
**Nipissing First Nation Custom Election Regulations
Review Committee Report
November 2018**

Your feedback on this report is welcomed.

To share your comments or concerns, please contact:

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Introduction

The Nipissing First Nation has undertaken an election code review as part of its regular periodic review of its policies and codes. A call for interested community members was made in August 2017 and a membership based committee was appointed. The committee that was established included:

Fred Bellefeuille (chair); Rhonda Couchie; Claire Campbell; Phil Goulais; and Sharon Beaucage.

Committee meetings were organized approximately every two weeks including the following date: October 4th 2017, October 18, 2017, November 8, 2017, November 22, 2017, January 17, 2018, February 7 2018, February 28, 2018, March 27th, 2018, April 10, 2018, April 24, 2018, May 8th 2018, August 29, 2018, October 23rd 2018 and November 7, 2018.

Approach

The first three meetings of the committee were used to do a clause by clause review of the current draft of the Nipissing First Nation custom election code. Issues were identified during this clause by clause review. Those issues were identified for further consultations through a survey and community meetings.

The issues identified were as follows:

- 1) The possible use of internet voting;
- 2) The residency requirement and definition;
- 3) Is there a need for continued use of advance polls;
- 4) Are by-elections necessary;
- 5) Minor amendments based on grammar and spelling;
- 6) Appeal Process;
- 7) Increasing the use of Anishinaabemowin;
- 8) The length of the term;
- 9) Employment with the First Nation and candidacy; and
- 10) Social media and impact on voting;

Resource people were consulted to assist with the issues identified including Evelyn McLeod in regards to the use of Anishinaabemowin for drafting laws. Julie Pellerin in regards e-voting. Juliette McLeod for demographic statistics on our community. Genevieve Couchie in regards to e-survey implementation. The assistance of these individuals is greatly appreciated.

Consultations

The committee decided that a survey and community consultations should be held to get a sense of what the membership thinks in regards to the key issues and to also leave it open for membership to express other views on election code reform. A membership survey was developed and distributed by mail, social media and online. Community consultation meetings were organized and a power point presentation based on the survey was developed and delivered. The above survey produced a report that was distributed to the membership. Community information and consultation meetings were held on February 7 and 8th 2018. Representatives from the committee presented the survey results to chief and council on March 6th 2018 and the draft final report on October 23rd, 2018.

Recommendations

Firstly, the Nipissing First Nation custom election regulation review committee recommends that a vote to approve changes to the election code should be on the entire amended election code, not on individual recommendations. Based on the survey, community consultations, and discussions within the committee, the committee has the following six recommendations:

- 1) To amend the Nipissing First Nation custom election regulation to allow on and off reserve electors to run in the election as long as they reside within a 100 km radius of the Nipissing First Nation administration building;**

Committee Rational: The Nipissing First Nation Gichi-Naaknigewin states at section 6.2 that *“Every Debendaagizid of Nipissing First Nation is equal before and under the laws of Nipissing First Nation, without discrimination”* it also states that this right is not absolute, at section 24.5 It states *“The Nipissing First Nation Gichi-Naaknigewin guarantees the rights and freedoms set out subject only to such reasonable limits set out in a Nipissing First Nation Laws as can be demonstrably justified in a free and democratic First Nation.* Our constitution calls for equality of all our membership, however it is also subject to reasonable limits. Therefore, some ability for off reserve members to run for council is required. The committee’s view was that a reasonable limit to this equality is to have a 100 km radius requirement because it is a reasonable driving distance to attend meetings at the First Nation. It is also a reasonable distance to be aware of the issues on reserve, the state of roads, land, housing and infrastructure. Further support for this amendments is that there are currently many categories of Nipissing First Nation land (designated, surrendered, unsold, fee simple, etc) which greatly complicates the residency requirement in the current version of the election code. Also, our traditional territory and treaty territory is greater than the reserve boundaries. In addition, approximately, seventy percent of our voters are living off the reserve. The survey results although a small sample size showed some support for this amendment.

- 2) To amend the Nipissing First Nation custom election regulation to allow for voting over the internet, while maintaining existing voting in person, by mail and advanced poll;**

Committee Rational: The technology is advancing and is being used by various municipalities and First Nations in regards to votes such as land code approvals. It was used in the vote for the Nipissing Gichi-Naaknigewin. It will allow for greater participation and voter turnout. It is the way of the future.

- 3) **To amend the Nipissing First Nation custom election regulation to remove the by-election requirement if more than 8 months remains in a term for a vacant councillor seat and instead to recognize the person running for councillor who finished 8th in the vote in the last election as the replacement councillor until the next regular election. The requirement to have a by-election for the chief position will remain unchanged.**

Committee Rational: A by-election is a costly process and is not considered justifiable by the committee in the case of a councillor seat becoming vacant even with more than 8 months remaining in a term. However, the position of chief is too important to not have a by-election if more than 8 months remain in a term.

- 4) **To amend the Nipissing First Nation custom election regulation include anishinaabemowin on key words within the election code in a manner similar to the Nipissing First Nation Gchi-Naaknigewin;**

Committee Rational: The Nipissing First Nation Gichi-Naaknigewin at section 5.1 states the importance and priority of anishinaabemowin. The Gichi-Naaknigewin uses anishinaabemowin for key terms. As a First Nation we are striving for increased use and understanding of the language. The terms used should be defined. Example: "Gichi-Naaknigewin" means constitution.

- 5) **To amend the Nipissing First Nation custom election regulation to correct spelling and grammatical errors;**

Committee Rational: There are several spelling and other minor grammatical errors that should be amended.

- 6) **To amend the Nipissing First Nation custom election regulation appeal system to add clarity.**

Committee Rational: The appeal process in the Nipissing First Nation custom election regulation is vague and leaves much to be decided in terms of process in an appeal. It should be amended to add clarity.

Conclusion

The Nipissing First Nation Custom Election regulation review committee confirms that it has reached consensus on the above six recommendations.