988
- Second week of December 1988
- Second week of June in each year thereafter.

Procedure for a Membership Poll

13. (1) By January 30 of each year the Band council must appoint, by Band Council resolution, an Electoral Officer, who is not a Band Member, to supervise the polling procedures and the Polling Station.

(2) Band Council must set dates for polling by February 28 of each year.

(3) The duties of the Electoral Officer are as follows:

(a) Ensuring that he/she obtains a complete list of people who have applied for Band Member standing from the Membership Clerk;

(b) Reviewing with the Membership Clerk each application and ensuring that those which have the required information (set out in Section 4 of this Code), and those that meet the basic eligibility criteria (set out in Section 5 of this Code), be put forward to the Band Membership for the Membership Poll;

- (c) Publishing a notice of Membership Poll and a list of Applicant for Band Membership which will include the following:
- (i) The full names of person eligible to seek Band Member standing;
 - (ii) The full name of persons eligible to seek Probationary Band Member standing;
 - (iii) The names of persons who are eligible to have Probationary Band Member standing waived;
 - (iv) The names of any Band Members who have been put forward, (in the manner set out in this Code), to have their Band Member standing withdrawn by means of petition and the reasons the petitioners have requested a Membership Poll of the Electors for the withdrawal of these Band Members.
 - (v) Date, place, and hours of the Membership Poll.
- (d) Sending the notice of Membership Poll including the names to:
- (i) all Electors (whose addresses are known to the Membership Clerk);
 - (ii) each household on the Reserve;
 - (iii) all Applicant eligible to seek Band Member standing.
- (e) Sending the notice of Membership Poll, excluding the names and details, regarding the eligibility of Applicants to:
- (i) One local newspaper in Kamloops;
 - (ii) One radio station in Kamloops.
- (f) Obtaining a complete list of Electors from the Membership Clerk;
- (g) Preparing ballots as set out in Schedule I;
- (h) Preparing the Polling Station in the following manner:
- (i) Establishing a polling booth where an Elector may mark his/her ballot out of view of other persons in the Polling Station;
 - (ii) Ensuring a ballot box with a sealed lock is at the Polling Station;
 - (iii) Ensuring that tables, chairs, pencils, and other items for the conduct of a Membership Poll are available;
 - (iv) Ensuring that a list of Electors is available;

(v) Ensuring that any other materials of personnel felt necessary by the Electoral Officer are available to conduct a secret ballot.

(i) Ensuring that the following voting procedures are followed:

(i) The Membership Poll is open at 8:00A.M. and closed at 8:00P.M.

(ii) That the ballot box is checked to assure it is empty prior to any voting and that it is lock sealed prior to any Elector casting a vote.

(iii) That each Elector, when reporting to receive his/her ballot, puts his/her name on the list of Electors and that his/her name is crossed off the list of Electors;

(iv) That each Elector returns the ballot to the Electoral Officer who, in the presence of the Elector, puts the ballot in the box;

(v) That persons who may be disabled or do not speak English are assisted with their voting;

(vi) That there is a second person present who will identify Electors to the Electoral Officer

(vii) That there will not be voting after 8:00P.M. or before 8:00A.M.

(viii) That the seal of the ballot box is to be broken by the Electoral Officer in the presence of two witnesses who will sign a Statutory Declaration as set out in Schedule I;

(ix) That the ballots will be counted to ensure that the number of ballots matches the number of Electors who have voted;

(x) That the number of yes and no votes for each Applicant are counted and recorded by the Electoral Officer in the view of two witnesses. The Electoral Officer and the two witnesses must sign the record of voting using the format set out on Schedule II after the results of polling are entered thereon;

(xi) Ensure that the completed record of Membership Poll is given to the Membership Clerk within 24 hours of the closure of the Membership Poll. Copies of the record of voting are to be posted in three conspicuous places on the Reserve, including the notice board at the Band Office, within 24 hours of the closure of the Membership Poll;

(xii) Ensure that the Polling Station and surrounding area is clear of persons soliciting votes or obstructing the procedures of the secret ballot.

Administration of the Band Membership Records

14. (1) By Band Council Resolution, the Band Council will appoint the Membership Clerk to be responsible for the administration of the Band Membership records as set out in this Code;

(2) For the purposes of this Code, Band Membership records will include:

(a) Band Membership List;

(b) Probationary Band (Member) List;

(c) Applications and related documents for Band Membership;

(d) Records of old Band Lists;

(e) Copies of correspondence, codes and other documents related to the administration of Band Membership will be kept in a fire proof cabinet and locked when not in use.

(3) Application for Band Member Standing will be confidential except for the name and information required by the Electoral Officer to have notices and ballots prepared for polling. This confidentiality is to be restricted to the Band Membership officials but may be removed with written permission of the Applicant;

(4) The Band List will have the full legal name, birthdate, and Band number of the Band Member;

(5) That each Band Member will be allocated a Band number at the time of the approval of this Code and that no other person may hold that number. No person applying for Band Member standing will obtain a number until he/she has received Band Member standing. Probationary Band Members will not be assigned a Band number;

(6) No person's names will be entered upon the Band List of Probationary Band List unless they have met the requirements set out in this Code;

(7) In the event of errors or omissions to the Band List and Probationary Band List, corrections may be made by the Membership Clerk providing these are consistent with this Code;

(8) The Band List and the Probationary Band List are not to be removed from the Band Office, but copies may be made available to Band Members on request, and may be posted.

General

15. (1) Copies of this Code are to be circulated to each household and each available Band Member within 30 days of the approval of this Code and be made available on request to any Band Member.

Amendments

16. (1) This Code may be amended providing that the amendment receives approval of 65% of the Electors.

(2) Any amendment to this Code must be presented and discussed at two duly convened meetings of the Band Membership within six months prior to a vote being taken.

(3) The manner of voting is to be the same as set out for a Membership Poll in Section 13 of this Code, except that:

- (a) The notice of Membership Poll, as set out in Section 12, must show the old wording (if applicable) and the exact wording of the addition and change. (This must be included in the radio and newspaper notices.);
- (b) The proposed amendment must be entered on the ballot as set out in Schedule II:
- (c) Once approved the Code is to be changed within ten days and copies of the amended Code delivered to each house on the Reserve and mailed to Band Members not on the Reserve within 30 days.

Severability

17. (1) If any provision of this Code is found invalid by court of law, such provision is severable.

Gender and Plurality

18. (1) In this Code any words in the singular include the plural and words in the plural include the singular and the masculine includes the feminine and neuter where the context requires.