



THE ATLANTIC POLICY CONGRESS
OF FIRST NATIONS CHIEFS SECRETARIAT
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Indian Act Election Reform Initiative - Feedback/Comment Form

The AMC and the APC have provided a number of recommendations to the Minister of Indian Affairs and Northern Development for a new First Nations Election Act. We invite you to provide your comments either in a summary fashion or specific to each recommendation.

Name: _____

E-mail: _____

Before providing your comments on this form, we suggest that you read the discussion paper on the proposed reforms. This will help you to better understand the rationale for the recommendations that we have made.

RECOMMENDATION 1

New “opt-in” election legislation that First Nations may choose to come under as an alternative to the *Indian Act* election system when a First Nation passes a Band Council Resolution (BCR) and demonstrates that community consultation and engagement took place on this question.

RECOMMENDATION 2

As a result of the Gull Bay decision, off-reserve members can hold Councillor positions, and there is no limit to the number of positions they can hold. It is recommended that the new legislation provide that up to one-half of Councillor positions on a Band Council may be designated to be held by on-reserve Band members only if, during a vote held on this question, 50% or more of the votes cast support it.

(you can consult the Gull Bay decision on the Internet at:
<http://decisions.fct-cf.gc.ca/en/2007/2007fc878/2007fc878.html>)

RECOMMENDATION 3

The term of office for Chiefs and Councillors be 4 years.

RECOMMENDATION 4 (For Manitoba First Nations only)

First Nations in a given region or province have the possibility of adopting a common election day.

RECOMMENDATION 5

Band Councils be able to appoint an electoral officer without requiring the Minister's approval.

RECOMMENDATION 6

A better nomination process where nominees have to sign a written acceptance of their nomination and pay a small fee, if the First Nation decides to make the fee a requirement.

RECOMMENDATION 7

As result of the 1999 Supreme Court of Canada decision in *Corbiere*, all band members at least 18 years of age are eligible to vote regardless of where they live. This decision also required that a mail-in ballot system be put in place to allow off-reserve members to vote without having to travel to the reserve. Under a proposed new system, mail-in ballots must still remain available. It is recommended however that:

- (a) Mail-in ballots be sent to voters only upon their written request and that those written requests must be accompanied by photocopies of reliable identification of the voters; and
- (b) Advance polls be held where deemed necessary.

(you can consult the Corbiere decision on the Internet at:

<http://scc.lexum.umontreal.ca/en/1999/1999scr2-203/1999scr2-203.html>)

RECOMMENDATION 8

Removal of the role of the Minister in receiving, investigating and deciding on election appeals, and consider alternative decision making bodies.

RECOMMENDATION 9

Offences and penalties surrounding vote and ballot buying and interference in the electoral process be well defined (just as they are in the *Canada Elections Act*).

RECOMMENDATION 10

That there be a recall mechanism that would allow for the removal from office of one or more elected officials where there is a related petition having the support of at least 60% of the voters of a First Nation. The petition for a recall would only be allowed to take place at the 2-year point of the 4-year mandate, and only within 30 days of the two year point.

RECOMMENDATION 11

A Chief or Councillor would cease to hold office if he or she is convicted of an indictable offence and sentenced to imprisonment for more than 30 consecutive days; dies or resigns from office; is convicted of offences under the Act (related to elections); or is removed from the elected position by recall.

GENERAL COMMENTS
