



Neskonlith Indian Band

Box 318, Chase, BC V0E 1M0
Phone (250) 679-3295 Fax (250) 679-5306
Home of the 2014 Secwepemc Gathering
www.neskonlith.org



Notice of Proposed Amendments to the Current Custom Election Regulation

Notice is hereby given to the Electors of Neskonlith Indian Band that Chief and Council has passed a Band Council Resolution on May 26, 2026, to begin the process of amending the current Custom Election Regulation to replace it with a new Custom Election and Governance Code.

Attached to this notice is a summary of the amendment process, as required under the current Custom Election Regulation, and a summary of the effect of the proposed changes. A full copy of the proposed Custom Election and Governance Code can be obtained at the Band Administration Office and on the Band’s website.

Required Amendment Process as set out under the Current Custom Election Regulation (“Current CER”)	
<i>NOTE: Under the Current CER, amendments must be completed at least 6 months prior to the upcoming Election, to be held in the fourth week of January 2027.</i>	
Process under Current CER	Date
STEP 1: Process to propose substantive changes to the Custom Election Regulation begins by petition or Band Council Resolution.	BCR passed by C+C on May 26, 2026
STEP 2: Notice of the proposed substantive changes and the amendment process must be posted in at least one conspicuous place on Neskonlith 2 Reserve and Switsemalph 3 Reserve.	This notice was posted on June 2, 2026.
STEP 3: Beginning on the date of the notice, Members have 30-days to provide feedback on the proposed changes to Chief and Council <u>in writing.</u>	June 3 – July 2, 2026
STEP 4: Mail-in ballot packages must be sent out to all Members at least 42 days before the meeting to vote on final form of amendments	Packages posted by June 5, 2026
STEP 5: 30-day Member feedback period ends.	July 2, 2026
STEP 6: Proposed amendments will be updated where necessary or reasonably appropriate based on received feedback and Chief and Council will approve the final proposed Custom Election and Governance Code, which will be posted with an updated summary of the proposed changes to inform Members for voting.	July 10, 2026
STEP 7: Mail-in Voting Period. Mail-in Votes must be received by 5:00pm.	July 24, 2026
STEP 8: In person voting will take place in Chase at the Band Hall and in Salmon Arm at 461 1st Nations Rd, Salmon Arm, BC V1E 2Z6. On close of voting, all in-person and mail-in votes will be tallied. A minimum of 50 total votes must be cast for the results to be counted. Results will be announced following the vote count.	July 25, 2026 10:00am to 2:00pm

SUMMARY OF PROPOSED CHANGES UNDER CUSTOM ELECTION AND GOVERNANCE CODE

12 main proposals, one modern Custom Election and Governance Code for Neskonlith. Each update strengthens independence, broadens participation, and honors Secwépemc ways of resolving disputes. If you think this is a step forward, vote “Yes” to enact the proposed Custom Election and Governance Code.

The proposed *Custom Election and Governance Code* (the “Proposed CEGC”) replaces the Current CER to create one central document to govern both the election process and the roles and responsibilities of your elected Chief and Council. The election procedures in the Proposed CEGC follow the same general format as under the Current CER, but with certain changes that improve the process, update the rules to align with the actual procedure being used, incorporate indigenous dispute resolution into the complaints process, and clarify language to remove uncertainty.

Additionally, if adopted, the Proposed CEGC would include the following changes and additions for Neskonlith’s Elections and Governance:

1. The Chief must have previously served a full Council term.

What is the effect of the proposed change? Candidates must have previously served at least one full term on Chief and Council to be eligible to run for the position of Chief.

Why is this change being proposed? To best represent Neskonlith and its Members, anyone elected as Chief should be comfortably familiar with the expectations, procedures, and responsibilities placed on a Member of Chief and Council. By requiring that the Chief has previously served a term on Chief and Council, as either Chief or Councillor, Neskonlith would benefit from the presence of a leader who understands how things work and can help guide a new Chief and Council through the day-to-day responsibilities of the job. This will help reduce the amount of on-the-job learning that is needed and can allow the Chief and Council to govern more efficiently at the start of a new term.

2. Addition of a 6th Councillor Seat.

What is the effect of the proposed change? Council will grow by one seat so that Neskonlith is represented by one (1) Chief and six (6) Councillors, including the existing seat dedicated for Candidate from Switsemalph 3 (Salmon Arm).

Why is this change being proposed? Most First Nations have the goal of one (1) Council seat for every 100 Members. As Neskonlith’s numbers are continuing to grow, the Members deserve additional representation.

3. Candidates can live within 50km of Neskonlith reserve lands.

What is the effect of the proposed change? The residency requirement for Candidates will be expanded to also include Members who live within 50km of Neskonlith’s reserve lands.

Why is this change being proposed? This change would open up the field of potential Candidates for Council and prevent otherwise qualified Members from being ineligible due to housing shortages on reserve. With a 50km commute, Candidates would live close enough to the Neskonlith’s reserve lands to be easily accessible to fulfil their responsibilities on Chief and Council and have first-hand experience with the needs and concerns of the Members living in Neskonlith’s traditional territory.

4. Candidates cannot be actively in litigation against Neskonlith.

What is the effect of the proposed change? Members who are currently in the middle of an active legal dispute against the Band cannot run for a position on Chief and Council.

Why is this change being proposed? This is a common restriction imposed by most First Nations on their leadership. Being a member of Chief and Council carries with it a legal and ethical obligation that requires Chief and Council to act in the best interest of the Band, an interest that outweighs any personal interest. Where a Candidate is engaged in an active lawsuit against the Band, their personal interest becomes the dominant concern, creating a direct conflict with their fiduciary duty to the Band.

5. Addition of a Whipman role to respond to formal complaints against a sitting member of Council.

What is the effect of the proposed change? A new position of Whipman is created under the Proposed CEGC to serve as a bridge between Members and the Chief and Council and act as an independent, impartial officer of the Band in response to an allegation made against a member of Chief and Council. The Proposed CEGC requires that the Whipman be appointed by membership vote, not by Chief and Council, and sets out a standard process for how a complaint is submitted, reviewed, and investigated. The steps are:

- a) Complaints against a sitting member of Chief and Council are submitted to the Whipman, who will review and first try to engage in traditional dispute resolution practices.
- b) If the Whipman finds that traditional dispute resolution practices are not effective or not possible, they will refer the complaint to the Election Adjudicator to investigate.
- c) The Election Adjudicator will investigate the complaint submit a written report to the Whipman with their findings of fact and determination on whether there was any wrongdoing.
- d) If wrongdoing occurred, the Whipman will present the summary of the written report at a Special General Band Meeting for the Members to vote on a decision to impose any disciplinary measures against that member or members of Chief and Council.

Why is this change being proposed? The Current CER states that if an allegation is made against a member of Chief and Council, a complaints adjudicator, typically a lawyer, is hired to investigate the allegation and determine the appropriate consequence. This approach does not reflect the traditional laws, customs, and values of Neskonlith. Instead, it relies on a formal legal process that is more closely related to colonial systems of dispute resolution and reduces the potential legal costs involved with third-party investigations.

6. No More Automatic Acclamations

What is the effect of the proposed change? Under the Proposed CEGC, if only one eligible Candidate for Chief and/or six (6) eligible Candidates for Councillor are nominated at the Nomination Meeting, a second Nomination Meeting will be held two weeks later to allow for additional nominations. If after the second Nomination Meeting there are still no additional Candidates, the Candidate(s) will be declared elected by acclamation.

Why is this change being proposed? Members are entitled to vote on who is elected to Chief and Council and acclamation removes the opportunity to vote. Allowing for a second nomination meeting give Members the opportunity to put forward additional Candidates to hold a full, competitive election and be presented with options for who each Member believes will best represent Neskonlith and their interests.

7. Addition of Electronic Voting

What is the effect of the proposed change? Under the Proposed CEGC, electronic voting may be permitted, provided the Electoral Officer is able to confirm a platform meets industry-leading practices for security, secrecy, and auditability.

Why is this change being proposed? This change has been requested in the past by Members in order to remove barriers to participation for Members who are located at a distance, and allow for elections to proceed under circumstances such as the Covid-19 pandemic or natural disasters which would otherwise prevent an election from being held in person.

8. Safeguards Against the Potential for Double Voting

What is the effect of the proposed change? Under the Proposed CEGC, voting if voting in person, Members would be required to vote at the Polling Station closest to where they are Ordinarily Resident (Neskonlith 2 or Switsemalph 3).

Why is this change being proposed? This proposed change would help preserve the integrity of the Band's elections and ensure that no Member is able to double their vote by going to both polling stations.

9. Independent Election Adjudicator Appointed in Advance

What is the effect of the proposed change? Under the Proposed CEGC, a qualified Election Adjudicator would be appointed by Chief and Council 100 days before the election and their contact information will be posted for Members.

Why is this change being proposed? Having an Election Adjudicator in place before an appeal is made streamlines the appeals process by preventing unnecessary delays in needing to find an Election Adjudicator last minute, and providing that Election Adjudicator's contact information to Members before the election removes any uncertainty or confusion around where to submit an appeal to reduce the risk of missing the appeals deadline.

10. Independent Remuneration Review Panel ("IRRP")

What is the effect of the proposed change? The Proposed CEGC creates an Independent Remuneration Review Panel ("IRRP") of one Band Member and two independent experts to review the pay rate for Chief and Council after each general election. The IRRP would then make a recommendation to Chief and Council for the amount of their remuneration. If Chief and Council do not accept the recommendation, the previous rates will stay in effect. Any changes to pay rate for Chief and Council must be reported to Neskonlith Members at the next AGM.

Why is this change being proposed? To facilitate a fair process for pay review to ensure that Chief and Council cannot unilaterally increase their own pay, and to ensure transparency by requiring increases in pay be declared publicly to membership.

11. Membership Hours and Council Business Trip Reports

What is the effect of the proposed change? The Proposed CEGC requires that at least one member of Chief and Council be available to Members for a minimum of 2 open membership hours each week at the Band Office or designated community space. Additionally, where a member of Chief and Council travels or attends a conference, training, meeting, or other event on behalf of the Band, that a Chief and Council member shall report back to the Members within a reasonable time regarding the purpose of the travel or attendance, the matters addressed, and any outcomes or follow-up items relevant to the Band.

Why is this change being proposed? To ensure that Chief and Council are reasonably accessible to Members for community business and do not operate in isolation from Neskonlith Members, and to promote transparency and ensure that membership is kept informed on how Chief and Council is using its time to benefit membership.

12. Amending the Proposed CEGC by Referendum

What is the effect of the proposed change? Making substantive amendments that would change any of the obligations, processes, or requirements under the Proposed CEGC will be done by referendum.

Why is this change being proposed? To ensure that all future changes to the Proposed CEGC go through the official referendum process to allow sufficient time and opportunity for each Member to provide their informed vote on whether or not to accept the proposed changes.