First Nations Elections Acts | Comparison Chart

	Indian Elections Act	First Nations Elections Act *Implemented for 2026 St. Mary's First Nation election*
Opting In	"Opt-in" is at the discretion of the Minister of Aboriginal Affairs and Northern Development if the Minister "deem it advisable for the good government of the band."	A First Nation council can request to come under the First Nations Elections Act by adopting a band council resolution. There is no requirement for community consultation.
Terms of Office	2 years	4 years
Composition of Council	One chief and one councillor for every 100 members of the First Nation (minimum of two and maximum of 12 councillors) The band council would vote to amend this number mandated by ministerial order. The federal minister would approve the request from the band.	One chief and one councillor for every 100 members of the First Nation (minimum of two and maximum of 12 councillors) Council can decide to reduce the number of councillor positions through a band council resolution, to be approved by the federal minister.
Electoral Officers	The electoral officer is appointed by the First Nation council with the approval of the Minister. Aboriginal Affairs and Northern Development Canada is involved throughout the entire process including approving the electoral officer, training and supporting the electoral officers to ensure elections rules are followed, and appointing an election officer when there is no First Nation council in place.	Electoral officers must be certified through a training program approved by the federal Minister. The electoral officer is appointed by the First Nation's Council. The Minister's approval of the appointment is no longer required.

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Election Period	Minimum of 79 days	Minimum of 65 days
Qualifications to nominate, and be, a candidate for Chief and councillor	Only candidates nominated for councillor positions must be a member of the First Nation and be at least 18 years of age on the day of the nomination meeting.	Candidates nominated for any position must be a member of the First Nation and be at least 18 years of age on the day of the nomination meeting.
Rules and procedures for the nomination of candidates	An elector can nominate a candidate by mail prior to the nomination meeting or orally at the nomination meeting.	An elector can nominate a candidate in writing before the nomination meeting or orally at the meeting. A person can be a candidate for only one position for the same election. A person cannot nominate more candidates than there are Council positions to be filled. A First Nation may choose to implement a fee of up to $250 on each candidate. The fee can be returned to the candidate if the candidate receives more than 5 per cent of the total votes cast.
Candidate acceptance	Persons nominated automatically become candidates and their names are placed on the ballot unless they withdraw in writing.	Persons nominated must submit a written declaration and acceptance of nomination, and if applicable, the candidacy fee, or their name will not appear on the ballot.

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Qualifications to vote	To be eligible to vote, a person must be a member of the First Nation and be at least 18 years of age on election day.	To be eligible to vote, a person must be a member of the First Nation and be at least 18 years of age on election day.
Mail-in ballots	The electoral officer sends a mail-in ballot to all off-reserve electors whose addresses appear on the list provided by the First Nation. The electoral officer will also respond to specific requests for a mail-in ballot and can do so until polling day.	Electors wishing to vote by mail-in ballot must provide a written request to the electoral officer along with a photocopy of an identification document. The electoral officer will send mail-in ballot packages to all those electors whose request is received at least six days before the election. After this time, no mail-in ballots will be given out and the elector will have to vote in person either at an advance poll or at the polling station on election day.
Advance Polls	No provisions	The electoral officer may hold advance polls between ten and five days before the election, on and off reserve.
Recount	No provisions	If results are within five votes between the winning candidate and one or more runners-up, the electoral officer must recount the ballots for these candidates.
Opting Out	No provisions	The First Nation must develop a community election code which must be approved by the majority of votes (50%+1) cast at a secret ballot vote in which at least 50%+1 per cent of all the electors of the First Nation participate.

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Removal from Office	A person ceases to hold office when they die, resign or are convicted of an indictable offence OR when the Minister removes them for having committed a corrupt practice in connection to an election or for missing 3 consecutive meetings of Council without authorization.	A person ceases to hold office when they die, resign or are convicted of an indictable offence that is accompanied by a prison sentence greater than 30 consecutive days. The federal minister has no power to remove elected officials.
Offences and Penalties	None	Prohibits corrupt activities such as offering and accepting bribes, purchasing and selling mail-in ballots, obstructing the electoral process and breaching the secrecy of the vote. Persons who breach these prohibitions are guilty of an offence that is punishable by fines and up to five years in prison. Elected officials convicted of any of these offences are removed from office and candidates convicted of certain offences are not eligible to run again for five years. Potential offences are handled by the police or the courts instead of the electoral office, meaning that suspected offences must be reported to police, not the Elections Office. Provisions are very similar to those found in the Canada Elections Act.
Appeals	Directed to the Minister who may conduct an investigation and report findings to the Governor in Council. The Governor in Council may appeal the election results based on the report of the Minister.	Directed to Superior provincial courts or federal courts, which can, after hearing evidence, appeal election results.