



Constitutional Amendments & Gift Payment FAQ

VOTE
YOUR VOTE. YOUR VOICE.

Part 1

Referendum Vote - Constitutional Amendments

What is the Yuułuꞑifꞑath Constitution?

The Maa-nulth Treaty recognizes the Constitution as the highest and most important law of Yuułuꞑifꞑath. The Constitution sets out fundamental Yuułuꞑifꞑath values and rights and a declaration of Yuułuꞑifꞑath identity.

The Constitution also sets out:

- 🌀 the **Yuułuꞑifꞑath government structure**, which consists of the Legislative Branch (responsible for Yuułuꞑifꞑath law-making) and the Executive Branch (responsible for overseeing administration and enforcement of Yuułuꞑifꞑath laws and government affairs), as well as the hitaču assembly;
- 🌀 the **fundamental rights and freedoms** of Yuułuꞑifꞑath citizens;
- 🌀 basic principles underlying the **Yuułuꞑifꞑath land system**;
- 🌀 basic rules for **financial administration and accountability**;
- 🌀 requirements to **enact laws necessary for core government functions** (eg. elections, financial administration, citizenship); and
- 🌀 the **process to amend** the Constitution.

All Yuułuꞑifꞑath laws must be consistent with the Constitution. The Constitution, in turn, must be consistent with the Maa-nulth Treaty.

Why does the Constitution need to be amended?

The Constitution needs to be amended (changed) for three reasons:

1. To better reflect Yuułuꞑifꞑath identity and values

The Constitution starts with a declaration about Yuułuꞑifꞑath identity, territorial existence, rights, and values. These are the core, most important values and principles that guide our Nation.

The way that we define ourselves as a people and a government in our Constitution is of the highest importance. The Constitution enshrines our most sacred beliefs and communicates to the world who we are.

Changes needed to the Constitution to better reflect Yuułuꞑifꞑath identity and values include:

- 🌀 adding language that speaks to the importance of supporting our youth, who represent the future of the Yuułuꞑifꞑath; and
- 🌀 integrating more nuucăańuł words and spelling.

2. To correct outdated language about government processes

The Constitution was drafted before the Treaty came into effect and was ratified (approved) by Yuułuꞑifꞑath citizens on May 4, 2007 - almost 16 years ago.

Since, the Yuułuꞑifꞑath government has enacted many laws and regulations that set out detailed rules and processes for government. Over time, many of these laws have been refined as the Yuułuꞑifꞑath government has developed its processes. Now, some sections of the Constitution that detail government processes are outdated. Other sections of the Constitution repeat rules and processes that are set out in much more detail at law.

The Constitution needs to be cleaned up to make sure that it reflects current government practices and allows the government to continue evolving its practices based on ongoing experience.

3. To make other minor clean-ups

The remaining proposed changes in the Constitution are minor clean-ups to improve overall structure, flow, and clarity.

What are the proposed changes?

The proposed changes to the Constitution include:

1. Changes to better reflect Yuułuʔiłʔatḥ identity and values

- ⦿ Adding language that speaks to the importance of supporting Yuułuʔiłʔatḥ youth, who represent the Nation’s future
- ⦿ Incorporating more nuucăaṅuḥ words into the Constitution, such as “Hahuuḥi” instead of “Hahoulthee, and “ʔiisaak”, instead of “respect”

2. Changes to update outdated language re: government processes

- ⦿ Removing administrative timelines that have proven difficult or impossible to meet, and requiring instead that these timelines be set out at law
- ⦿ Requiring chairperson to provide notice of *all* hitaču assemblies
- ⦿ Removing restriction that members of the Legislature on committees cannot vote, because experience has shown that it can be challenging to fill vacancies and have enough committee members
- ⦿ Removing requirement to establish certain advisory committees, which will give the Legislature more flexibility to create committees as needed
- ⦿ Clarifying the role of the Executive and the President as *overseeing* government affairs
- ⦿ Requiring the chairperson to notify citizens of *all* hitaču assemblies, not just hitaču assemblies that are being called to call for referendums
- ⦿ Allowing members of the Legislature who sit on committees that advise the Legislature to vote in committee decisions
- ⦿ Adding a new section to recognize constitutional principle that the Legislature can delegate law-making authorities – for example, to delegate regulation-making authority to the Executive
- ⦿ Adding a new section to clarify that the Legislature may make a law to define words used in the Constitution (ie. the Interpretation Act, YFNS 17/2011)

3. Changes to make other minor clean-ups

- ⦿ Recognizing the legal status of the Maa-nulth Treaty
- ⦿ Adding language from the Canadian Charter of Rights and Freedoms to reflect the existing legal principle that governments must balance individual and collective rights, and that government programs and services sometimes need to be delivered in different ways to citizens
- ⦿ Allowing Yuułuʔiłʔatḥ to establish a court by agreement with Canada and BC
- ⦿ Removing repetitive language to improve clarity

Every proposed change, along with a note explaining each change, can be found in the tracked change version of the Constitution.

Do the amendments affect my rights?

No, none of the proposed changes change the rights or freedoms of Yuułuʔiłʔatḥ citizens.

Two of the proposed changes recognize existing Constitutional legal principles (legal principles that apply to the Yuułuʔiłʔatḥ Constitution, whether they are written or not). These are:

- ⦿ Adding a new section to recognize constitutional principle that the Legislature can delegate law-

- making authorities – for example, to delegate regulation-making authority to the Executive
- Adding language from the Canadian Charter of Rights and Freedoms to reflect the existing legal principle that governments must balance individual and collective rights, and that government programs and services sometimes need to be delivered in different ways to citizens

Adding this language will help citizens and other readers understand the Constitution.

How can I learn more about the amendments?

Citizens can learn more about the amendments by:

- Attending a special hita'cu assembly on February 27th or April 17th
- Reading the annotated Constitution showing proposed tracked changes
- Reading the FAQ
- Participating in the Dial-a-Lawyer Day to be determined at a later date in March
- ufn.ca > Government > Constitution** or **ufn.ca > Media > YG Newsletter January Special Edition**

What is the process to amend the Constitution?

Constitutional amendments can be ordered by the Legislature or by petition to the Legislature by at least 40 Yuu'u?i?at? citizens. Before holding a referendum, the Legislature must hold a special hita'cu assembly to seek the views of citizens and consult with the Ha'wiih Advisory Council.

Proposed amendments must be approved by at least 50% of all Yuu'u?i?at? eligible voters. This is a very high threshold.

Part 2

Referendum Vote – Christmas Gifts

What is the question being asked about Christmas gifts?

Yuufu?if?ath Government is considering changes to the way Christmas gift payments are made to citizens.

Should Yuufu?if?ath Government give citizens:

- a) **an annual Christmas gift of \$250?**
- OR
- b) **a one-time gift of \$2,500?**

Annual Payment Option – \$250

Currently, there is an annual Christmas payment of \$250 available to citizens 16 years of age and older, and to citizens under the age of 16 if applied for by a parent or legal guardian on their behalf.

One-time Payment Option – \$2,500

The Yuufu?if?ath Government is considering making a change to a one-time payment of \$2,500 available to citizens 16 years of age and older, or upon turning 16 years of age.

Why does the referendum ballot include both constitutional amendments and my preference for the Christmas gift?

The referendum is being held for two distinct purposes: (1) to vote on the proposed Constitutional amendments, and (2) to get public opinion on the payment of the Christmas gift. These questions will be put to voters on the same date both for cost efficiency and to make it easier for citizens to vote.

What happens if I only answer one ballot question, and not the other?

Voters must complete both ballot questions for their vote to be counted. The Referendum Act, YFNS 9/2011 requires votes to be rejected as invalid if they are not completed properly.

What will the Yuufu?if?ath Government do with the results of the referendum question about the payment of Christmas gifts?

The Yuufu?if?ath Government will use the results of the referendum question about the payment of Christmas gifts to inform decisions about future payments.

Part 3

Referendum Vote – How To

When is the referendum vote?

The date of the vote is **May 10, 2023**.

Who is running the vote?

The Chief Electoral Officer is Kit Spence.

How will I get notice of the vote?

Eligible voters will be mailed information and voting packages on or before March 10th.

Who can vote?

Yuufuʔiʔatʰ eligible voters on the voters list at the time of the referendum can vote.

How can I vote?

Yuufuʔiʔatʰ eligible voters can vote in one of the following ways:

- 🗳 In person on **May 10** at Government House or in Port Alberni
- 🗳 In person on the advance voting day (TBD) at Government House
- 🗳 By mail-in ballot
- 🗳 By electronic voting from **May 1 to May 10**
- 🗳 By canvassed ballot, if contacted by an election official

Full information about voting methods, including the date for advance voting, will be mailed to eligible voters on or before **March 10**.

How many people need to vote in the referendum?

At least 50% of Yuufuʔiʔatʰ eligible voters must vote in favour of the amendments for those amendments to be approved. **Refers to constitutional amendments only**.

What happens if not enough citizens cast a vote?

If fewer than 50% of Yuufuʔiʔatʰ eligible voters vote “yes”, the amendments will not be approved. **Refers to constitutional amendments only**.

What happens if we vote “no”?

If fewer than 50% of Yuufuʔiʔatʰ eligible voters vote “yes”, the amendments will not be approved. **Refers to constitutional amendments only**.

If we vote “yes”, when do the changes come into effect?

If at least 50% of Yuufuʔiʔatʰ eligible voters vote “yes”, the amendments are approved, and the President will certify the results of the vote. The Constitution will be deemed to be amended on the date of the President’s certification. **Refers to constitutional amendments only**.