

	<i>Indian Act</i>	<i>First Nations Elections Act</i>	<i>Custom Election Act</i>
How to opt in	<ul style="list-style-type: none"> • If the Minister of Indigenous Services thinks it's necessary 	<ul style="list-style-type: none"> • a First Nation council can request to come under the act by adopting a BCR • Minister of Indigenous Services may bring the First Nation under the act following a leadership dispute or finding of corrupt practices 	<ul style="list-style-type: none"> • Community input
Term of office	<ul style="list-style-type: none"> • 2 years 	<ul style="list-style-type: none"> • 4 years 	<ul style="list-style-type: none"> • Community input
Number of council members	<ul style="list-style-type: none"> • 1 chief and 1 councillor for every 100 members of the First Nation (min of 2, max of 12) • the Minister of Indigenous Services can authorize a different number 	<ul style="list-style-type: none"> • 1 chief and 1 councillor for every 100 members of the First Nation (min of 2, max of 12) • the band council can decide by resolution to reduce the number of councillor positions 	<ul style="list-style-type: none"> • Community input
Electoral officers	<ul style="list-style-type: none"> • certified through a training program approved by the Minister • appointed by the First Nation council with the approval of the Minister 	<ul style="list-style-type: none"> • certified through a training program approved by the Minister • appointed by the First Nation council • appointed by the Minister only when the band council cannot form quorum to make binding decisions 	<ul style="list-style-type: none"> • Community input
Election period	<ul style="list-style-type: none"> • minimum of 79 days 	<ul style="list-style-type: none"> • minimum of 65 days 	<ul style="list-style-type: none"> • Community input
Qualifications of candidates	<ul style="list-style-type: none"> • only candidates nominated for councillor positions must be a member of the First Nation • candidates must be at least 18 years of age on the day of the nomination meeting 	<ul style="list-style-type: none"> • candidates nominated for all positions must be a member of the First Nation • candidates must be at least 18 years of age on the day of the nomination meeting 	<ul style="list-style-type: none"> • Community input
Rules and procedures for nominations	<ul style="list-style-type: none"> • a voter can nominate a candidate in writing before the nomination meeting or in person by speaking at the meeting 	<ul style="list-style-type: none"> • a voter can nominate a candidate in writing before the nomination meeting or in person by speaking at the meeting 	<ul style="list-style-type: none"> • Community input

Rules and procedures for nominations (cont.)		<ul style="list-style-type: none"> • a person can be a candidate for only one position in the election • a person cannot nominate more candidates than there are positions to be filled at the election • a First Nation may impose a fee of up to \$250 on each candidate that will be refunded if the candidate receives more than 5 per cent of the total votes cast 	
Acceptance of nominations	<ul style="list-style-type: none"> • persons nominated automatically become candidates and their names are included on the ballot • candidates may withdraw in writing if they do not wish to accept the nomination 	<ul style="list-style-type: none"> • to be included on the ballot and become a candidate, persons nominated must submit a written declaration and acceptance of the nomination and if applicable, the candidacy fee 	<ul style="list-style-type: none"> • Community input
Mail-in ballots	<ul style="list-style-type: none"> • the electoral officer sends a mail-in ballot to all off-reserve voters whose addresses appear on the list provided by the First Nation • the electoral responds to specific requests for mail-in ballot until the election day 	<ul style="list-style-type: none"> • members wishing to vote by mail-in ballot must provide a written request to the electoral officer along with a photocopy of an identification document • the electoral officer will send mail-in ballot packages to all the voters whose request is received up to six days before the election 	<ul style="list-style-type: none"> • Community input
Advance polls	<ul style="list-style-type: none"> • not included in the act 	<ul style="list-style-type: none"> • the electoral officer may hold advance polls between 5 and 10 days before the election, on and off reserve 	<ul style="list-style-type: none"> • Community input
Recount of ballots	<ul style="list-style-type: none"> • not included in the act 	<ul style="list-style-type: none"> • if the number of votes between a winning candidate and one or more runners-up is five or fewer, the electoral officer must recount the ballots for these candidates 	<ul style="list-style-type: none"> • Community input
Offences and penalties	<ul style="list-style-type: none"> • none 	<ul style="list-style-type: none"> • prohibits corrupt activities during the electoral process such as offering and accepting bribes, purchasing and selling mail-in ballots, obstructing the electoral process or breaching the secrecy of the vote 	<ul style="list-style-type: none"> • Community input

		<ul style="list-style-type: none"> • persons who breach these prohibitions are guilty of an offence that is punishable by fines and up to five years in prison • elected officials convicted of any of these offences are removed from office and candidates convicted of certain offences are not eligible to run again for five years 	
Removal from office	<ul style="list-style-type: none"> • a person ceases to hold office when they die, resign or are convicted of an indictable offence • the Minister of Indigenous Services may remove a person from office for having committed corrupt practices in connection with an election or for missing three consecutive meetings of council without authorization from the council 	<ul style="list-style-type: none"> • a person ceases to hold office when they die, resign or are convicted of an indictable offence (the conviction must be accompanied by a prison sentence of greater than 30 consecutive days for the person to lose their position) • the Minister has no power to remove elected officials 	<ul style="list-style-type: none"> • Community input
Appeals	<ul style="list-style-type: none"> • are directed towards the Minister of Indigenous Services who may conduct an investigation and report findings to the Governor in Council • the Governor in Council may set aside the election on the report of the Minister 	<ul style="list-style-type: none"> • are directed to provincial or federal courts, which can, after hearing evidence, set aside an election 	<ul style="list-style-type: none"> • Community input • Must include amendment process
How to opt out	<ul style="list-style-type: none"> • Council can do a BCR to move to First Nations Election Act <p>OR</p> <ul style="list-style-type: none"> • the First Nation must develop a custom election code which must be approved by at least 50%+1 of votes cast through a secret ballot 	<ul style="list-style-type: none"> • the First Nation must develop a custom election code which must be approved by at least 50%+1 of votes cast through a secret ballot in which at least 50%+1 of all the voters of the First Nation participate 	<ul style="list-style-type: none"> • Cannot go back to ISC but can mirror Custom code to First Nations Act, leaving out any reference to ISC