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Indigenous Elections – Best Practice Tips

Indigenous institutions and organizations conduct elections following a number of legal regimes. Here are some key matters to consider in building a stable and efficient election system for your community:

1. Ensure your election law mirrors your day-to-day practices. Any discrepancies or inconsistencies between law and practice may give rise to challenge. Frequent election disputes in turn may cause voters to lose faith in the electoral process and government institutions.
2. Ensure your election law reflects the traditions and customs of the community. Laws that don't reflect traditional practices could give rise to complaint, and cause divisions in the community. If you adopt a custom code, be specific on what the customary procedures are. Don't assume a custom has broad community consensus; there may be differing views.
3. Clearly set out the lists of duties, responsibilities and obligations for each individual who plays a role in the electoral process.
4. Have clear lines of authority. The scope of authority and powers for each person should be clearly set out so there is no dispute when an unforeseen situation arises. Who has ultimate decision-making power? Are decisions final? Is there room for discretion, and if so, where?
5. Ensure the administrator regularly maintains an up-to-date, accurate list of eligible electors. Having a custom membership code empowering the community to manage its own membership list may facilitate this. Remind members to notify the administration office of name or address changes.
6. Consider removing provisions in your election law that could face Constitutional challenge. Courts have invalidated provisions that limit the right to vote, be a candidate, nominate candidates and appeal election results. Residency requirements are at particularly high risk of being struck down. Other qualifying criteria (e.g. common-law marriage, education, criminal record) may also be challenged under section 15 of the *Charter*.

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7. Consider incorporating electronic voting and off-site polling stations, in particular if your community has a large number of members living off-reserve or in urban centres. These options will increase cost, but they may help increase voter turn out. This is especially helpful for votes that require a high voter turn out, such as Land Code or settle agreement ratification, or constitutional amendment.
8. Be exceptionally clear on procedures around changes to the voter's list, mail-in ballots, electronic voting, voter identification and ballot counting.
9. State whether decisions will be reviewable. If so, clearly set out the grounds for appeal, who has a right of appeal, how the review panel will be composed and the full appeal process.
10. Build in some flexibility to accommodate changing or unforeseen circumstances, for example to allow for the addition of off-reserve polling stations, or a change of venue or date in the event of a death in the community or other emergency.
11. Require candidates to abide by a code of conduct that addresses such matters as ethics and confidentiality.
12. Develop a policy addressing the use of social media, in particular as it applies to the conduct of candidates during the campaign period. Policy may also address respectful conduct of community members, and the use of cameras and mobile devices in the polling station. Smear campaigning, finger pointing and defamation, amplified by social media, are extremely damaging to communities and the integrity of the voting process.