



## **Rainy River First Nations** **MANITOU RAPIDS**

### **Election Code Amendment Proposal:**

#### **Member Discussion Sessions Summary June 2025**

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##### **Overview:**

This summary of Discussion Sessions that were held on May 5<sup>th</sup>, May 22<sup>nd</sup>, and June 5<sup>th</sup>, 2025 regarding an Election Code Amendment Proposal brought by Member Petition, serves to inform Members as to why people are **in** or **not in** favour of the proposed amendment. The aim is to give the Members an idea of what was discussed to make an informed vote on the proposed amendment on June 12<sup>th</sup>, 2025. This summary is the opinions and thoughts of Members.

##### **Discussion Process:**

These discussions were held to educate the Membership on exactly what this Amendment looks like, means, and to provide a place to ask questions and have discussions surrounding them.

##### **Proposed Amendment**

*“The sections of the Election Code that I am wanting to amend is anywhere that it mentions methods of voting: I am proposing that no online voting be permitted, and that mail in votes will only be accepted under special circumstances.*

*These circumstances will include if a Member is incapacitated due to medical reasons or is away at school. Mail in packages will only be mailed or delivered to these individuals by the Electoral Officer if requested. Members in these circumstances will have to provide a signed form stating the reason that the request was made. For Members not in these circumstances voting will only be permitted in person at the on Community Polling Station.*

*Members will not be permitted to ask the Nation for any travel or Emergency funds to vote on Community. Members are to vote in person at their own expense.*

*This rule will apply to both General and By Elections.*

*Nominations: Nominations for the position/s of both Chief and Councillor/s will only be accepted in person at the location on Community stipulated by the Electoral Officer. Notice of Nominations and Elections will still be mailed out to all Members to provide them the opportunity to travel to the Community. The sections of the code that will need to be amended if this is passed are: Sections 99-107.”*

### **Proposal Reasoning**

- It makes the voter accountable to who they believe in, to the Community and its issues.
- It helps diminish the perceived discrepancy in online voting.
- This does not take away anyone’s right to vote but asks for only one polling station on reserve for General and By Elections and in person Nominations.

### **If this Amendment is passed:**

- All voting will be IN PERSON on the Community at the assigned polling station unless you are medically incapacitated or enrolled in school.
- There will be no online voting permitted.
- This will apply to General and By Elections.
- No funds will be given by the Nation for travel to vote.
- Nominations will only be IN PERSON on the Community at the assigned venue.
- The sections of the Election Code that will need to be modified are Sections 99-107

### ***Members’ Thoughts and Concerns from the Discussion Sessions:***

- There were concerns that some Members can’t afford to travel or get time off work to vote and thus this proposed amendment would be favouring On-reserve Members.
- A Member stated that the amendment was not about on and off reserve as no one’s right is being taken away. They believe that these Chief and Council candidates should be seen in person by Members, that Members should come home to learn who the candidates are.
- Another Member stated that mandating voting to be in person, on reserve, is short-sighted as it negatively impacts the RRFN members who live off-reserve. They believe that online and mail in votes should be an acceptable form to vote.
- Some Members expressed distrust of the process of and platform being used for online voting. It was stated that some Members said that they could vote twice on

One Feather or would show up to vote in person, yet the system showed the Electoral Officer that this Member had already voted online.

- It was expressed that One Feather did a presentation to Council on all the security measures that are put in place and that these problems above cannot happen due to these measures. One Feather ensured that double voting can't occur, making it a secure and reliable way to vote online.
- It was stated by a member that "there are plenty of members that cannot be present to vote on voting day. That is not equal and fair treatment of band members. I feel that some on-reserve members are trying to squeeze out off-reserve members and/or new members."
- Voting and Demographic Statistics were requested and presented at the discussions.
- These stats revealed that only 37% of the voting population voted in the last General Election (2022). Out of 285 votes 161 were in person and the remaining 124 were a combination of mail and electronic votes.
- In the General Election of 2019, 42% of the voting population voted. Out of 320 votes, 116 were in person, 51 were mail in and 153 online.
- In general, RRFN have a greater off-reserve population than on-reserve population.
- Some Members felt that this amendment is another way to disenfranchise people who were historically disenfranchised and had to fight to gain Membership.
- It was questioned as to whether more exceptions will be made for Mail in votes- more than just being medically incapacitated or being enrolled in school.
- It was expressed that while some Members have access to transportation and funds to come to the Community to vote, many do not have this privilege. Thus, these people are unable to vote in the General Election, which is their right to do.
- A member expressed that with the political climate in the States, some may not feel comfortable crossing the border to come and vote on Community.
- It was stated that if you felt strongly enough about the issues the Community is facing, then you should come to the Community to vote.
- Some Members expressed that just because they live off-reserve, doesn't mean that they are not active and involved Members and thus they should have access to voting methods and not just in person.
- It was stated that online discrepancy in voting should not be an issue: that this is fear mongering.
- Members suggested that if this amendment doesn't pass and that online voting would be permitted, that the platform should be changed. An idea is to run the vote

on a video platform and have each voter show their identification, have their video and audio on, and be able to vote on that platform. It could be recorded, and a picture of each voter could be taken.

- There were some questions from Members as to the legalities of this Amendment and whether what was being proposed was legal or if there was legal precedent surrounding such a change.
- Information was brought by the Policy Analyst and RRFN Legal Representation, that there is no legal precedent for an amendment like this.
- It was presented that in *the First Nations Election Regulations Act, Section 19. Polling Stations*, that, ““The electoral officer must establish at least one polling station on the reserve on the day of the election unless the electoral officer is unable to do so, in which case the electoral officer must establish a polling station as close to the reserve as possible.” Thus, under this act the proposed amendment is legal.
- However, when following the above act, *The Canadian Charter of Rights and Freedom*, cannot be infringed upon. The right that this proposed Amendment could infringe upon in *The Canadian Charter of Rights and Freedoms is Section 3- Democratic Rights: The right to effective representation*. It states that, “Section 3 does not guarantee absolute equality of voting power as between citizens. However, relative equality of voting power is of prime importance under section 3 and a first condition of effective representation”.
- Thus, by limiting voting to on Community only, it can be argued that Members will not have the right to effective representation if they cannot, for the various reasons stated above, travel to the Community to vote.
- In the *Corbiere v Canada (Minister of Indian and Northern Affairs)* case, Off-reserve Members didn’t have the right to vote. This amendment is not taking the right to vote away from Off-Reserve members, only that they have to come to RRFN to vote.
- It was stated that even though the right to vote is not being taken away from Off-reserve Members, that it definitely feels to some Members as if this is a discriminatory move against off-reserve Members, by on-reserve Members.
- It was expressed that if you are interested in who is running for leadership and the decisions they make that may affect you off-reserve, that you should be prepared to come in person and stand behind them.

***Conclusion:***

There were many other points made and discussed about the Election Code and possible future amendments that have arisen in people's minds as they go through this process of learning about the Election Code and this proposed amendment. However, the ones summarized here are the ones pertaining to why people would be in favour or not in favour of the proposed amendment that is to be voted on, on June 12, 2025.

***If you have any questions or concerns, please feel free to contact Lauren Hyatt, Policy and Communications Analyst for RRFN.***

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