



FIRST NATIONS ELECTIONS ACT – ELECTIONS INFORMATION

GENERAL INFORMATION

- ❖ **Term Length:** The term for chief and councillors is four years long, and begins the day following the election.
- ❖ **Subsequent elections:** must be held within the period of 30 days before the end of term.
- ❖ **Council size:** will be one chief, plus one councillor for every 100 members (up to a maximum of 12 councillors), unless the council size is reduced by a council resolution for the next general election.
- ❖ **Reduction of Council Size:** The number of councillors may be reduced by band council resolution, but this only applies as of the next general election.
- ❖ **Increase of Council Size:** If the council size has already been reduced by a council resolution, the council size may be increased according to the one councillor for every 100 members rule, but this will only apply as of the next general election.
- ❖ **Nomination Acceptance:** Candidates must provide a written acceptance of their nomination, and a candidate fee if one has been set by Council.
- ❖ **Mail-in Ballot Applications:** mail-in ballots are sent only when the elector has made an application accompanied by a copy of an identification document.
- ❖ **Automatic Recount:** is done by the electoral officer when the difference between a winning candidate and a runner up is five or less.

TIMELINE

- ❖ **Day 65:** the voters list and the off-reserve members' addresses are provided to the electoral officer
- ❖ **Day 60:** The notice of nomination meeting is posted and sent to off-reserve electors whose address has been provided
- ❖ **Day 35:** Nomination meeting is held (must be 3 hours long)
- ❖ **Day 32 at 6:00 pm:** Deadline to submit the *Candidate's Declaration* form and the candidate fee (if applicable) to the electoral officer
- ❖ **Days 30 to 6:** Mail-in ballot packages are sent to electors who have submitted an application form with a copy of their identification
- ❖ **Days 10 to 5:** Potential advance polls as set by council (not mandatory)
- ❖ **Day 6:** Last day for the electoral officer to receive requests for mail-in ballots and to send them out
- ❖ **Day 0:** Election Day
- ❖ **Day -1:** Recount, only if required
- ❖ **Day -30:** Deadline to apply to the courts to contest the election (appeal)



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NOMINATIONS

- ❖ An elector may only nominate a maximum of one person for each position to be filled.
- ❖ A person can only be a candidate for one position.
- ❖ Persons nominated and seconded **must** sign a *Candidate's Declaration* form accepting the nomination for only one position.
- ❖ Nominees may complete the *Candidate's Declaration* form and provide it to the electoral officer at the nomination meeting or can send it by e-mail or fax.
- ❖ The electoral officer must be in receipt of the *Candidate's Declaration* by 6:00 pm on the third day following the nomination meeting.
- ❖ If a person who has been nominated does not provide a *Candidate's Declaration* to the electoral officer by the deadline, his or her name will not appear on the ballot.

CANDIDATE FEES

- ❖ The Council may, by resolution, impose a candidate fee of up to \$250 on every candidate for chief or councillor, to be refunded if the candidate receives more than 5% of the total votes cast.
- ❖ Nominees **must pay the fee** in cash or by certified cheque, money order or electronic transfer, and it must be received by the electoral officer or the deputy electoral officer **by 6 p.m. on the third day following the nomination meeting** (the same as the deadline for receipt of the *Candidate's Declaration*).
- ❖ Only nominees who have provided their signed *Candidate's Declaration* form and their candidate fee (if applicable) by this deadline will become candidates.
- ❖ Within 30 days of the election, the electoral officer must return the candidate fee to all candidates who received more than 5% of the total votes cast.
- ❖ When a candidate receives 5% or less of the total votes cast, then the fees are provided to the First Nation (and not the candidate).

WITHDRAWAL OF CANDIDACY

- ❖ A candidate may withdraw their candidacy at any time before the close of the poll, by submitting a written declaration of withdrawal signed before the Electoral Officer, or in the presence of a justice of the peace, notary public or commissioner for taking oaths.
- ❖ Any candidate fee paid will not be refunded because zero votes were received.



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MAIL-IN BALLOTS

- ❖ Mail-in ballots are distributed only on written request.
- ❖ The nomination mail out will now include *an Application for Mail-in Ballot*. The application may also be sent by e-mail or fax to an elector.
- ❖ Electors who wish to vote by mail-in ballot must complete the application and send it to the electoral officer along with a **photocopy of an identification document**, by mail, fax or e-mail.
- ❖ The identification document can be any official document that proves the identity of the elector, such as a status card, a driver's licence, a health card, a passport or a library card.
- ❖ Once the application and the copy of the identification document have been received, the electoral officer will send a mail-in ballot package.
- ❖ **Applications for mail-in ballots must be received no later than the 6th day before the election.** After this time, an elector can only vote in person at an advance poll (if there is one), or the polling station on the day of the election.

ACCLAMATIONS

- ❖ If there is only one candidate for chief, that candidate will be declared the candidate elected after 6:00 pm on the third day following the close of the nomination meeting.
- ❖ If fewer individuals are nominated than there are positions to fill, then those individuals will be declared elected after 6:00 pm on the third day following the close of the nomination meeting.
- ❖ Candidates who are acclaimed are entitled to have their candidate fees refunded.

AUTOMATIC RECOUNT

- ❖ If the difference between the number of votes of a candidate with the highest number of votes – who would otherwise be declared elected – and another candidate for the same position is five or fewer, the electoral officer must conduct a recount of the votes cast for those candidates.
- ❖ The electoral officer can decide to conduct the recount immediately, or announce a place and time for the recount, which must take place within 24 hours. If the recount is not to take place immediately, the electoral officer must place the ballots in sealed envelopes, and hold them in safekeeping in a sealed ballot box.
- ❖ At the recount, the electoral officer must open the sealed ballot box and the sealed envelopes in the presence of everyone present and conduct a recount.
- ❖ The electoral officer need only recount the ballots marked for the winning and runner-up candidates who are within five votes.
- ❖ After the recount, the electoral officer will announce the winning candidates.



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APPEALS

- ❖ An elector may appeal the election by application to the Federal Court or the BC Supreme Court on the grounds that there was a contravention of the Act or the regulations that is likely to have affected the result.
- ❖ The application must be filed within 30 days after the election results have been announced.
- ❖ After hearing the application, the court may set aside the election.

OFFENCES AND PENALTIES

- ❖ The offences provided in the *Act* are the same offences found in the *Canada Elections Act* for federal elections.
- ❖ These offences include activities such as: vote buying, bribery, voting when not eligible, forging ballots and obstruction of the electoral process.
- ❖ A person, found guilty by a court, of an offence listed in the *First Nations Elections Act* may receive a fine and/or jail term.
- ❖ Some of the offences carry the additional automatic penalty of not being eligible to be elected as chief or councillor during the five years after the date of conviction.