

# Aamjiwnaang Election Law

## What's Changing?

This document provides a comprehensive comparison between the Indian Act election system and the Aamjiwnaang Inaakonigewin – Dawaabmang’waa Niigaanzijig (Selecting Our Leaders). It outlines key differences, legal foundations, and benefits of transitioning to a custom election law. The analysis demonstrates how Aamjiwnaang has strengthened self-governance, cultural integration, and accountability through its election law.

| Topic                 | Indian Act Election Regulations                                                          | Aamjiwnaang Election Law                                                                                               |
|-----------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Authority             | Federal jurisdiction under the Indian Act; the Minister has oversight.                   | Community jurisdiction under the Aamjiwnaang Chi’Naaknigewin; ratified by members and Ministerial Order.               |
| Council Composition   | 1 Chief + 1 Councillor per 100 members (min 2, max 12).                                  | 1 Chief + 9 Councillors; the Head Councillor is the highest vote-getter among Councillors.                             |
| Term of Office        | 2 years for Chief and Councillors; no provisions for extension.                          | 3 years; may extend up to 60 days in emergencies with Council approval.                                                |
| Election Date         | Set by the Minister; typically, every 2 years.                                           | Second Friday of July every 3 years.                                                                                   |
| Electoral Officer     | Appointed by Council with Minister’s approval; Indigenous Services Canada (ISC) trained. | Appointed by Council resolution 100 days before term ends; must swear oath and meet training/ethics standards.         |
| Candidate Eligibility | Must be 18+, member of Aamjiwnang; no education or criminal check required.              | Must be 18+, a member of Aamjiwnaang, a high school graduate or equivalent, provide CPIC, and sign the Code of Ethics. |
| Nomination Process    | Written or in-person; minimal documentation.                                             | Written or in-person; acceptance forms, sworn declaration, ethics attestation; 5-day deadline for absent nominees.     |
| Campaign Rules        | Minimal regulation; no formal ethics code.                                               | Strict Code of Ethics based on the Seven Grandfather Teachings, prohibits coercion, vote-buying, and smear campaigns.  |
|                       |                                                                                          | <b>More information on the back →</b>                                                                                  |

For more information, contact the Band Office: (519) 336-8410

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|----------------------|------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Voting Methods       | In-person and mail-in ballots; proxy voting allowed in some cases.     | In-person and mail-in ballots; no proxy voting; advance polls permitted.                                                               |
| Appeals              | Filed with the Minister; decision by Indigenous Services Canada (ISC), | Handled by Election Appeal Board (7 members: elders, youth, community reps, mediator); decision final except judicial review.          |
| Removal from Office  | The Minister can remove for corrupt practices or absence.              | Removal possible for ethics breaches, criminal conviction, misconduct; petition process requires 50%+1 electors or Council resolution. |
| Conflict of Interest | Not explicitly detailed in the election regulations.                   | Comprehensive policy included; oath of confidentiality and ethics required.                                                            |

## Analysis: Significance of Changes

- **Community Control & Self-Determination:** Removes federal oversight, placing authority in the hands of the community.
- **Enhanced Accountability & Ethics:** Includes Candidate Code of Ethics, conflict-of-interest rules, and removal provisions.
- **Stability & Governance Efficiency:** Extends term from 2 years to 3 years, reducing election costs and improving continuity.
- **Cultural Integration:** Embeds the Seven Grandfather Teachings and Anishinaabe values in leadership selection.
- **Transparent Appeals Process:** Appeals are handled locally by a trained board rather than federal officials.

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## References:

- Indian Act, R.S.C., 1985, Sections 74-80
- Aamjiwnaang Inaakonigewin – Dawaabmang’waa Niigaanzijig (Final Version)
- Constitution Act, 1982, Sections 25 & 35

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