

First Nations Elections Act Regulations

Atlantic Policy Congress is in the process of developing First Nation Election Act Regulations and we would like to get the word out to First Nations people living both on and off reserve and in urban and rural areas.

Here is a snippet of the First Nations Election Act Regulations Discussion Guide.

Background context

On April 11, 2014, the *First Nations Elections Act* received *Royal Assent* and officially became a federal law. This Act offers a modern election system that First Nations governments can consider and opt into if they so choose by band council resolution.

Most agree that the *Indian Act* election system contains weaknesses that make it paternalistic and outdated. In 2009, the Atlantic Policy Congress of First Nations Chiefs engaged with First Nations people across its region to discuss and obtain ideas on building a better election system than the one under the *Indian Act*. Based on what was heard during their engagement efforts, the Atlantic Policy Congress of First Nations Chiefs recommended to the Minister of Aboriginal Affairs and Northern Development that a modern election system that First Nations can consider as an alternative be developed. Among the many improvements offered by the *First Nations Elections Act* are four year terms of office, a better process for the nomination of candidates and no role for the Minister of Aboriginal Affairs and Northern Development in reviewing and deciding election appeals.

However, before First Nations can opt into, and hold elections under the *First Nations Elections Act*, regulations must be developed that outline the rules and procedures surrounding the more detailed components of an electoral process, such as the development of the voters list, the posting of notices, the nomination of candidates, and voting by mail-in ballot

and in person. The Atlantic Policy Congress of First Nations Chiefs has agreed to assist Aboriginal Affairs and Northern Development Canada in facilitating the development of, and in seeking feedback on, these regulations.

This document outlines proposed content for these election regulations. Much of the suggested content follows recommendations that came out of two workshops held by the Atlantic Policy Congress of First Nations Chiefs in March 2014, attended by electoral officers and First Nations representatives. Those familiar with the *Indian Band Election Regulations* will notice that some of the proposed content is similar. However, careful consideration has been given to addressing the gaps and weaknesses of the *Indian Band Election Regulations*.

It is important for the reader to understand that the *First Nations Elections Act* provides for a different election system than the one under the *Indian Act* over and above what is being suggested in this document, which is specific to the regulations.

It is therefore recommended that the reader consult the chart at Appendix A, "Comparison Chart: *Indian Act* Election System vs. system under the *First Nations Elections Act*".

To read the entire First Nations Election Act Regulations Discussion Guide, please click this link:

http://www.apcfn.ca/images/uploads/NCR-6921405-v1-DISCUSSION_GUIDE_ON_ELECTION_REGULATIONS.PDF

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