



Tsleil-Waututh Nation

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Opting in under the First Nations Elections Act: Information Session for TWN Community

If you have any questions please email them to communications@twnation.ca

Virtual Community Meeting Information

- When: July 28, 2020 at 6:00pm
- How: www.slido.com
- Hashtag: [TWN Election Code](#)

Purpose:

This information package is to inform TWN community about the Nation's plan to opt in under the First Nations Election Act. This will help move TWN away from under the Indian Act, and introduce improvements to the elections process, including four-year terms for Chief and Council. This is a simple but important change for TWN.

Note: This will apply to the next Chief and Council, not the current one.

Background:

TWN currently holds elections under the *Indian Act*. Under the *Indian Act*, elections are held every two years for one Chief, plus one Councilor per 100 population of the band.

Many former TWN Councils have wanted to address the issue of two-year terms. No other governments operate under two-year terms, as it is not enough time to get meaningful work completed before another election cycle begins.

In 2015, the *First Nations Elections Act* (FNEA) came into force, based on collaboration between the Government of Canada and First Nations organizations. It allows for First Nations to opt-out of elections under the *Indian Act* and opt-in to elections process under the FNEA.

Under the FNEA, the main difference is that Councils serve four-year terms (currently they serve two-year terms). There will be the same number of Chief and Council members as there are now (there has to be a minimum of 2 and maximum of 12). There are also a number of other process and procedure improvements.

To initiate the process, Council needs to adopt a band council resolution (BCR) requesting to opt-in under the FNEA.

Detailed Comparison:

The table below compares elections under the Indian Act and elections under the FNEA. The main difference is moving from two-year terms, to four-year terms. Additionally, elections under the FNEA include better and more transparent processes that result in a reduction in the costs of elections.

	Indian Act	First Nations Elections Act
How to opt in	Decision of the Minister	Council adopts a BCR
How to opt out	Opt-in under FNEA, a treaty, or a custom election code	Finalize a treaty, or develop a custom election code
Council term	Two years	Four years
Number on Council	1 Chief and 1 Councillor for every 100 members of the Nation	1 Chief and 1 Councillor for every 100 members of the Nation with a minimum of 2 and maximum of 12
Electoral officer	Appointed by Council and approved by Minister	Appointed by Council, certified through training program
Electoral period	At least 79 days	At least 65 days
Qualifications of candidates	Councillors must be band members	Chief and Councillors must be band members
Nominations process	<p>A person can be a candidate for Chief or Council positions</p> <p>A person who is nominated is automatically a candidate unless they withdraw in writing (including paying notary costs)</p> <p>No limits on the number of people a single eligible voter can nominate</p>	<p>A person can be a candidate for only one position in the election</p> <p>A person who is nominated accepts the nomination in writing (does not have to be notarized)</p> <p>An eligible voter can only nominate as many individuals as the number of Chief and Council positions</p>
Mail in ballots	Electoral officer sends a mail-in ballot to all off-reserve voters whose addresses appear on the list provided by the Nation	Members wishing to vote by mail-in ballot request a ballot from the electoral officer along with a photocopy of an identification document
Advance polls	Not included	Electoral officer may hold advance polls between 5 and 10 days before the election, on and off reserve
Recounts	Not included	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

Corruption	Not included	Prohibits corrupt activities such as offering and accepting bribes, purchasing and selling mail-in ballots, obstructing the electoral process or breaching the secrecy of the vote
Removal from office	A person ceases to hold office when they die, resign or are convicted of an indictable offence The Minister 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	A person ceases to hold office when they die, resign or are convicted of an indictable offence (with 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
Appeals	Directed to the Minister	Directed to the courts

Timelines:

The key timelines for this change are outlined below:

- **July 2020:** Issue information and hold community meeting
- **August 2020:** Adopt BCR to opt-in under the FNEA and submit to Canada
- **December 2020:** Appoint electoral officer
- **January 2021:** Start of 65-day election period
- **March 2021:** First TWN elections under First Nations Elections Act
- **April 1, 2021:** New Council takes office

For more information:

Here are some links that include more information about the FNEA and First Nations elections:

- <http://cmmns.com/wp-content/uploads/2016/04/Comparison-Chart-Nov-17-5.pdf>
- <https://www.sac-isc.gc.ca/eng/1323195944486/1565366893158>

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