



Wagmatcook

Wagmatcook First Nation
Band Membership Transfer Policy

Version 1


August 5, 2025



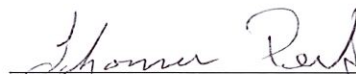
Wagmatcook

Passed this 05 day of August, 2025 at Wagmatcook First Nation


Chief Norman Bernard:


Councillor Kim Denny:

Councillor Travis Isadore:


Councillor Thomas Peck:


Councillor Peter Pierro:

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1.0 Purpose

The purpose of this Policy is to establish the procedure for obtaining the consent of the Chief and Council pursuant to section 11 of the Indian Act for the admission to membership in the Wagmatcook First Nation of any person who is a member of another Band. This Policy establishes the circumstances in which the Chief and Council will refer such applications to the Voters of Wagmatcook First Nation for a Membership Transfer Vote prior to accepting the admission of a new community member.

Under the **Indian Act**, Section 11 refers to bands that **do not control their own membership list**. Instead, Indigenous Services Canada (ISC) maintains the list on their behalf. As part of the application process, individuals requesting to transfer their membership to Wagmatcook First Nation, must abide by the following requirements.

Wagmatcook First Nation is a Section 11 band, meaning:

1. Membership is determined according to the provisions of the Indian Act.
2. Individuals listed on the Indian Register as being affiliated with Wagmatcook are recognized as members.
3. Transfers between bands are managed through ISC and follow Indian Act procedures.

Community Values

Wagmatcook First Nation will be looking for applicants which demonstrate alignment with Wagmatcook First Nation core community values, including:

- *Respect for elders and community values and traditions*
- *Positive contribution to community well-being and harmony*
- *Cultural participation and involvement*

2.0 Scope

2.1 This Policy applies to Status Indians who are Members of a Band other than Wagmatcook First Nation, and who wish to transfer to the Wagmatcook First Nation Membership List.

3.0 Definitions

"Band" means an Indian Band as defined in the *Indian Act*.

"Band Council Resolution" means a written resolution of the Chief and Council adopted at a duly convened meeting.

"Chief and Council" means the elected Chief and Council of Wagmatcook First Nation

"Double Majority" means 51% of WFN eligible voters must participate in any community vote, AND 51% of those participating voters shall determine the vote unless there is less than 51% voter participation which shall render any community vote null and void.

"Electoral Officer" means a third-party who is appointed by the Chief and Council, by Band Council Resolution, to administer and oversee a Membership Transfer Vote process.

"Former Wagmatcook First Nation Member" means a person who was formerly an Wagmatcook First Nation Member and who voluntarily transferred their membership to another Band or had their membership involuntarily transferred to another Band or otherwise had their name involuntarily removed from the Wagmatcook First Nation Membership List.

"List of Voters" means the list of eligible Wagmatcook First Nation Voters.

"Member of a Band" means a member of a Band" as defined in the *Indian Act*.

"Majority Vote" means a majority of (51%) of Wagmatcook First Nation of valid ballots were cast by Wagmatcook First Nation Voters in a Membership Transfer Vote.

"Wagmatcook First Nation Member" means a person whose name is on the Wagmatcook First Nation Membership List.

"Wagmatcook First Nation" means Wagmatcook First Nation.

"Wagmatcook First Nation Membership List" means the Band List of Wagmatcook First Nation maintained pursuant to the *Indian Act*.

"Membership Transfer Vote (community approval process)" means the binding vote by eligible Wagmatcook First Nation Voters, at a vote called by Chief and Council on whether a Transfer Applicant should be added to the Wagmatcook First Nation Membership List. Membership Transfer Votes (community approval process) shall occur every two (2) years based on a Double Majority requirement.

"Minor Child" means a person under the age of 19; or a person of, or over, the age of 19 but who by reason of disability, illness, or other cause, lacks the mental capacity to make his or her own decisions. This also includes minor children legally adopted.

"Status Indian" means a person who is registered as a status Indian under the *Indian Act*, as amended from time to time.

"Transfer Applicant" (individual applying to transfer) means a person who is a Member of a Band other than Wagmatcook First Nation who applies to become an Wagmatcook First Nation Member.

"Transfer Application" means an application from a Transfer Applicant to become a Wagmatcook First Nation Member.

"Voter" means an Wagmatcook First Nation Member who is 18 years of age or older on the Voting Day, and whose name is on the List of Voters.

"Voting Day" means the date set for a Membership Transfer Vote and shall be held on the 21st of June in any Year that a Vote is to be held.

4.0 Membership Transfer Vote

4.1 For this purpose of this process, there are 3 application types for applicants:

- a) New Member Transfer Application (Section 7),
- b) Minor Child Application (Section 8), and
- c) Former Band Members (Section 9)

4.2 Transfer Applicants (individual applying to transfer) wishing to have their name transferred to the Wagmatcook First Nation Membership List must go through a Membership Transfer Vote and receive a Double Majority Vote (51% Voter participation for a valid Vote, and then a Majority of those votes shall be used to determine whether or not the applicant shall be eligible to be added to the Wagmatcook First Nation Membership List.

4.3 All Wagmatcook First Nation Members aged eighteen (18) and older are eligible to vote at a Membership Transfer Vote to determine whether a Transfer Applicant will be admitted to the Wagmatcook First Nation Membership List.

4.4 An Initial Membership Transfer Vote will be set by the Chief and Council, by Band Council Resolution, once this process has been formally adapted, and then every second year to deal with Transfer Applicants wishing to transfer their Band membership to the Wagmatcook First Nation Membership List and who meet the requirements set out in in this Policy.

4.5 Thereafter, any Membership Transfer Votes shall be held on the 21st of June in any year that a Vote is to be held.

5.0 Adult Eligibility

5.1 Prior to being referred to a Membership Transfer Vote, a Transfer Applicant wishing to transfer their Band membership to the Wagmatcook First Nation Membership List must meet the following eligibility requirements:

- a) be a Status Indian,

- b) complete and submit the Membership Transfer Application Form [see Appendix A] along with the documents set out in Section 7.1,
- c) not be ineligible under section 6.1 of this Policy, and
- d) does not have a criminal record that is inconsistent with Wagmatcook First Nation community values, as determined by the Chief and Council

6.0 Adult Ineligibility

6.1 A Transfer Applicant will not be eligible to apply to transfer their Band membership to the Wagmatcook First Nation Membership List where the Transfer Applicant:

- a) is not a Status Indian,
- b) owes an outstanding debt to Wagmatcook First Nation, or
- c) owes an outstanding debt to the Band that they are currently registered as a Band member with,
- d) has a criminal record for a serious offense, excluding minor or culturally contextual offenses (e.g., traditional fishing violations), unless a pardon has been granted; or
- e) is on a Sex Offenders Registry or identified during a Vulnerable Persons Check.

7.0 New Member Transfer

A Transfer Applicant must submit a signed and dated Membership Transfer Application Form to the Membership Administrator accompanied by the following:

- a) a photocopy of the Transfer Applicant's current Status Indian card,
- b) if the Transfer Applicant is a Member of a Band governed by section 10 of the Indian Act, a signed letter or band council resolution from the originating Band confirming the Transfer Applicant is a member, and
- c) a declaration from the Transfer Applicant's originating Band's accounting department stating the Transfer Applicant has no outstanding debts.

7.2 The Wagmatcook First Nation Membership Administrator will be responsible for screening and verifying all Transfer Applications for eligibility.

The Membership Administrator will acknowledge in writing receipt of the Transfer Application.

If the Membership Administrator determines the Transfer Applicant has not met the eligibility requirements, then the Membership Administrator will notify the Transfer Applicant in writing, and in the notice;

- a) provide reasons why the Transfer Applicant's application does not meet the eligibility requirements set out in section 5, including whether the Transfer Applicant failed to provide the necessary supporting documentation, and

- b) include a statement that the Transfer Applicant may respond to the Membership Administrator within thirty (30) days with additional supporting documentation that may impact the Membership Administrator's determination of eligibility, and
- c) if, upon receipt of a Transfer Applicant's further documentation, the Membership Administrator maintains its determination that the Transfer Applicant has failed to meet the eligibility requirements, then:
- d) The membership Administrator will notify the Transfer Applicant of its final decision and provide written reasons why the Transfer Applicant failed to meet the eligibility requirements.

7.5 Transfer Applicants who meet the eligibility requirements set out in section 5 and whose Transfer Application adhere to section 7.1 will be referred to a Membership Transfer Vote.

8.0 Minor Child Eligibility

8.1 Where a Transfer Application is made on behalf of a Minor Child, a Membership Transfer Application Form (see Appendix A) signed by both parents (or legal guardians) must be provided to the Membership Administrator for each Minor Child they wish to be transferred, accompanied by the following:

- a) a photocopy of the Minor Child's current/Valid Indian Status card,
- b) consent in writing confirming that the Minor Child's name may appear on the ballot,
- c) in the case of a deceased parent, a death certificate is required to be submitted.

8.2 Except as provided in section 8.3, in the event both parent signatures do not accompany the Membership Transfer Application Form, the Minor Child's name cannot be included on the ballot for a Membership Transfer Vote.

8.3 Where only one parent or guardian has legal custody of the Minor Child, that parent or legal guardian must provide the following to the Membership Administrator:

- a) a completed Membership Transfer Application Form (see Appendix A);
- b) consent in writing confirming that the Minor Child's name may appear on the ballot (see Appendix A); and
- c) written evidence of legal custody of the Minor Child.

8.4 Upon receipt of all required documentation, the Minor Child's name will be included on the ballot for the Membership Transfer Vote.

9.0 Former Wagmatcook First Nation Members

9.1 Former Wagmatcook First Nation Members wishing to have their name transferred back to the Wagmatcook First Nation Membership List are not subject to the Transfer Application process set out in sections 7 or 8 or a Membership Transfer Vote.

9.2 Subject to section 9.6, Former Wagmatcook First Nation Members wishing to have their name transferred back to the Wagmatcook First Nation Membership List may, at any time, submit a Transfer Request Form (see Appendix B) to the Membership Administrator accompanied by the following:

- a) a photocopy of the Former Wagmatcook First Nation Member's current Status Indian card,
- b) proof, satisfactory to Chief and Council, that the individual was formerly a Wagmatcook First Nation Member,
- c) if the Former Wagmatcook First Nation Member is a Member of a Band governed by section 10 of the Indian Act, a signed letter or band council resolution from that Band confirming the Former Wagmatcook First Nation Member is a member, and
- d) a signed declaration from the Former Wagmatcook First Nation Member's current Band's accounting department stating the Former Wagmatcook First Nation Member has no outstanding debts with Wagmatcook.

9.3 Upon receipt of all requirements set out in section 9.2, the Membership Administrator will present, or cause to be presented, the written request and supporting documentation at the next available meeting of the Chief and Council, and the Chief and Council shall;

- a) Make a determination whether to approve or reject the application of the Former Wagmatcook First Nation Member,
- b) Execute a Band Council Resolution confirming its decision to approve or reject the Former Wagmatcook First Nation Member's application, and
- c) Direct the Membership Administrator to proceed in accordance with the process set out in section 18.

9.4 If, pursuant to section 9.3, Chief and Council execute a Band Council Resolution consenting to the Former Wagmatcook First Nation Member transferring back to the Wagmatcook First Nation Membership List, then the Former Wagmatcook First Nation Member shall be considered a "Transfer Applicant" for the purposes of section 18 and must adhere to the requirements in that section to process the Band membership transfer.

9.5 Former Wagmatcook First Nation Members transferred back to the Wagmatcook First Nation Membership List shall be considered new Wagmatcook First Nation Members and will not be granted retroactive residency time. For greater certainty, Former Wagmatcook First Nation Members that are transferred back to the Wagmatcook First Nation Membership List shall not be entitled to have their previous time as a Wagmatcook First Nation Member or residency in Wagmatcook First Nation considered for the purpose of accessing services or benefits provided to Wagmatcook First Nation Members.

9.6 Notwithstanding section 9.1, if a Former Wagmatcook First Nation Member successfully transfers back to the Wagmatcook First Nation Membership List and then voluntarily transfers off of the Wagmatcook First Nation Membership List, that Former Wagmatcook First Nation Member will be subject to the regular Transfer Application process and Membership Transfer Vote if that Former Wagmatcook First Nation Member wishes to again transfer back to the Wagmatcook First Nation Membership List.

10.0 Commencement of Membership Transfer Vote

10.1 Every two (2) years, the Chief and Council will, by Band Council Resolution, trigger a Membership Transfer Vote process and appoint an Electoral Officer.

10.2 Notice of Membership Transfer Vote

10.3 The Electoral Officer will, at least **65 days** prior to Voting Day, obtain the names and last known addresses of Wagmatcook First Nation Members not residing on reserve.

10.4 The Electoral Officer will post a notice of Membership Transfer Vote at least **60 days** prior to Voting Day in visible public locations within the Wagmatcook First Nation community where it can be read by the Voters, and on the Wagmatcook First Nation website and any other manner of publication as deemed effective by the Electoral Officer.

10.5 The notice of Membership Transfer Vote will contain the following information:

- a) the date, place, and hours of the Membership Transfer Vote,
- b) a list of Transfer Applicants (individual applying to transfer) whose names will appear on the ballot for Voter consideration,
- c) the available alternatives to in-person voting (i.e., Mail-in Ballot) and how a Voter may exercise these options,
- d) the name of the Electoral Officer, their office address, email address, and telephone number,
- e) the List of Voters,
- f) the procedure for requesting revisions to the List of Voter; and
- g) any other relevant information concerning the Membership Transfer Vote as determined by the Electoral Officer.

10.6 The Electoral Officer will, at least **60 days** prior to Voting Day, mail or deliver to each Voter not residing on-reserve a copy of the notice of Membership Transfer Vote, with the information described in section 11.3, and:

- a) a mail-in ballot, initialed on the back by the Electoral Officer,
- b) an outer, postage-paid return envelope, pre-addressed to the Electoral Officer,
- c) a second, inner envelope marked ballot for insertion of the completed ballot,

- d) a Voter Declaration form, and
- e) a letter of instruction regarding voting by mail-in ballot.

10.7 The Electoral Officer shall maintain a separate List of Voters to whom a mail-in ballot was mailed, delivered, or otherwise provided, and keep a record of the date on which, and the addresses to which, each mail-in ballot was mailed or delivered.

11.0 List of Voters and Revisions

11.1 Within ten (10) days of the notice of Membership Transfer Vote being posted pursuant to section 11.2, an Wagmatcook First Nation Member may apply to the Electoral Officer to have the List of Voters revised if such Wagmatcook First Nation Member believes that:

- a) the name of an Wagmatcook First Nation Member has been omitted from the List of Voters; or
- b) the name of a Voter is incorrectly set out or should not be included in the List of Voters.

11.2 Where the Electoral Officer, after consulting with the Membership Administrator, is satisfied that a revision is necessary to the List of Voters, the Electoral Officer will make the revision.

12.0 Voting by Mail-in Ballot

12.1 To be counted, a mail-in ballot must be post-marked and received by the Electoral Officer by the close of the polls on Voting Day.

13.0 Preliminary Procedures

13.1 The Electoral Officer, in consultation with the Chief and Council, will:

- a) designate the location of the voting station,
- b) prepare sufficient copies of the ballot which will be uniform in size, appearance, quality and weight,
- c) obtain sufficient numbers of ballot boxes,
- d) provide a voting booth at the voting station where the Voter can mark the ballot free from observation, and
- e) provide a sufficient number of pens and pencils for marking the ballot.

13.2 The list of Transfer Applicants (individuals applying to transfer) on the ballot for Voter consideration will include the following information for each Transfer Applicant:

- a) the full name of the Transfer Applicant inclusive of any applicable alias,
- b) the name of the Band the Transfer Applicant's wishes to transfer from, and
- c) if the Transfer Applicant so chooses, the name of the Transfer Applicant's parents and grandparents.

14.0 Voting Day

14.1 The polls will be open from **9:00 am until 8:00 pm** on the Voting Day.

14.2 All voting will be by secret ballot only.

14.3 The Electoral Officer, after being satisfied that a person is a Voter and has not voted by mail-in ballot, will:

- a) affix his or her initials on the back of the ballot so that the initials can be seen when the ballot is folded; and
- b) provide the Voter with the ballot.

14.4 The Electoral Officer will place, on the List of Voters, a line through the name of every Voter receiving a ballot.

14.5 If requested by a Voter who:

- a) cannot read,
- b) is incapacitated by blindness or other physical cause, or
- c) requires assistance for any other reason, the Electoral Officer will assist that Voter by marking his or her ballot as directed by the Voter and the Electoral Officer will immediately fold and deposit it into the ballot box.

14.6 Every Voter receiving a ballot will;

- a) proceed immediately to a voting booth,
- b) mark the ballot by placing a cross ("X"), check mark or other mark, either in the box marked "YES" or in the box marked "NO",
- c) fold the ballot to conceal the mark and to expose the initials of the Electoral Officer, and
- d) immediately give the folded ballot to the Electoral Officer who, without unfolding it, will:
 - i. verify his or her initials,
 - ii. tear off the perforated strip if any, and
 - iii. deposit the ballot into the ballot box.

14.7 At the time set for closing the poll, the Electoral Officer will declare the poll closed, and entry will be denied to the voting station, but all Voters already in the voting station at the time set for closing the poll will be permitted to cast their vote.

15.0 Opening Mail-in Ballots

15.1 After the close of the polls on the Voting Day, the Electoral Officer, in the presence of at least one member of the Chief and Council and any other Voters who may be present, will:

- a) open the ballot box for mail-in ballots,

- b) open the secrecy envelope and confirm the authenticity of the ballot by checking the affixed initials, and
- c) deposit the ballot, without opening or showing it, in a ballot box used at a voting station.

15.2 Before depositing a mail-in ballot, the Electoral Officer will, in the presence of two or more Council Members and any Designated Scrutineers.

- a) verify each identification envelope and that the sender is an eligible Voter;
- b) check the List of Voters to ensure that the Voter has not already voted and place a line through the name of the Voter on the List of Voters,
- c) record the date and time the mail-in ballot was received, and
- d) deposit the mail-in ballot in its original unopened secrecy envelope in a separate ballot box kept for this purpose or, if the Voter is not an eligible Voter or has already voted, reject the ballot.

15.3 The Electoral Officer is personally responsible for the safe-keeping of the mail-in ballot box and will ensure that this ballot box remains sealed when not in use and is not opened until such time as the ballots are deposited in the regular ballot box after the close of the polls on Voting Day.

16.0 Counting of Results

16.1 The ballot cast first in time by a Voter in the Membership Transfer Vote process will be the ballot counted in the Membership Transfer Vote process. Where a Voter has cast more than one ballot, the second and/or third ballots cast by that Voter will be rejected.

16.2 After the close of the poll on the Voting Day, the Electoral Officer, in the presence of at least one member of the Chief and Council and any other Voters who may be present, will:

- a) examine all Ballots contained in the ballot boxes;
- b) reject all ballots that:
 - i. has not been marked as either "YES" or "NO",
 - ii. have been marked as both "YES" and "NO",
 - iii. have not been marked in the box marked as "YES" or "NO",
 - iv. has any writing or mark which can identify the Voter, or
 - v. constitutes second or subsequent ballot cast by the same Voter.
- c) not reject ballots marked other than with a cross ("X") if the mark does not constitute identification of the Voter and if the intent of the Voter is clear,
- d) for each Transfer Applicant, count the number of ballots marked "YES", marked "NO", and the number of rejected ballots,
- e) count and verify that 51% of eligible voters participated in the community Vote, and
- f) for each Transfer Applicant, declare whether the Transfer Applicant received a Double Majority Vote (51% Voter participation, and 51% of votes cast) "YES" for transfer to the Wagmatcook First Nation Membership List.

16.3 When the result of the Membership Transfer Vote has been determined, the Electoral Officer will announce the results and prepare and distribute a statement of the votes.

16.4 The Electoral Officer will separately seal in envelopes the ballots cast and rejected ballots. The Electoral Officer will then affix his or her signature to the seals and will retain them for ten (10) days.

16.5 The Electoral Officer will, within four (4) days after the count,

- a) post and submit to Chief and Council the statement of the votes, and
- b) fax and/or e-mail a copy of the statement of the votes to the regional or district manager of Indigenous Services Canada (ISC).

16.6 The Electoral Officer will, within 30 days after the Membership Transfer Vote, prepare the Electoral Officer's report and submit it to Chief and Council.

16. 7 If a Transfer Applicant receives the requisite Double Majority Vote, the Membership Administrator will prepare a Band Council Resolution for Chief and Council's signature confirming the approval of the Transfer Applicant to transfer their Band membership to the Wagmatcook First Nation Membership List.

16.8 If at least 51% of all eligible WFN Voters do not participate in a community vote, that vote shall be of no force and effect due to failing to meet the required level of community participation in the Membership Vote.

17.0 Notice of Decisions on Band Membership

17.1 Where a final decision on a Transfer Application has been made, the Membership Administrator will send a formal letter to each individual Transfer Applicant stating whether the Transfer Application was approved or denied.

17.2 Where a Transfer Application has been approved, the Membership Administrator will send a formal letter to the originating Band of each successful Transfer Applicant giving notice that the Transfer Applicant's request to transfer their membership to the Wagmatcook First Nation Membership List has been approved.

17.3 Upon approval, a Transfer Applicant must arrange for an appointment with the Membership Administrator and bring with them the following:

- a) a copy of their Transfer Application and all supporting documentation,
- b) a copy of the Band Council Resolution confirming the recommendation for the approved Transfer Applicant,
- c) a copy of their Band registration information from the originating Band,

- d) a completed guarantor declaration form (see the Membership Administrator website for the form), and
- e) a copy of a valid identification document, such as a driver's license.

17.4 The Membership Administrator will fill out the necessary documents for Band membership transfer and mail it, along with the documents listed in section 17.3, to Indigenous Services Canada.

17.5 Where a Transfer Applicant is transferring from a Band that has a membership or citizenship code under Section 10 of the Indian Act, the original band council resolution to release the Transfer Applicant from that person's originating Band must be submitted to the Membership Administrator, who will then submit it to Indigenous Services Canada to process the transfer.

17.6 Wagmatcook First Nation must receive written confirmation from Indigenous Services Canada that the Transfer Applicant's Band membership transfer has been processed and registered. Prior to the receipt of written confirmation, the Transfer Applicant will not be eligible to access any services or benefits provided to Wagmatcook First Nation Members.

17.7 The Transfer Applicant must then schedule an appointment with the Membership Administrator to be issued a new status card, and must bring the following with them to the appointment:

- a) a copy of the letter received from Indigenous Services Canada. containing their Wagmatcook First Nation Band registration information;
- b) a copy of a valid identification document, such as a driver's license or provincial identification; and
- c) a copy of their current Indian status card.

17.8 The Membership Administrator will return the Transfer Applicant's former status card to Indigenous Services Canada.

18.0 Waiting Period to Re-Apply

18.1 A Transfer Applicant may re-apply to transfer their Band membership to the Wagmatcook First Nation Membership List during any scheduled Community Vote after the date that their Transfer Application was denied pursuant to this Policy.

19.0 Appeal Process

19.1 Right to Appeal

Any Transfer Applicant who receives notice that their Transfer Application has been denied under this Policy, may submit a written request for an appeal.

19.2 Grounds for Appeal

Appeals may only be submitted on one or more of the following grounds:

- a) An error in procedure or application of the policy;
- b) The inclusion of inaccurate or incomplete information in the decision-making process;
- c) Alleged unfair treatment, bias, or discrimination;
- d) Applicants may not appeal the decision or results of the community vote itself.

19.3 Submission Requirements

To initiate an appeal, the Transfer Applicant must:

- a) Submit a written Appeal Request Form (see Appendix C) to the Band's Membership Coordinator
- b) Clearly identify the grounds for appeal and include supporting documentation,
- c) Submit the appeal within 30 calendar days of receiving the written decision.

19.4 Appeal Committee

Chief and Council shall appoint an Appeal Committee, consisting of three impartial individuals not involved in the original review or decision. These may include:

- A community elder,
- A legal or governance advisor (internal or external),
- A representative from the Membership Office or an independent third party.

19.5 Review Timeline

The Appeal Committee shall:

- a) Acknowledge receipt of the appeal within 7 days,
- b) Review the case within 45 days, and
- c) Issue a final written decision within 60 days of receiving the appeal.

19.6 Outcome of Appeal

The Appeal Committee may:

- a) Uphold the original decision;
- b) Overturn the decision and recommend acceptance of the Transfer Application;

c) Return the file to the Membership Administrator for reconsideration with recommendations.

19.7 Final Decision

All decisions of the Appeal Committee are final and binding. No further internal appeals will be considered once a decision is issued.

