Election System Options

	Indian Act	*First Nations Elections Act*	*Custom*
TERM OF OFFICE	2 years	4 years	Can set their own term with community input
COMMON ELECTION DAY FOR GROUPS OF FIRST NATIONS	No provision	Six or more First Nations can coordinate their terms of office and hold their elections on a common day.	Community will create their own code
COMPOSITION OF COUNCIL	One Chief and one Councilor for every 100 members of the First Nation (minimum of two and maximum of 12 Councilors). The Minister can authorize a First Nation to deviate from this number of Councilors.	One Chief and one Councilor for every 100 members of the First Nation (minimum of two and maximum of 12 Councilors). The Council can decide by resolution to reduce the number of Councilor positions.	Must have a minimum of one and can set their own composition
ELECTORAL OFFICER	Appointed by the First Nation with the approval of the Minister	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	Community will create their own code
ELECTION PERIOD	Minimum of 79 days	Minimum of 65 days	Community will create their own code with community input
QUALIFICATIONS TO NOMINATE, AND BE, A CANDIDATE FOR CHIEF	Must be at least 18 years of age on the day of the nomination.	Nominees must be a member of the First Nation and be at least 18 years of age on the day of the nomination meeting.	Community will create their own code
QUALIFICATIONS TO NOMINATE, AND BE, A CANDIATE FOR COUNCILLOR	A nominee must be a member of the First Nation and be at least 18 years of age on the day of the nomination meeting.	A nominee must be a member of the First Nation and be at least 18 years of age on the day of the nomination meeting.	Community will create their own code

RULES AND PROCEDURES FOR THE NOMINATION OF CANDIDATES	Can be nominated for both Chief and Council and hold both seats.	A person can be a candidate for only one (1) position for the same election. A person cannot nominate more candidates than there are positions to be filled at the election. A First Nation may choose to impose a fee of up to $250 on each candidate to be refunded if the candidate receives more than 5 per cent of the total votes cast.	Community will create their own code
ACCEPTANCE OF NOMINATIONS	Person nominated automatically become candidates and their names are included on the ballot. Candidates may with draw in writing if they do not wish to accept the nomination.	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	Community will create their own code
QUALIFICATIONS TO VOTE	To be eligible to vote, a person must be a member of the First Nation and be at least 18 years of age on election day.	To be eligible to vote, a person must be a member of the First Nation and be at least 18 years of age on election day.	Community will create their own code
MAIL-IN BALLOTS	The electoral officer sends a mail-in ballot to all off-reserve voters whose addresses appear on the list provided by the First Nation or as request come in from electors. Due to the timing of the request for ballots there may not be time to send a ballot and the only option would be to vote in person	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 ballots packages to all voters whose request is received up to six days before the election	Community will create their own code
ADVANCE POLLS	Not included in the act	The electoral officer may hold advance polls between 5 and 10 days before the election, on and off reserve	Community will create their own code
RECOUNT OF BALLOTS	Not included in the act	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	Community will create their own code

OFFENCES AND PENALTIES	None.	Prohibits questionable activities surrounding the electoral process such as offering and accepting bribes, purchasing and selling mail-in ballots, obstructing the electoral process and breaching the secrecy of the vote. 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.	Community will create their own code
REMOVAL FROM OFFICE	A person ceases to hold office when they die, resign, or are convicted of an indictable offence. or When the Minister removes them from having committed corrupt practices in connection with an election or for having missed three (3) consecutive meetings of the council without authorization.	A person ceases to hold office when they die, resign, or are convicted of an indictable offence – however, the conviction must be accompanied by a prison sentence greater than 30 consecutive days for the person to lose their position. No Ministerial powers to remove elected officials.	Community will create their own code.
APPEALS	Directed to the Minister who may investigate and report findings to the Governor in Council. The Governor in Council may set aside the election on the report of the Minister. All paperwork is sent to Indigenous Service Canada, and they retain it until all appeals are considered. Appeal must be sent by register mail within 45 days of the day the poll was held, in affidavit form.	Directed to provincial or federal courts, which can, after hearing the set aside an election. Electoral Officer will retain paperwork for a period of 120 days. Appeal is 30 days after the results of the election was announced. Cost of court would be the responsibility of the complainant.	Community will create their own code

OPTING IN	Opting in is at the discretion of the Minister of Indigenous Services Canada should he or she "deem it advisable for the good government of the band".	A First Nation council can request to come under the *First Nations Elections Act* by adopting a band council resolution (BCR) or The Minister may bring the First Nation under the *First Nations Elections Act* if a protracted leadership dispute in a First Nation has significantly comprised the governance of that First Nation; or if the Governor in Council has set aside an election of the First Nation under section 79 of the *Indian Act* because there was corrupt practice in connection with an election.	A First Nation council can request to come under the *Custom Election Code* by adopting a band council resolution. The First Nation must develop a community election code which must be approved by the majority votes cast at a secret ballot in which 50 per cent + 1 of electors must vote in favor.
OPTING OUT	No provisions (removal from the *Indian Act* election system is guided by the Department's Conversion to Community Election System Policy).	The First Nation must develop a community election code which must be approved by the majority votes cast at a secret ballot in which 50 per cent + 1 of electors must vote in favor.	There is no going back to Indigenous Service Canada election process