

FIRST NATIONS ELECTION REGULATIONS

Old: The Band appoints an Electoral Officer (EO) and the Minister would approve the EO.

New: The Band appoints an Electoral Officer (EO) and the Minister's approval is not required.

Old: The election period is 79 days.

New: The election period is 65 days.

Old: Nominations could be mailed in or made orally at a nomination meeting.

New: There are two options;

- At a nomination meeting both by mail-in or orally; or
- Through a paper based exercise.

Old: The candidate is automatically accepted unless they withdrawal in writing.

New: The candidate must submit a written declaration of acceptance with the nomination fee (if applicable) to have their name included on the ballot.

Old: Mail-in ballots are sent to all off-reserve voters whose addresses appear on the list the Band provides.

The Electoral Officer responds to specific requests to send out mail-in ballots up to polling day.

New: Electors must request a mail-in ballot to receive one and will need to provide valid identification.

The request must be received by the Electoral Officer at least 10 days before the election.

After the 10 day mark no mail-in ballots will be distributed.

Old: No provisions for advanced polls.

New: Advanced polls can be provided on the instruction of Council both on- and off-reserve 5-10 days prior to the Election Day.

Old: No provisions for a recount.

New: A recount will be provided if the margin of votes between a winning candidate and one or more runner-ups is 5 or less; the Electoral Officer must recount the ballots for these candidates.

Old: The results are posted on-reserve and mailed out to all off-reserve electors that provide addresses.

New: Results will be posted on the reserve, the website and on social media.

Old: The Electoral Officer returns ballots and other materials to the Minister.

New: The Electoral Officer must keep the ballots and other materials for a minimum of 120 days after the election.

**To provide feedback or
request information send an
email to:**

engagement@okanagan.org

Phone (250) 542-4328



**Ensuring the Future through
Cultural, Social and
Economic Development**



Governance

**First Nations
Election Act
(FNEA)**





FIRST NATIONS ELECTION ACT (FNEA)

This new legislation and the regulations are part of the Government's commitment to provide frameworks that support stronger, more stable and effective First Nations governments.

OPTING IN TO THE FNEA

The Band Council can opt in to First Nations Elections Act.

OPTING OUT OF THE FNEA

The community must adopt a community election code which must be approved in a majority of votes in a secret ballot, in which 50% of all eligible electors participate

FAQ

What is the difference in terms?

The term for under the Indian Act is 2 years; under the FNEA the term is 4 years.

How many Councillors can OKIB have under the new FNEA?

The same as the Indian Act from 2-10 based on one person per every 100 Band Members. Under the FNEA the Council is allowed to reduce the number of Councillors by BCR.

Under the FNEA does the Chief need to be a Band Member?

Yes, for a person to be nominated for Chief they must be an OKIB Band Member and at least 18 years of age on the day of the nomination meeting.

Under the Indian Act the nominee did not have to be a Band Member or an Indian.

Does the FNEA change the qualifications for a Councillor?

No, the person must be an OKIB Band Member and at least 18 years of age on the day of the nomination meeting.

Under the FNEA can a person run for both Chief and a Council position?

No, a person can only run for one position.

Will there be rules for nomination meetings?

Yes, they include:

- Person can only nominate as many people as there are positions available;
- OKIB can impose a nomination fee of up to \$250; and
- The fee is refundable to nominees that receive 5% of total votes cast.

Were there offences or penalties under the Election Act?

No.

What are the new offences and penalties under the FNEA?

Prohibits activities such as offering and accepting bribes, purchasing and selling

mail-in ballots, obstructing the electoral process or breaching the secrecy of the vote.

A person can be fined or sentenced up to 5 years in prison.

Elected officials found guilty of any of these offences are:

- Removed from office; and
- If convicted are not eligible to run again for 5 years.

Under the FNEA, what is the process to remove a member of Council?

A person ceases to be a member of Council when they die, resign or are convicted of an indictable offence accompanied by a prison sentence longer than 30 days.

How would appeals be managed?

Appeals would be directed to the provincial or federal court, which can, set aside an election.

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View the First Nation Election Act and the Regulations can be viewed on the OKIB website.