

# Custom Election Law Summary from 2015

## The Tsawout First Nation Custom Election Law, 2015

In 2015, a custom election law was proposed to go to a vote, but the vote did not occur because after holding a community meeting as part of the ratification process, Council decided to hold off on a ratification vote until more community engagement could be completed. The below chart summarizes the 2015 Custom Election Law.

Copies of the 2015 Custom Election Law can be found online at: [www.tsawout.ca](http://www.tsawout.ca) or picked up at the Tsawout First Nation Administration Office.

**Tsawout is currently engaging members on the 2015 Custom Election Law, and providing members with an opportunity to work together on updating it.**

	<i>Indian Act – Current Process</i>	<b>TFN Custom Election Law</b>
<b>Term of Office</b>	2 years	3 years
<b>Eligibility to Run for Chief or Council</b>	Any member can run for either Chief or Council	<ul style="list-style-type: none"> <li>• Candidates cannot have been convicted of any offense, that was prosecuted by way of indictment, within five (5) years prior to their nomination (not including offences relating to exercising Aboriginal Rights);</li> <li>• Candidates cannot have been found guilty of committing a fraudulent act within five (5) years prior to the date of nomination; and</li> <li>• Candidates cannot have declared bankruptcy within two (2) years prior to the date of nomination.</li> </ul>
<b>Running for Chief and Councillors</b>	You can run for both under the Indian Act	A person can only run for one position: either Chief or Councillor in any election.

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<b>Accepting the Nomination</b>	No requirements under the Indian Act	<p>A person wishing to accept the nomination must fill out a Candidate Information Form, that asks Candidates to explain why they want to run for Chief or Council.</p> <p>A person wishing to accept the nomination must also pay a fee of:</p> <ul style="list-style-type: none"> <li>• \$100 for the position of Chief; or</li> <li>• \$50 for all Councillor positions</li> </ul>
<b>Removing a Chief or Councillor from Office</b>	Requires an order from the Minister of Aboriginal Affairs - difficult to accomplish	<p>A petition to remove a Chief or Councillor can be initiated by either</p> <ol style="list-style-type: none"> <li>(i) the Electors (demonstrating a minimum 25% support); or</li> <li>(ii) a quorum of Council.</li> </ol> <p>An Appeal Committee made up of 5 TFN members will make the final decision upon receiving a petition for removal.</p>
<b>All Candidates Meeting</b>	No requirement for this	<p>An All Candidates meeting will be held 15 days before the Election to allow members to ask questions of the Candidates.</p>
<b>Amendments to the Election Law</b>	<i>Indian Act</i> provisions cannot be amended by a First Nation.	<p>The TFN Custom Election Law can be amended by either</p> <ol style="list-style-type: none"> <li>(i) a petition representing 25% of the Electors; or</li> <li>(ii) by Council,</li> </ol> <p>If members want to vote on the amendments, they can request a referendum.</p>