



Neskonlith Indian Band

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Home of the 2014 Secwepemc Gathering
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Reminder of Vote July 25, 2026

Kukstác-kucw to everyone who took the time to read the proposal, attend meetings, ask questions, and provide comments. In response to your feedback, the proposed *Custom Election and Governance Code* has been revised for the vote on July 25, 2026. Below is a summary of how a successful vote in favour of replacing the current Custom Election Regulations ("Current CER") with the *Custom Election and Governance Code* (the "Proposed CEGC") with update both the Neskonlith election process and the roles and responsibilities of your elected Chief and Council.

Under the current Custom CER, changes cannot be made within 6 months before an election, so July 25, 2026 is the last chance to make changes to the rules that can improve the election on January 28, 2026. If the Proposed CEGC is not passed by a majority vote on July 25, the election will proceed under the rules of the Current CER (including acclamation). It is up to each Member to decide whether they believe the Proposed CEGC to be an improvement on the Current CER and to vote their conscience. Either way, Members are encouraged to participate in the vote and to be a part of the decision for how the next election will be conducted. Kukstác-kucw.

The decision on whether or not the proposed amendments will be made by Band vote at a Band meeting to be held at the following time and place:

BAND MEETING TO VOTE ON AMENDING THE CURRENT CUSTOM ELECTION REGULATION		
Date:	Dual Locations:	Meeting Time:
Saturday, July 25, 2026	Neskonlith Band Hall in Chase AND 461 First Nations Road, Salmon Arm, BC V1E 2Z6	10:00 am to 2:00 pm

Electors who are unable to attend the meeting on July 25, 2026, are encouraged to vote by mail. Mailed votes must be received by July 24, 2026.

Summary of Amendments on Next Page.

Summary of REVISED Custom Election and Governance Code for Vote

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. NEW AMENDMENT Creation of an Election Regulation Committee.

What is the effect of the proposed change? If the Proposed CEGC is passed, Council must establish an Election Regulation Committee. This committee will be composed of at least 5 Members. The initial committee will be appointed by Council from the pool of qualified applicants, but, once established, the committee can create its own process for selecting and approving new committee members. The role of this committee will be to regularly review the *Custom Election and Governance Code* and identify any potential amendments for consideration, and to be the contact point for any Members who have comments or suggestions for any future amendments.

Why is this change being proposed? Creating this committee places the review of rules around the election process, as well as the formal process for investigating complaints against sitting Chief and Council, in the hands of non-Council Members. As an advisory committee, the Election Regulations Committee would be able to make recommendations and to initiate the process for a formal referendum on proposed amendments to the *Custom Election and Governance Code*. If a future Council believes that amendments are needed, they would consult with the committee before proceeding with full Member involvement under the amendment rules below.

2. REVISED 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, which can only be called after a minimum consultation period of four (4) months with at least one Band meeting.

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.

Response to Member concerns from feedback – The most important feedback received was that Members want more involvement in election-related discussions and amendments. Since consultation before proposed amendments is not a requirement under Neskonlith's current Custom Election Regulations, adding that into the Proposed CEGC ensures that, moving forward, neither Council nor the Election Regulations Committee can put forward proposed amendments for referendum without first consulting with the Members. What this consultation looks like may vary based on circumstances, but specific rules could be put in place with a future amendment if that is what Members choose.

3. REVISED Candidates cannot be actively PURSUING litigation against Neskonlith.

What is the effect of the proposed change? Members who are currently in the process of suing 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.

Response to Member concerns from feedback – previous language in draft left concerns that sitting Council could misuse this rule to keep a Member from being eligible to run by suing them. This was not the intention of the rule and the language has been changed to make it clear that the purposed is to prevent a Member who is suing the Band from running for Chief or Council.

4. 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 Neskonalith. 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.

5. 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 Neskonalith and their interests.

6. 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.

Response to Member concerns from feedback – electronic voting will not be a requirement for an Election or a Referendum, but will be an option available to the Electoral Officer if it is appropriate for that Election or Referendum. There is no specific requirement on what platform or method is used for electronic voting, as that technology is constantly changing, but the Proposed CEGC makes it very clear that electronic voting is only permitted if the Electoral Officer uses a platform that ensures that the identity of the Elector can be confirmed before they vote, that the vote remains by secret ballot, and that there is no potential for double voting.

7. 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.

8. 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.

9. 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.

10. 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.

11. CORRECTION Candidates can live within 50km of Neskonlith reserve lands. *Please note this was mistakenly flagged as an amendment in the previous summary – the current Custom Election Regulation already allows for Candidates to live within 50km of Neskonlith reserves, so this is not a change.*

Amendments under Draft which have been removed in response to Member feedback and are no longer included in the Proposed CEGC:

- The Chief must have previously served a full Council term. *This has been removed in response to concerns from Members that the requirement would make otherwise qualified Candidates ineligible for the position.*
- Addition of a 6th Councillor Seat. *This has been removed from this vote in response to feedback with concerns around a) being able to find Candidates to run for that many seats without acclamation, and b) what the financial impact of a 6th seat would be for Neskonlith.*

These proposed amendments have been set aside for this vote but may be revisited in the future if there is support from Members to have the question brought forward as a future amendment.

Governing documents such as Custom Election Regulations and the Proposed CEGC should be living laws, to be revisited and amended from time to time as needed to work with the ever evolving and growing needs of the Band. Whether or not the Proposed CEGC is passed by vote on July 25, 2026, Members are encouraged to stay involved and keep providing their feedback on what other amendments they would like to see considered for future elections.