



Custom Code Conversion Process

- Community Information Sessions
- Draft the Election Code
- Send Draft Election Code to Election Unit, Headquarters
- Final Election Code – Community Ratification Process
- Submit Custom Code conversion package to Headquarters
- Ministerial Order Removing FN from Electoral Provisions of *Indian Act*
- Registration of Order under Statutory Instruments Act



Ministerial Order Removing FN From Electoral Provisions of Indian Act

- Headquarters submit a conversion package to the Minister for her approval before she signs the Order. This information received from Band includes:
 - BCR requesting the Department remove the FN from section 74 of the Indian Act
 - copy of the Final Election Code
 - evidence of community sessions to discuss the Election Code (dates, locations, etc)
 - documentation on the ratification vote held (voters list, ballot used, etc)
- **As the electoral period in a custom code is likely to be in the 90 day ballpark, the "conversion package" must be submitted a full seven months before the end of the band council's term of office.**





Elections – Indian Act vs FNEA

Indian Act

- Term of office; 2 years
- No provisions for common election date
- To be nominated as a councillor/Chief, must be 18+
- To accept nomination; Candidate does not have to be present, unless candidate withdraws
- Candidacy Withdrawal; anytime prior to close of polls or by writing declaration of withdrawal
- Advance polls;

First Nation Election Act

- Term of office; 4 years
- Common election date provision for 6 or more FN
- To be nominated as a Candidate for **any** position must be at least 18 years of age
- To accept nomination, candidate's duty to accept and person nominated must submit all documentation
- Candidate withdrawal; any time prior to poll and/or a death of a candidate



Election Timeline – Indian Act vs FNEA

- Day 79 – Appointment of EO
- Day 72 – Notice of Nomination Date posted and mailed to off reserve
- Day 42 – Nomination Meeting
- Day 37 – deadline for nominees to withdraw
- Day 35 – Ballots mailed to off reserve
- Day 0 – Election Date
- Day -1 – Recount if required
- Day -45 – deadline for appeals
- Day 65 – Voters list/addresses to EO
- Day 60 – Notice of Nomination Date posted and mailed to off reserve
- Day 35 – Nomination Meeting
- Day 32 – Deadline for declaration of candidacy
- Day 30 – Ballots mailed to off reserve
- Day 6 – Last day for EO to receive requests for mail in ballots and send them out
- Days 10 to 5: Potential advance polls
- Day 0: Election Date
- Day -1: Recount if necessary
- Day -30: deadline for appeals



Address of Election Unit

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