

**Task Force to Amend the “Alexander Tribal  
Government Customary Election  
Regulations”**

# **TASK FORCE'S PURPOSE**

“Purpose: To assist the Alexander First Nation in ensuring the development and implementation of amendments to the Customary Election Regulations is conducted and facilitated in a transparent and accountable manner.”

# TASK FORCE MEMBERS

Chairperson: Ella Arcand

Members:

- Jody Kootenay
- Bertha Tourangeau
- Brooks Arcand-Paul
- Shane C. Arcand
- Tammy Poorman – Lead Technician
- Shelly Schiller – Technician

Petitioners:

- Kaitlin Arcand
- Ally Paul-Sleigh
- Rebecca Arcand
- Jacob Auigbelle

# PROCESS

- Task Force appointed by Executive Management Team
  - The Task Force Members must be registered band members over the age of 18 years. The Task Force shall be appointed based on the recommendations from the Alexander First Nation Executive Management Team, which is to ensure there is an absence of political involvement and/or influence.
- Community petition to open process
- Demographic Focus Groups of Community members to discuss types of Amendments required
- Amendment drafting
- Final Community Ratification to Approve Amendments

## Section 35 of Regulations

*“The Regulations may only be amended by fifty-one percent (51%) of all of the electors of the Alexander Tribe who endorse their signatures on a petition. A meeting shall be called for the purpose of discussing the amendments.”*

# Why?...

- Current “*Alexander Tribal Government Customary Election Regulations*” have been used since 1987, without any amendments (to date).
- **2018 Alexander First Nation Treaty Day Survey** results:
  - **Highlighted:** Reform is needed to our Election procedures to, among other things:
    - Provide off-reserve members the right to vote
      - i.e., due to *Corbiere* and Relling Settlement
    - Amend the requirements FOR CANDIDATES to run in election; and
      - i.e., residency requirements, nominations.
    - Amend to include PROCEDURAL matters.
      - i.e., appeals, pictures of candidates on ballot.

***Corbière v Canada (Minister of Indian and Northern Affairs), [1999] 2 SCR 203***

- Supreme Court of Canada: Considered whether prohibiting off-reserve band members from voting in band elections was contrary to the equality rights in the Canadian Charter of Rights and Freedoms.
- Supreme Court of Canada held that to distinguish between living on- and off-reserve is **discriminatory** as it causes them to choose between living on a reserve and exercising their political rights.

# Continued.....

- Alexander's current Customary Election Regulations discriminates against off-reserve members, and is reviewable by a Court for a finding of discrimination.
- We do not want a Court interfering in our inherent right of self-determination.
- Although the Charter is a Canadian law, we are still subject to it. There's no escaping it, despite our inherent sovereignty. We have to be realistic.
- Was applied in Relling v Alexander First Nation et al., a Federal Court Action, which would've seen a Court involve itself in Alexander election matters.

# **FINAL AMENDMENTS**

**To be drafted by the people, for the people.**