



Custom Election Code Report

December 18, 2023



Meeting Agenda



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1. Project lead introduction
 2. Custom Election Code Project Introduction
 3. Presentation (30-35 Minutes)
 4. Break
 5. Discussion Led by Project Lead
 6. Open Discussion
 7. Final thoughts and Wrap-up

Presentation Agenda

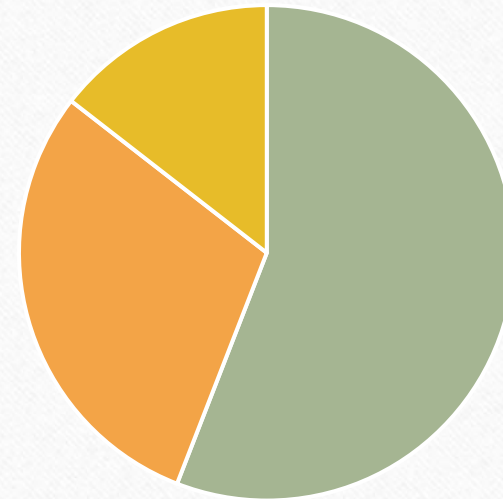
- Timeline
- Process
- Changes from Indian Act Provisions
- Next Steps
- Present Results of the Community Survey



First Nations Elections Governance

- 54% of First Nations Communities hold their elections according to Custom Election codes
- 28.6% continue to adhere to Indian Act Provisions
- 14% of bands are under the First Nations Elections Act defined by Indigenous Services Canada

First Nations Elections



■ Custom Election Code ■ Indian Act ■ First Nations Election Act

Oneida's Custom Election Code



SIMPLIFIED CODE TO MEET
MINIMUM STANDARDS REQUIRED
BY ISC

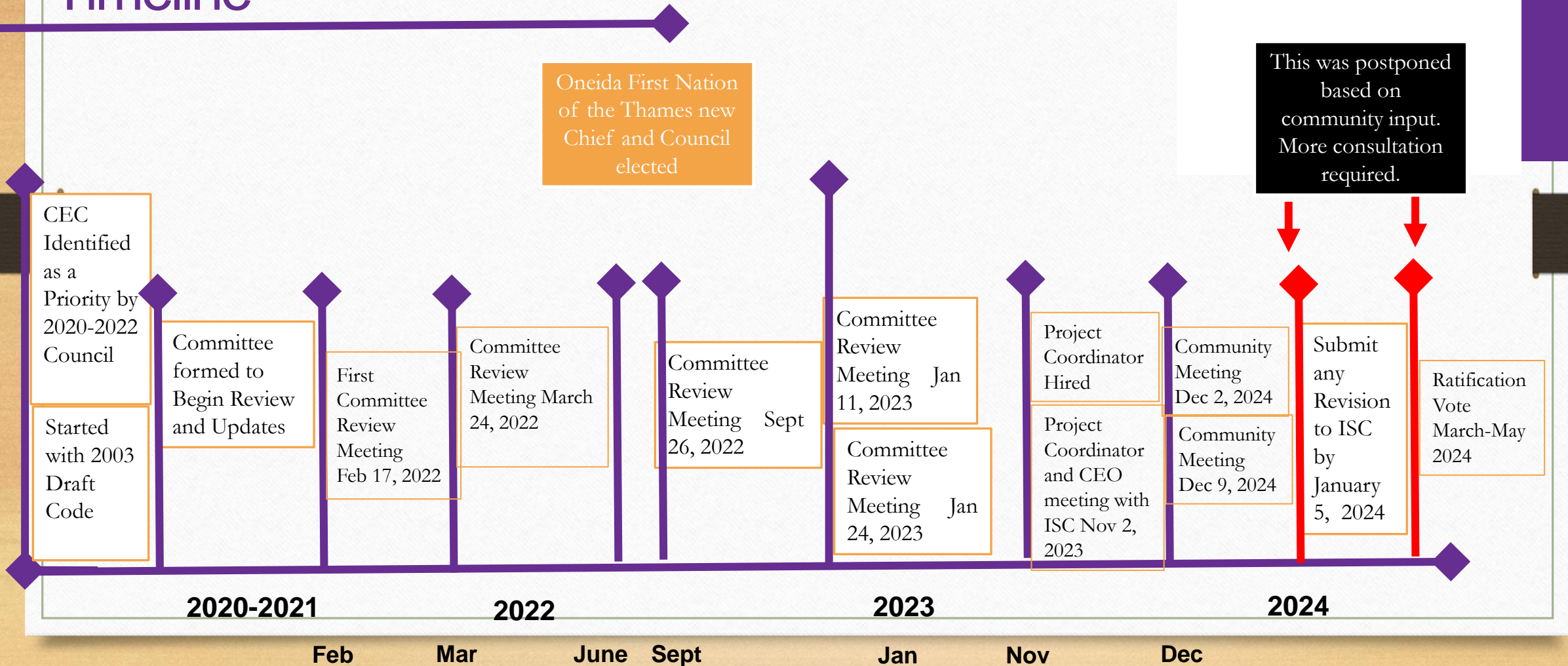


THERE ARE NO CULTURAL
COMPONENTS INCLUDED AT THE
NEGOTIATION STAGE



ONCE THE CUSTOM ELECTION
CODE IS APPROVED, THE
COMMUNITY CAN DECIDE WHAT
OUR CODE LOOKS LIKE, WITHOUT
GOVERNMENT INTERFERENCE

Oneida Custom Election Code Timeline



Process

- Proposed edits are submitted to Indigenous Services Canada
- They provide comments and recommendations based on Canada's regulations:
 - Required
 - Strongly Recommended
 - Recommended
 - Suggested
 - Edits

3-6 weeks for Return of draft with comments



←-Another 3-6 Weeks for Return of Final Draft

←2-6 months for Final Approval

- Changes are to be made and sent back to ISC for approval of a final draft
- Final Draft is voted on and filed with ISC for Final Approval of Minister of ISC
- We need to have the approval by July 8, 2024 to have the CEC take effect for the 2024 election year
 - This was postponed.

Proposed Changes



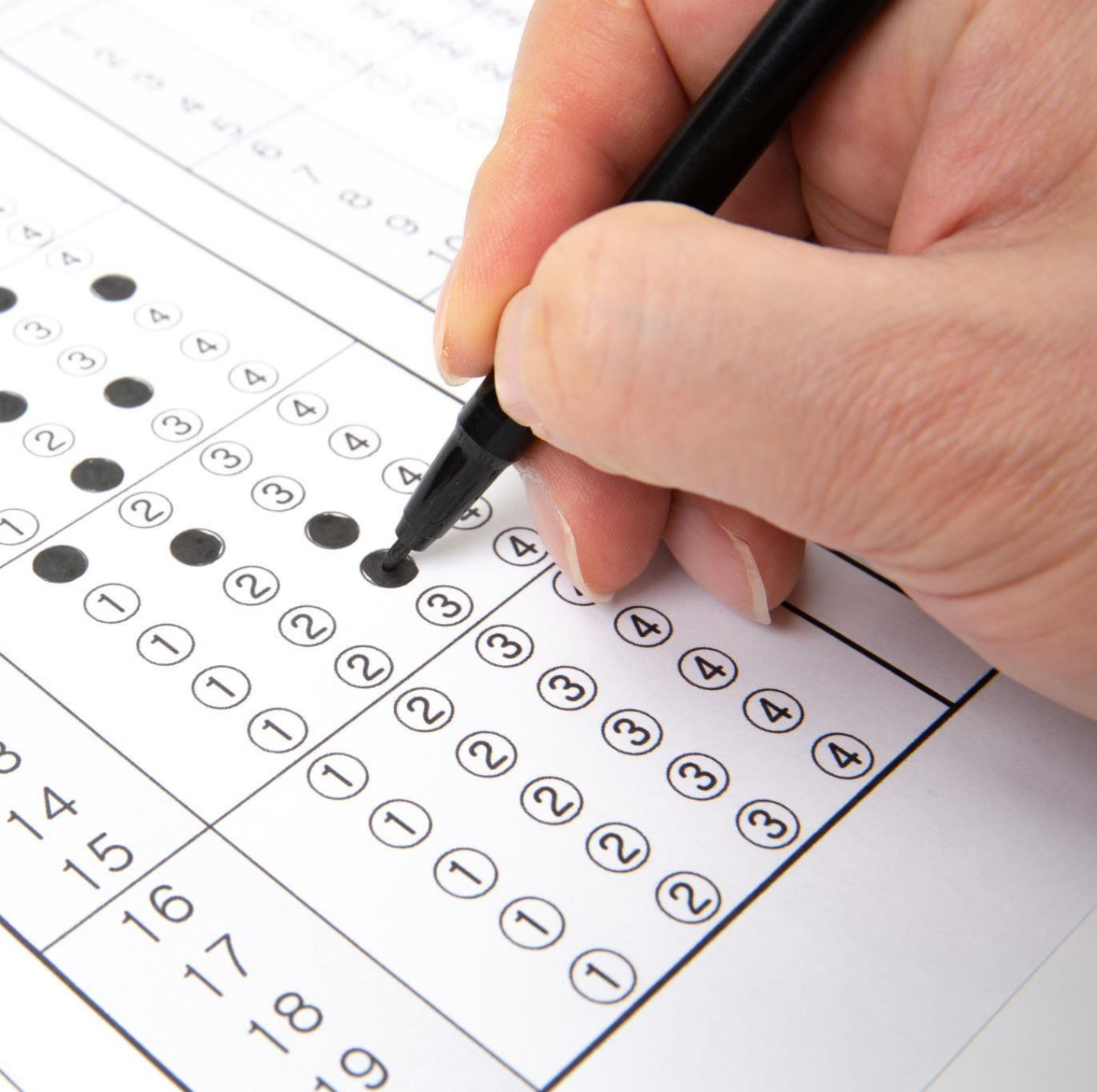
- Length of term- 4 years
- Full time working councillors
- Number of councillors-1 Chief, 5 Councillors
- Only registered Oneida members can run for elected office
- Settlement versus Reserve language throughout the document
- Increased Timelines for Mail-In Ballots
- **CPIC** requirement for all candidates and Criminal Record Disqualifiers
- Must be present for Candidates night to remain on the ballot and must declare whether they are seeking Chief or Council office
- Appeals are determined by a Tribunal rather than the Minister

Voting Process

- There will be a community referendum held in 2024 (Date TBD). Prior to the referendum there will be another community meeting like this one.
- The process is akin to the electoral process such as notice periods, mail out ballots sent to every eligible voter to which Oneida Nation has an address, and an in-person poll.
- The results will be provided in a report and posted on Oneida's website, social media pages, newsletter and in public areas in the community.
- Ratification is determined by majority vote 50% + 1.

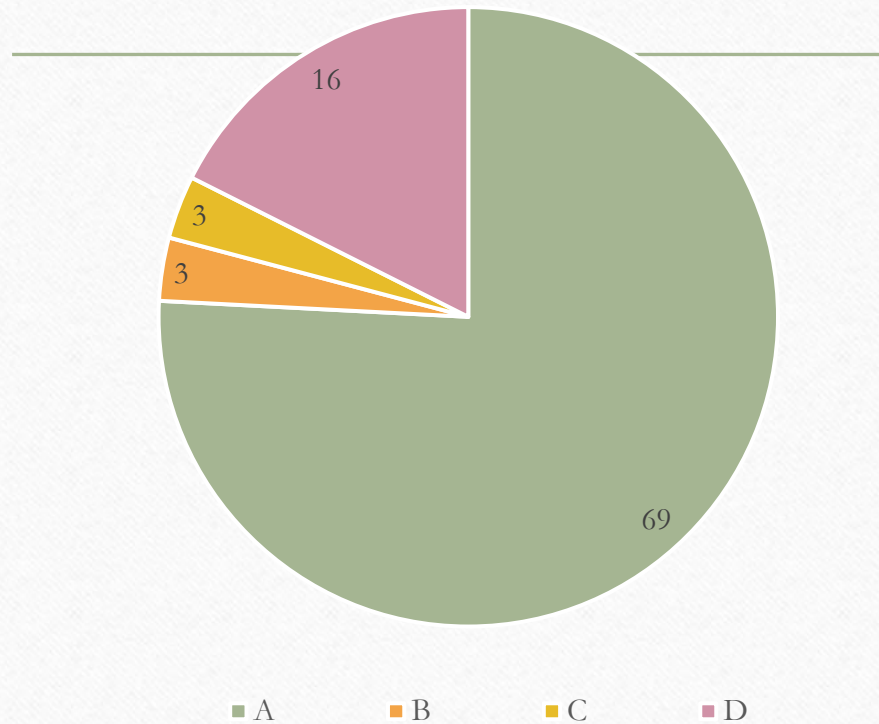
Current Status

- ISC final review was completed April 2023
- Draft Code available for Review on Oneida Nation of the Thames Website
- Community meetings scheduled to present draft code:
 - in person: December 2, 2023 at Fairgrounds 11:00 a.m.- 3:00 p.m.
 - Zoom: December 9, 2023 10:00 a.m.-1:00 p.m. email for link
- Oneida leadership is working on a financial analysis and engaging in timeline negotiations with ISC.



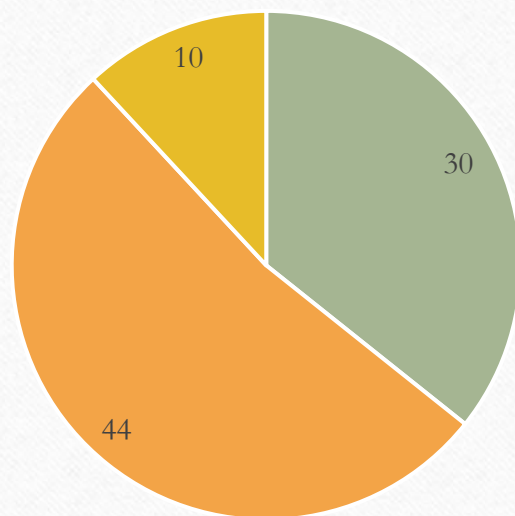
Survey Results

Question 1: Who should Determine Disputes?



- a) Elections Appeal Tribunal
- b) Federal Courts
- c) Electoral Officer
- d) Arbitrator Chosen by Chief and Council

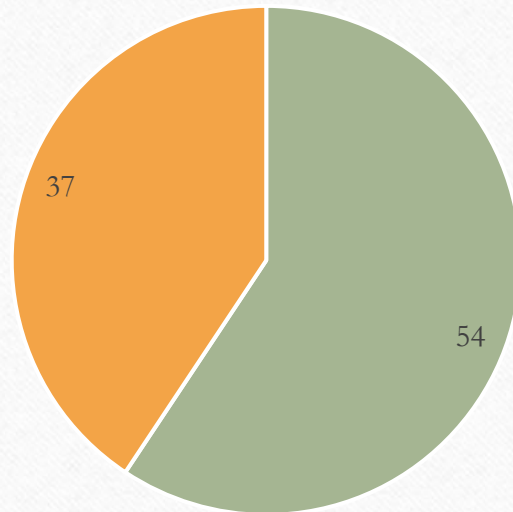
Question 2: Who Should Make Up an Elections Appeal Tribunal?



■ A ■ B ■ C

- A) One Elder, One Youth (age 15-25), and 3 Community Members
- B) 2 Elders, 1 Youth (age 15-25), and 2 Community Members
- C) Other:

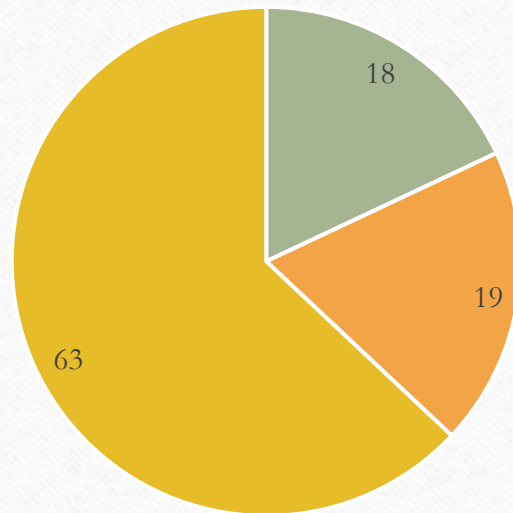
Question 3: Should Chief and Council be Required to Work Full-Time?



■ A ■ B

- A) Yes
- B) No

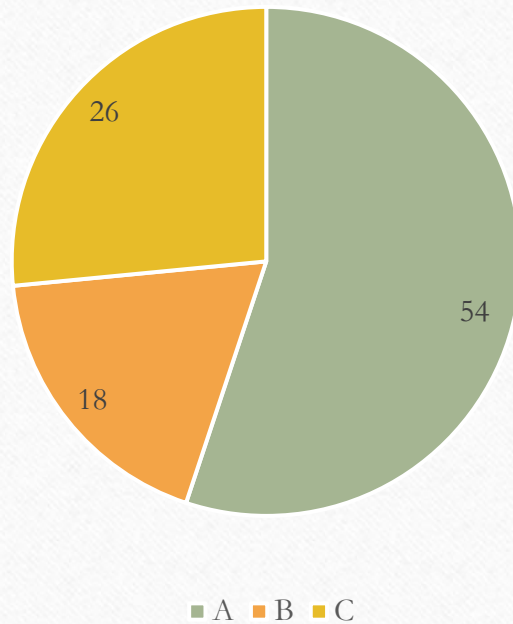
Question 4: Tenure of Chief and Council Office



■ A ■ B ■ C

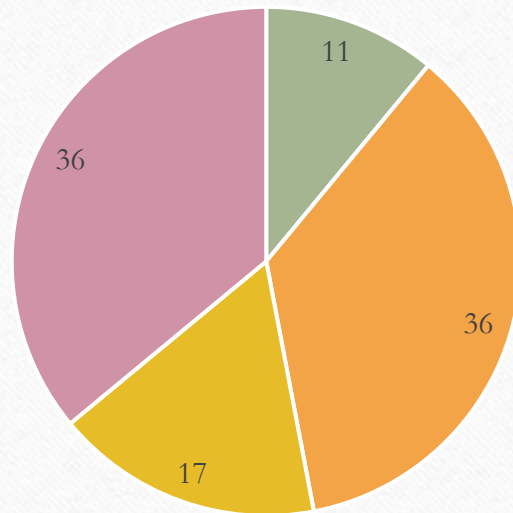
- A) 2 Years
- B) 3 Years
- C) 4 Years

Question 5: Nomination and Run for Chief AND Council



- A) Shall be prohibited and Candidate must make intention known, otherwise not appear on ballot**
- B) Shall be Permitted to run for both and choose office once elected**
- C) Shall be permitted to run for both but if elected for Chief, must hold Chief office**

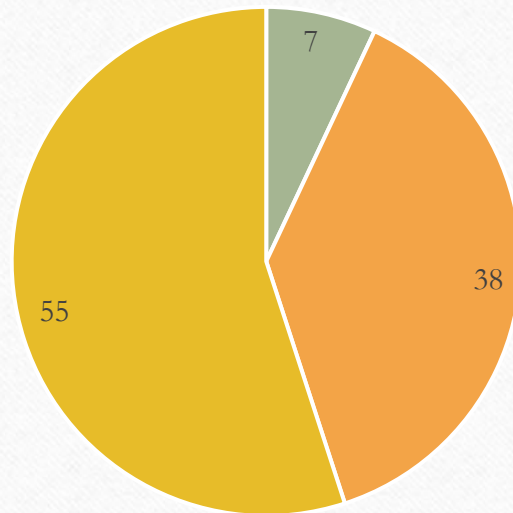
Question 6: Should Council be Permitted to Serve Consecutive Terms? If so, how Many?



■ A ■ B ■ C ■ D

- A) No, Council shall not be permitted to serve consecutive terms
- B) Yes, 2
- C) Yes, 3
- D) Yes, Unlimited

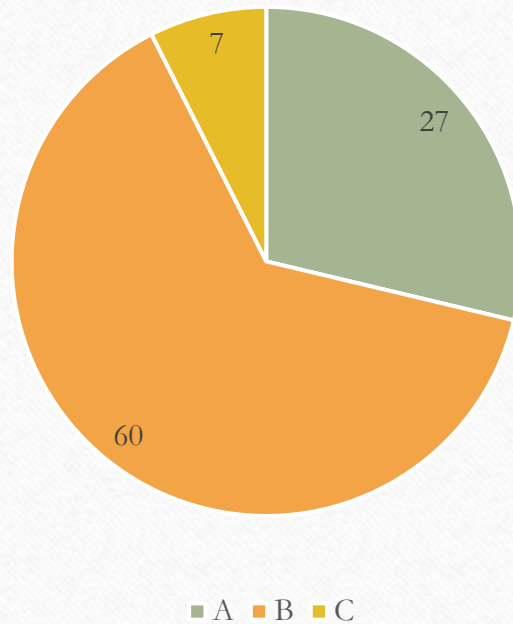
Question 7: Criminal Reference or Vulnerable Sector



■ A ■ B ■ C

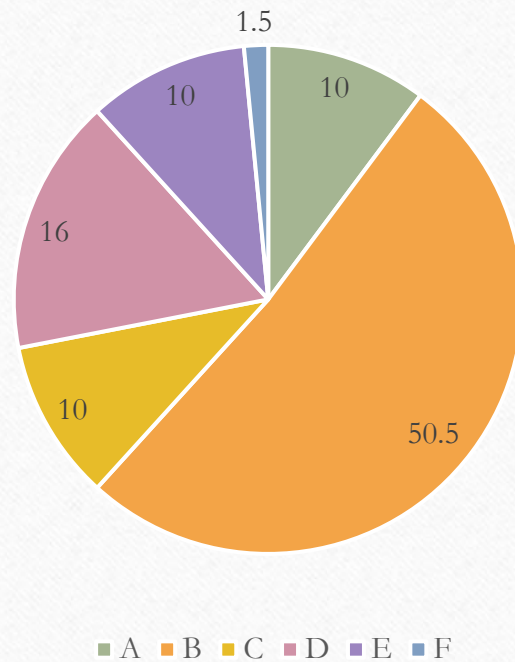
- A) None
- B) Criminal Reference
- C) Vulnerable Sector

Question 8: Serious Convictions: Criminal Record Background Disqualifiers



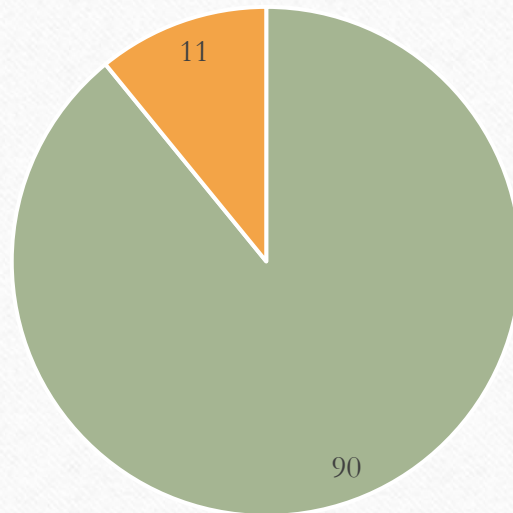
- A) Convictions of serious offence such as murder, rape, a sexual offence, drug trafficking, selling alcohol without a liquor license, DUIs, Mischief, assault, fraud, and theft shall not be eligible to hold office for a period of up to 10 years.
- B) Convictions of serious offence such as murder, rape, a sexual offence, drug trafficking, selling alcohol without a liquor license, DUIs, Mischief, assault, fraud, and theft shall not be eligible to hold office indefinitely.
- C) Other

Question 9:Criminal Record Disqualifiers/Allowances



- A) None
- B) Any potential candidate have a “clear record, meaning absolutely no convictions
- C) Any Potential candidate have a clear criminal record meaning no convictions in the five years before election day
- D) Any potential candidate have a clear criminal record meaning in this case no convictions in the ten years before election day
- E) A candidate with a criminal conviction is eligible to run for office if the offence has been pardoned (including pardons received through a traditional justice process
- F) Other :

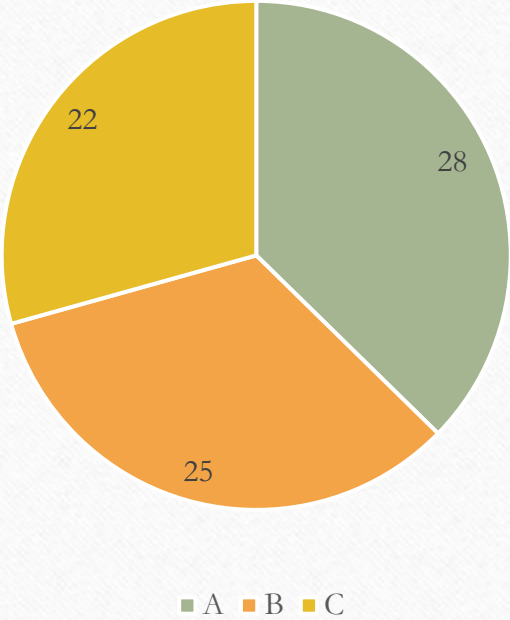
Question 10: Nominee Must be Present at Candidate's Night to be Considered for an Elected Position



■ A ■ B

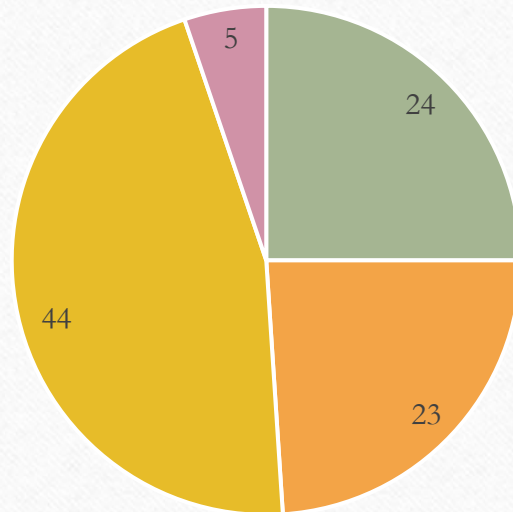
- A) Yes
- B) No

Question 11: In the Event of a Tie, the Electoral Officer will Determine the Successor By



- A) Coin Toss**
- B) Tie to be broken in favour of a candidate who held office in the preceding election term. If no returning candidate, then successor is to be decided by Coin toss**
- C) Tie be broken in favour of a candidate who did not hold office in the preceding election term. If no returning candidate, then successor is to be decided by coin toss.**

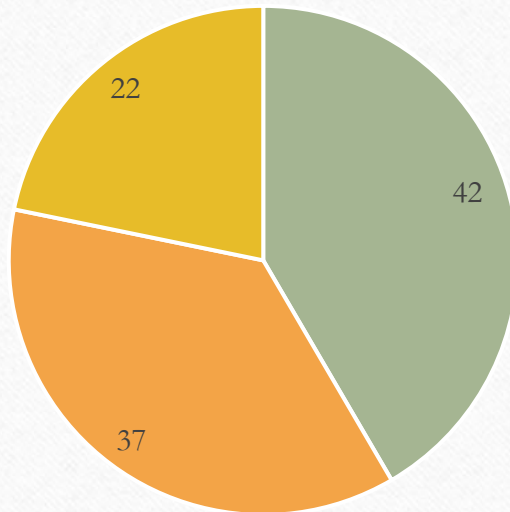
Question 12: Number of Councillors



■ A ■ B ■ C ■ D

- A) One Chief-5 Councillors
- B) One Chief- 7 Councillors
- C) One Chief- 9 Councillors
- D) Other:

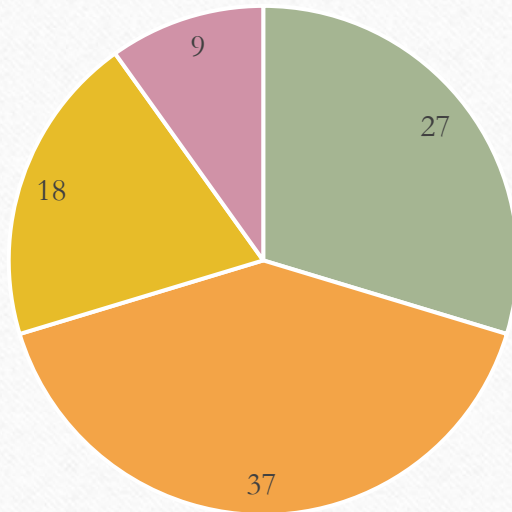
Question 13: Minimum Education Requirements



■ A ■ B ■ C

- A) **Must Have Completed Highschool**
- B) **Must Have a Post Secondary Degree**
- C) **None**

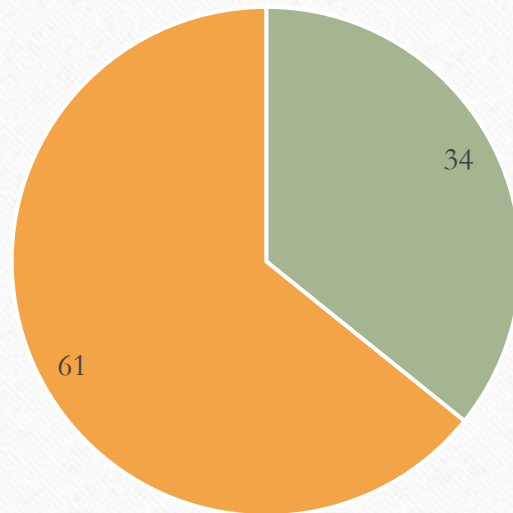
Question 14: Council Salary



■ A ■ B ■ C ■ D

- A) 30,000-50,000
- B) 50,000-70,000
- C) 70,000-90,000
- D) 90,000-110,000

Question 15: Should a Candidate who Owes Money to the Nation be Eligible for Office of Chief or Councillor?



■ A ■ B

- A) Yes
- B) No



YAW^KO/THANK YOU

