

ASHCROFT INDIAN BAND
MEMBERSHIP RULES REGULATION
AMENDING REGULATION NO. 2024-001

UNDER THE
1987 ASHCROFT INDIAN BAND MEMBERSHIP RULES

PREAMBLE

- A. The Ashcroft Indian Band *Membership Rules* (the “Rules”) came into legal effect on June 26, 1987.
- B. The *Membership Rules Regulation* of the Band (the “Regulation”) came into legal effect on December 1, 2023, to administer the Rules.
- C. Amendments are required to the Regulation as set out in this Amending Regulation.
- D. The process for amending the Regulation is set out in Article 17 of the Regulation.

1. AUTHORITY

- 1.1 **Issuing Authority:** Pursuant to the authority in Article 17 of the Regulation, Council enacts this Amending Regulation to amend the Regulation, following consultation with the General Band Membership.

2. DEFINITIONS

- 2.1 **Terms Defined in Rules or Regulation:** Terms defined in the Rules or the Regulation shall have the same meaning in this Amending Regulation.

3. AMENDMENTS TO THE REGULATION

- 3.1 **Amendments:** The Regulation is amended as follows:

- (a) Article 4, Definition of Elector Must Conform to Indian Act as Amended by Corbiere, is deleted in its entirety and replaced by the following as Article 4:

4. WHO GETS TO VOTE

- 4.1 **Custom of the Band:** The unwritten custom of the Band is that all Electors vote in all elections of Council and on all referenda, whether ordinarily resident on or off reserve.

4.2 **Only Eligible Electors Vote:** The result of the Court Decision is that only those persons:

- (a) who came onto the Band List prior to 1997, being those persons on the Pre 1997 Membership List;
- (b) who were admitted to automatic membership in the Band after 1996, being those persons on the Post 1996 Automatic Membership List;
- (c) who applied to transfer their membership from another Band/First Nation to the Ashcroft Indian Band, whose application was approved in a Band membership referendum vote under Part VI of the Rules held after 1996, being those persons on the Post 1996 Approved Transfer in List; or
- (d) who have been admitted as discretionary members of the Band under the Rules and this Regulation, by a prior Membership Admission Vote held after December 31, 2022, being those persons on the Post 2022 Accepted Applications Membership List;

have Band membership, can be Eligible Electors, and entitled to vote in either:

- (i) a Membership Admission Vote under Part VI of the Rules; or
- (ii) a *Membership Rules Amendment Vote*, under Part VIII of the Rules.

The Eligible Electors will constitute the Voters List: See paragraphs 63, 106 and 107 of the Court Decision.

4.3 **Eligible Electors Reside Both On and Off Reserve:** There is no distinction made in the Court Decision between the legal rights of On and Off Reserve Eligible Electors to vote in elections, referenda, at Band general meetings or in any Referendum Vote under the Rules.

4. COMING INTO EFFECT

4.1 **Approval Process:** Following consultation with the General Band Membership, in accordance with the custom of the Band as described in Article 17 of the Regulation, this Amending Regulation shall be brought into legal effect by Council Resolution.


Coming Into Effect

The ASHCROFT INDIAN BAND COUNCIL HEREBY RESOLVES BY CONSENT of a quorum of the members of the Council of the Band present at a meeting of Council duly convened and held on the 24th day of January 2024 that:


The General Band Membership having been consulted, in accordance with custom of the Ashcroft Indian Band, this Amending Regulation is issued under the authority of the Council of the Band, to come into immediate legal effect.

ASHCROFT INDIAN BAND


Per:



Chief



Councillor



Councillor

ASHCROFT INDIAN BAND

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