

HUU-AY-AHT FIRST NATIONS



**Report of Executive Council on
Electronic Voting For People's
Assembly 2014 and General Election
2014-15**

**For consideration at the session of the
Huu-ay-aht First Nations People's Assembly
on Saturday, November 17th, 2012**

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Date: October 22, 2012

BACKGROUND

The following Citizen's Motion will be presented by John Jack for consideration of the Assembly:

WHEREAS section 1.4 of the Huu-ay-aht Constitution Act outlines the individual rights of a Huu-ay-aht Citizen, including (a) the right to political participation, (b) the right to be informed, (c) the right to be consulted and (d) the right to express opinions; and

WHEREAS it is imperative for the Huu-ay-aht First Nations government to provide reasonable opportunity to the citizens it serves to exercise their individual rights outlined above; and

WHEREAS electronic participation in meetings and electronic voting is contemplated and enabled, but not detailed out, in Huu-ay-aht law and policy; and

WHEREAS there is a need to improve the accessibility of People's Assemblies; and

WHEREAS the adoption of electronic voting methods would further enable Huu-ay-aht citizens to vote closer to the date of the election, allowing them more time to make a wise decision; and

BE IT RESOLVED that:

- (1) the People's Assembly supports the adoption of electronic means of participation and voting in principle for both the People's Assembly to be held in 2014 and the General Election to be held in 2015;
- (2) a government study be conducted outlining the costs, methods and benefits of adopting electronic methods for participation and voting in both the 2014 People's Assembly and the General Election of 2015;
- (3) this study will be reported to the People's Assembly of 2013 for review and possible approval of next steps.

DISCUSSION

Huu-ay-aht Law provides for the use of electronic technology in a variety of ways:

- Participating and voting on motions in a People's Assembly from remote locations (s.88 (4) of the *Government Act*)
- Voting in elections (s. 49 of the *Election Act*)
- Voting in referendums (s. 12 of the *Referendum and Recall Act*)

Electronic participation and voting could offer a number of benefits both to individual Huu-ay-aht citizens and Huu-ay-aht government. Web-casting or audio-casting (if the required bandwidth is not available) could enable Huu-ay-aht citizens to participate in meetings electronically and learn first-hand about government plans and proposals without incurring the cost of travelling to Anacla from Vancouver, Nanaimo, Victoria, Seattle, etc. This approach

could also help ensure quorum for meetings are met, without having to hold HUU-ay-aht government meetings outside HUU-ay-aht Territory.

Providing for electronic participation may have the benefit of increased citizen participation and engagement in the future of HUU-ay-aht. Electronic voting could help ensure that all HUU-ay-aht citizens have an opportunity to vote wherever they live which could help solidify that citizen engagement.

From the HUU-ay-aht government cost perspective, the costs of conducting meetings, elections and referenda may be significantly less if electronic participation and voting is employed. Meetings may be conducted in one location instead of several, reducing staff and travel costs. Electronic voting opportunities may also significantly reduce election and referendum costs if polls outside of HUU-ay-aht Territory are not required.

The proposed resolution falls within the recommendation-making power of the People's Assembly under the *Government Act*. If this resolution is passed in its current, or an amended form, by the People's Assembly, then Executive Council must consider the resolution at its first regular meeting after the People's Assembly. Executive Council has the discretion to decide whether to adopt the recommendations contained in the resolution after it has considered it.

OPTIONS

Option 1 – Approve the motion on Electronic Voting.

Option 2 – Approve the motion with amendments.

Option 3 – Not approve the motion.

IMPLICATIONS

The government study on electronic means of participation and voting would be a public document and would set out the implications of implementing electronic participation and voting.

Excerpts from HUU-ay-aht Laws

Constitution Act

1.4 Subject to paragraph 1.2 and to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society, all HUU-ay-aht citizens are equal under this Constitution and, based on this equality and in accordance with HUU-ay-aht customary law, possess:

- (a) the right to participate in HUU-ay-aht First Nations political activities, elections and government as set out in HUU-ay-aht First Nations law;
- (b) the right to be informed about HUU-ay-aht First Nations affairs;

- (c) the right to be consulted regarding Huu-ay-aht First Nations affairs;
- (d) the right to express opinions and views on Huu-ay-aht First Nations affairs;

...

Government Act

People's Assembly open to public

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- (1) Subject to subsection (2), sessions are open to the public.
 - (2) The People's Assembly may, by resolution, allow only specified individuals who are not Huu-ay-aht citizens to be present for part of a session.
 - (3) Subject to an order of the Speaker, every Huu-ay-aht citizen has a right to attend and speak at a session.
 - (4) Executive Council may provide for individuals to observe, participate, and if eligible to do so vote, in a session by electronic or other means.

Election Act

Electronic voting

- 49**
- (1) Executive Council, after consulting with the commissioner, may, by regulation, provide for the use of voting machines, voting recorders, electronic voting or other means of voting in an election.
 - (2) Any alternate voting methods provided for under subsection (1) must be consistent with
 - (a) the purposes of this Act, and
 - (b) generally accepted standards for conducting elections in British Columbia.

Referendum and Recall Act

Application of *Election Act*

- 12**
- (1) Sections 3, 15 (1) (a) and (d), 16, 18 to 22, 23 (1) (a) and (b), 23 (2), 24 to 28, 45, 47 to **49**, 51 (1) and (2) (a), (b) and (d), 51 (3) to (7), 52 to 54, 55 (1), (2) (a) and (b) (i), (3), (4) (a), (b) and (d) and (5), 56 (1), (3) and (4), 57 to 64, 67 (1) (b) and (c), 67(2), (4), and (5), 68 to 72, 74(1) (a), (b), (c), (g), and (h), 75, 80, and 83 **of the *Election Act* are adopted and apply**, with the necessary changes, to a referendum as if it were an election for a candidate in a general election.