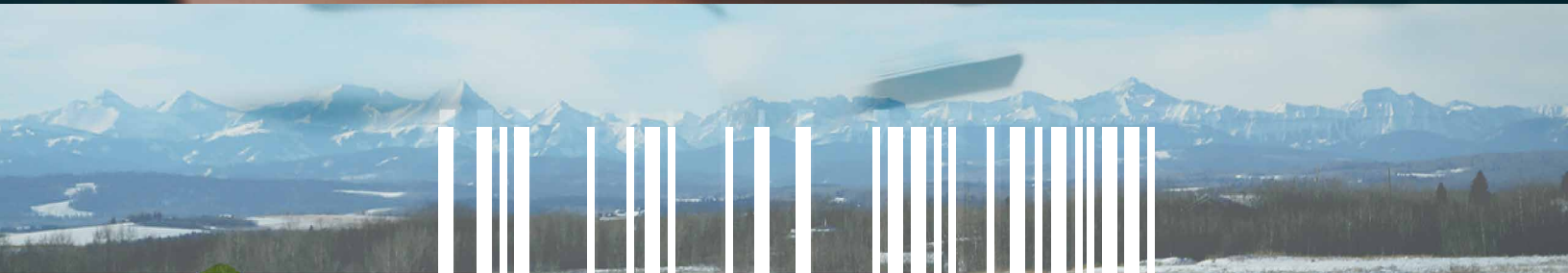
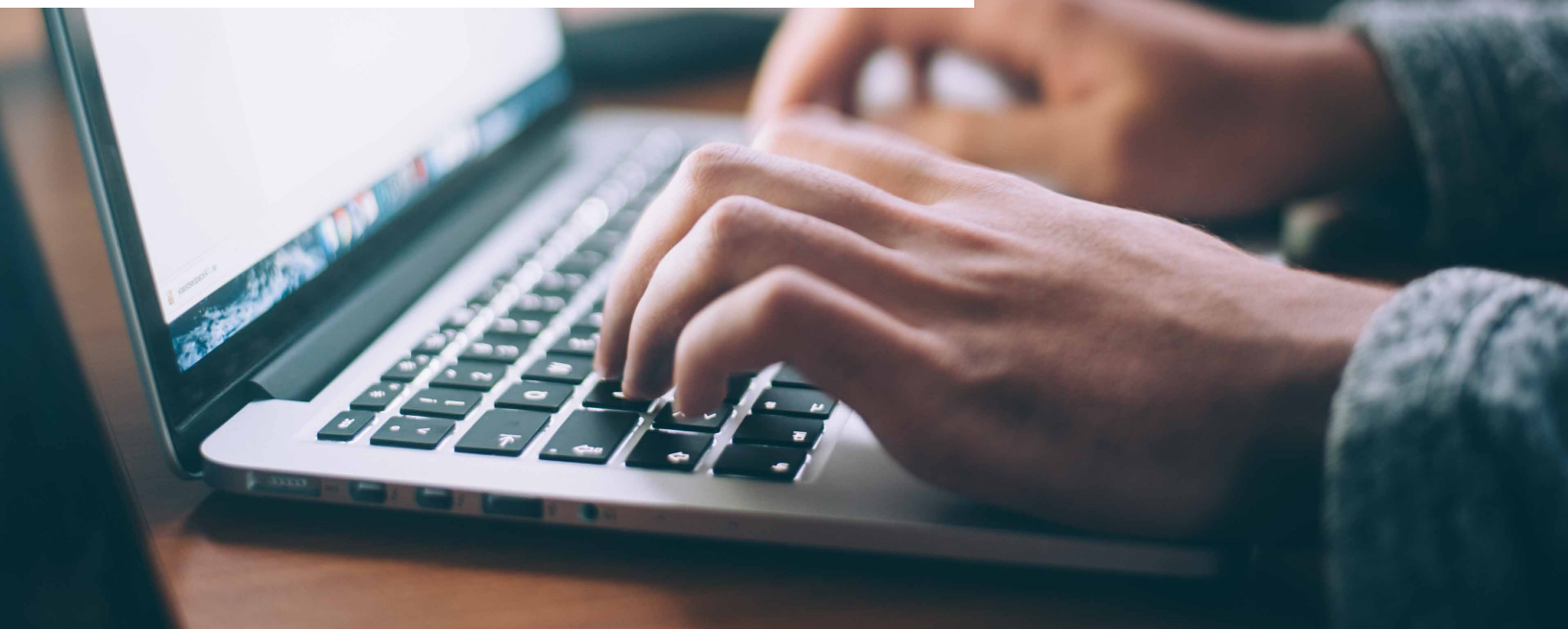


INDIGENOUS DIGITAL GOVERNANCE:

A Community-Engaged
Perspective on the Use of Online
Voting by First Nations in Canada



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Contents

Executive Summary	1
<hr/>	
1 Introduction	2
<hr/>	
2 Historical and Legal Context of First Nation Governance	4
<hr/>	
3 Digital Governance and Online Voting in First Nations	7
<hr/>	
4 Studying Online Voting in an Indigenous Context	10
<hr/>	
5 Motivations and Challenges for the Use of Online Voting	12
<hr/>	
6 Tsuut'ina Nation's Experience	15
<hr/>	
7 Lessons Learned	17
<hr/>	
8 Conclusion	19
<hr/>	
References	20

EXECUTIVE SUMMARY

First Nations across Canada are engaging in digital innovation. Yet, many of these experiences have been overlooked in scholarly work and policy conversations. One technology that has grown in use among First Nations is online voting. Online ballots have been used in different types of votes ranging from community polls to Chief and Council elections. Adoption has been driven by a number of factors stemming from the history of settler colonialism in Canada and the pursuit of self-government. This brief explores research partner findings from the First Nations Digital Democracy Project and Tsuut'ina Nation's experience with online voting. We draw on community-engaged research to explore the motivations and challenges associated with the uptake of online voting in a First Nation context. We highlight that online voting adoption has been driven primarily by a desire to increase the political participation of members while strengthening the capacity of First Nations to develop and ratify community-based legislation. First Nations also face a number of challenges adopting the technology including technological access, cost, and cultural suitability. We examine how these motivations and challenges play out by reviewing research findings from the First Nations Digital Democracy Project partnering with First Nations across the country. We also examine Tsuut'ina Nation's experience using online voting as part of a 2018 community poll to gauge citizens' attitudes on the production and sale of cannabis on the Nation's territory. To conclude we discuss lessons learned and suggest policy changes to support future adoption of online voting by First Nations.



1

INTRODUCTION

When scholars and policymakers consider the future of digital governance in Canada, conversations often hinge toward large urban municipalities or the aptly staffed and well-funded institutions of federal and provincial governments. Indigenous communities, by contrast, rarely take centre stage in discussions about digital government. However, across the country, Indigenous peoples and organizations are leading unique innovations in digital governance. In 2018, for example, the federal government launched a national “smart city” competition open to communities across Canada (Infrastructure Canada 2018). Prospective communities submitted proposals for smart city initiatives for a chance to receive prizes of \$5 million, \$10 million, and \$50 million from Infrastructure Canada. From a pool of over 200 applicants, six Indigenous communities were among the 20 finalists. A collective bid from communities in Nunavut won the \$10 million prize category.

Indigenous-led digital innovation challenges prevailing conceptions about Indigenous governance. While often stereotypically viewed as dysfunctional and dependent, examples of digital innovation demonstrate the incredible resourcefulness, managerial competency, and governance capacity practiced by Indigenous peoples across Canada. Tsuut’ina Nation, a First Nation located adjacent to Calgary, Alberta, provides an example of this innovation. The community has deployed online voting in four different votes and has gained important insights into how to maximize the benefits of the technology while mitigating its risks and challenges. Online ballots have grown in use in Tsuut’ina and more than 90 other First Nations across Canada as a means to improve the participation of citizens/members, particularly those living off-reserve, and to facilitate votes on important pieces of community legislation. In this way, the adoption of online voting in a First Nation context is unique from the uptake of the technology by non-Indigenous communities in Canada.



This brief draws upon survey, interview data and as well as participant observation obtained as part of the First Nations Digital Democracy Project (2014-2019), which took a community-engaged approach to work with Tsuut'ina and other First Nations across Canada as they administered online voting. We examine the specific motivations and challenges associated with online voting use in First Nations through an exploration of the experiences of Tsuut'ina. Drawing on these experiences we argue that online voting and other similar innovations in digital governance are firmly situated within the legacies of colonization and the corresponding pursuit by First Nations to achieve self-government and self-determination. Uptake, at least initially, was largely driven by the challenges associated with the *Indian Act* and the *First Nations Elections Act*, which have created systemic issues in political participation and governance capacity in First Nations.

The brief consists of eight sections. Section two discusses the historical and legal context around contemporary issues in First Nation governance. We highlight ongoing governance issues associated with the *Indian Act* and strategies employed by First Nations to move away from colonially imposed models of governance. Section three examines the increasing use of digital technologies to pursue an incremental path toward self-government. Sections four and five delve deeper into the use of online voting technology by First Nations in Canada by detailing research findings on the motivations and challenges First Nations face in adopting the technology. In Section six, we explore how these motivations and challenges play out at the community-level by drawing upon the experience of Tsuut'ina. In Section seven we offer three key lessons learned that can help support other First Nations who may consider using online voting in the future.



2

HISTORICAL AND LEGAL CONTEXT OF FIRST NATION GOVERNANCE

First Nation governance is profoundly shaped by Canada's history of settler colonialism. Prior to the arrival of European settlers, what is now Canada was home to several self-governing Indigenous Nations each with their own complex governance traditions rooted in political, social, cultural, economic, and spiritual relationships with the land. While many early European settlers cohered to the existing legal orders and diplomatic relationships that had been established by and between different Indigenous nations, the relationship between Indigenous peoples and the Canadian government quickly shifted toward a paternalistic colonial paradigm of governance.

In roughly the first 100 years following Confederation in 1867, the approach taken by the federal government toward Indigenous policy was one of assimilation and attempted elimination (Palmater 2014). Canadian politicians and bureaucrats devised a web of racist mechanisms designed to subordinate and limit the governance capacity of Indigenous governments with the end goal of eliminating Indigenous peoples as sovereign political nations. For First Nations, the primary legal tool used by the federal government to pursue elimination was the *Indian Act*. Introduced in 1876, the *Indian Act* consolidated all pieces of Crown legislation dealing with First Nations, setting out a narrow suite of political and civil group rights tied to "Indian Status" (Leslie 2002). The legislation also set out the terms by which these rights could be stripped from individuals through various avenues of racial dilution and socioeconomic advancement.

In addition to defining the rights of First Nation persons, the *Indian Act* also laid out the legal and jurisdictional parameters around governance by reducing First Nation jurisdiction to narrow tracts of reserve land. Within these narrow confines of reserve jurisdiction, the effective governing capacity of First Nations was purposefully curtailed.



The *Indian Act* required most decisions passed by First Nation Chief and Councils to receive approval from federal bureaucrats, with the minister responsible for Indigenous affairs possessing the power to unilaterally overturn decisions passed by elected band leaders (Imai 2007). Nêhiyaw scholar, Kiera Ladner (2014) has described the *Indian Act* as ushering in a process of “political genocide” whereby previous Indigenous governance structures and practices became replaced by western-modes of government that could be easily controlled and manipulated by federal bureaucrats.

The *Indian Act* continues to shape the individual and collective lives of First Nations in Canada, allowing the federal government to govern First Nation persons from “cradle to grave” (Forsyth 2007). Despite enshrining the fiduciary responsibilities of the federal government toward First Nations and Status Indians, the relationship institutionalized through the *Indian Act* remains one that allows Canada to shirk its treaty commitments, ignore Indigenous systems of governance, and violate Indigenous peoples’ right to self-determination.

While the overall governance paradigm of the *Indian Act* remains in place, many of its provisions have been subject to incremental reform and repeal. These changes follow from activism led by the Indigenous rights movement that has helped to compel a shift in federal policymaking toward a promotion of self-government for First Nations. As a result, a handful of First Nations have succeeded in opting out of the *Indian Act* entirely by negotiating self-government agreements with the federal government. More commonly, however, First Nations have pursued an incremental path, working with the federal government to develop their governance capacity and take on more areas of jurisdiction and policy-delivery through the signing of sectoral self-government agreements and the development of custom codes.

The devolution of policy-delivery for on-reserve services has allowed First Nations to exercise greater administrative control over programs in areas such as health, education, housing, language and culture, and social services. However, despite this growth in administrative control, the initial design and funding for most areas of on-reserve policy continues to rest with the federal government.

As a result, this particular model of policy devolution and delegated authority has been rejected by many First Nation leaders and scholars. For some, it represents an attempt by the federal government to implement self-government in a manner that transforms First Nations into “mini-municipalities” (Abele and Prince 2006). This view holds that incremental reforms toward self-government do little to overturn paternalistic federal policymaking or recognize the inherent self-determination of Indigenous peoples, and instead merely empower First Nations to serve as administrative delivery units for the federal government.

For many First Nations, however, the incremental approach to self-government outlined above is understood as merely a transitional phase toward a more comprehensive form of self-government. As such, rather than representing a satisfactory endpoint, the gradual chipping away at areas of federal jurisdiction through reforms to the *Indian Act* is a strategic approach to strengthen governance capacity on the longer road toward self-determination. Further, while it is important to acknowledge the overarching legal framework of the *Indian Act* remains in place for most First Nations, the changes that have been made within the framework are not insignificant. Many First Nations have been able to achieve significant gains in governance. As the next section explores, these gains have increasingly been aided by the adoption of digital technology.

3

DIGITAL GOVERNANCE AND ONLINE VOTING IN FIRST NATIONS

Like non-Indigenous governments, digital technology has grown in popularity among First Nations in Canada. In areas such as healthcare, education, environmental planning, and cultural renewal, First Nations are leveraging technology to address the distinct needs of their citizens, extend their governance capacity, and more effectively deliver services within their communities (Duarte 2017; Gabel et al. 2016a; Gabel et al. 2016b). First Nations, particularly those located in rural and remote locations, have demonstrated incredible resourcefulness in utilizing digital technologies to overcome various forms of digital divides (McMahon et al. 2011). First Nations rely on a range of innovative funding and ownership models to secure access to broadband services and other infrastructure necessary for the successful deployment of digital technologies (McMahon 2011).

Importantly, First Nations' digital governance projects tend to be built around the four principles of OCAP (ownership, control, access, and possession). These principles ensure that deployments of digital technology and collection of data in Indigenous communities are taken up in a manner that aligns with their inherent right to self-determination (First Nation Information Governance Centre 2019). In more direct terms, OCAP ensures that First Nations dictate when, how, and why digital technologies are used. This approach assures that technological adoption serves the goals and interests of First Nations and their citizens first-and-foremost, regardless of whether it is used in partnership or as part of community-based projects.

One technology that has been put to increasing use in communities across the country is online voting. Since 2014, more than 100 Indigenous communities have used online voting for a variety of votes including elections, referendums, ratification votes, and community polls (Budd et al. 2019).

Despite this uptake, online voting use is limited in some communities. Under the terms of the *Indian Act* and the *First Nations Election Act* regulations, First Nations whose election governance falls under those Acts are restricted to using only in-person or mail-in paper ballots for elections and referendums (Midzain-Gobin et al. 2017). They can, however, use online voting in the context of ratification votes or community polls. For a First Nation to be able to use online ballots as an option for elections and referendums, they must be operating under the terms of their own self-government agreement or custom election code.

Based on these limitations in governance, online voting has been most commonly used for ratification votes whereby a First Nation votes to ratify legislation developed by Chief and Council or an agreement negotiated between a First Nation and the federal government (Goodman et al. 2018). These types of votes typically involve “sectoral self-government agreements,” which encompass the takeover of a defined area of federal jurisdiction by a First Nation. Examples of this type of legislation include electoral codes, land management legislation, and matrimonial real property laws. Depending on the legislation being enacted, First Nations oftentimes may be required to meet certain thresholds of participation. ¹

Online voting is also commonly used for votes on matters besides those dealing directly with federal jurisdiction or the *Indian Act*. In 2013, for example, online voting was used by Nipissing First Nation to pass the community's own constitution (Chi-Naaknigewin). Introduced to act as the supreme law of Nipissing First Nation, the constitution sets out the civil and political rights of community members and the framework for law-making processes enacted by the community's Chief and Council.

¹ In recent years, the quorum requirements for many sectoral self-government agreement votes have been softened. For example, Bill C-86, which received Royal Assent in December 2018, altered the ratification criteria for land code votes. These alterations provide flexibility to First Nations by allowing them to set their own quorum thresholds or remove them entirely and instead rely on a verification officer to confirm compliance with the terms of the Framework Agreement.

Another example comes from the Mohawk Council of Akwesasne, which used online voting in a 2016 referendum to approve the creation of the community's court system – the first of its kind in Canada. Online voting has also been used for

non-binding votes such as community polls. These polls help to relay members' perspectives to elected leaders and bureaucratic decision-makers on salient community issues.

In sum, online voting has emerged as an important tool for First Nations to pursue self-government and other goals aimed at advancing collective well-being. The next section introduces our community-engaged research project on online voting in First Nations.



4

STUDYING ONLINE VOTING IN AN INDIGENOUS CONTEXT

From 2014 to 2019, we undertook research with First Nations in Ontario and Alberta regarding their use of online voting. The Project – First Nations Digital Democracy – addressed three broad research questions:

1. Does Internet voting increase political participation in First Nations?
2. Does Internet voting improve outreach and inclusion of community members (e.g., youth, off-reserve)?
3. What kinds of barriers or problems are there in implementing Internet voting?

To address these questions, our research project took a Community Engaged Research (CER) approach (Gabel and Goodman 2019). This model focuses on forming equitable partnerships with First Nations which provide communities with the opportunity to participate in research as equal partners. Using a CER approach, our project focused on actively promoting community ownership of the research process and final outputs by allowing First Nations to provide direct input into the formulation of research questions, the selection of methodologies and strategies of data collection, and ultimately the dissemination of knowledge.

This approach offers numerous benefits. Notably, it empowers communities as equals instead of objects of study. Empowerment is especially important in the context of Indigenous research, where longstanding inequalities between academics and Indigenous peoples have led to an extractive approach to research that has provided few direct benefits to communities. A CER approach helps to level this power imbalance while ensuring research offers tangible benefits which meets the distinct needs of participant communities. In studying First Nations' use of online voting, our project placed heavy emphasis on building community capacity.



Examples of this capacity building include the hiring and training of community members, particularly young people, to serve as research assistants responsible for administering surveys and other forms of data collection. As researchers, we also sought to contribute to capacity building by participating in the administration of online voting as poll clerks, carrying out mock votes and education sessions, attending community meetings where we offered training and information, delivering presentations to Chief and Council, and producing unique reports for communities.

CER is not only an ethical approach that provides tangible benefits to communities, but it also offers reciprocal benefits for academic research. By forming partnerships with First Nations, CER allowed us to develop a deeper and more nuanced, and contextually relevant, understanding of the unique motivations and challenges First Nations face adopting digital technologies. It also allowed us to tailor project research outputs to the needs of First Nations.

The following section presents some of the general findings of our research. We discuss the specific motivations and challenges behind the adoption of online voting in First Nations. Following this discussion, we present a brief profile of our experiences working with Tsuut'ina Nation.



5

MOTIVATIONS AND CHALLENGES FOR THE USE OF ONLINE VOTING

There are a number of context-specific factors that have contributed to the growing use of online voting amongst First Nations. One of the biggest motivations for adopting online voting is to achieve higher rates of participation and to make community governance processes more accessible (Budd et al. 2019; Goodman et al. 2018). On its face, this motivation is mirrored in non-Indigenous communities in Canada, where improved participation rates and greater voter satisfaction are commonly cited as drivers of online voting uptake. For First Nations, however, improving voter access through online voting is driven by the unique geographic barriers and residency challenges.

As a result of colonization, many First Nation members are forced to live far away from their home communities in order to access socioeconomic and educational opportunities. Among the 634 First Nations in Canada, the average percentage of off-reserve membership sits at approximately 65.7 percent. For these off-reserve members, participating in on-reserve governance processes can be difficult. In the context of elections and other types of votes, off-reserve citizens had previously been limited to voting by paper ballot, either in-person or via mail-in ballot. The former option requires off-reserve members to travel long distances to cast a ballot, creating a significant barrier to participation. By contrast, while mail-in ballots allow for remote voting, they are not always ideal and are viewed by many members as burdensome and inconvenient. As such, online voting was introduced to address the issues associated with paper ballots and to improve participation. Our work throughout the project has shown that online voting is often an effective means of engaging off-reserve members (Budd et al. 2019).



The introduction of online voting has also been linked to a more general desire to improve connections, dialogue, and trust within First Nations (Gabel et al. 2016b; Goodman et al. 2018). For many First Nations, trust between elected leaders and members is an enduring issue. Challenges of distrust are inextricably linked to the colonial-origins of the band council governance system which was devised to enforce accountability among First Nations to the federal government as opposed to their own members (Gabel et al. 2016a). These historically rooted issues are compounded for remote First Nations with large off-reserve populations.

Online voting has been introduced as an intervention to address these enduring issues of distrust in First Nations. For band council governments, the technology has been used as part of a broader suite of digital tools to engage members, establish pathways of bidirectional information sharing, and ultimately create more transparent and accountable decision-making processes. The findings of our research project offer empirical support for this relationship, where the introduction of online voting has been shown to positively contribute to community connectedness in First Nations (Goodman et al. 2018).

A third motivation behind the adoption of online voting in First Nations is to aid in the pursuit of self-government. Online voting is often adopted as part of a purposeful strategy to enhance the governance capacity of First Nations. This strategy is especially relevant in the context of sectoral self-government ratification votes, where online voting has been adopted as a way to reach participation quorums required to enact legislation to replace sections of the *Indian Act* (Gabel et al. 2016b; Budd et al. 2019). Online voting has been found to enable First Nations to pursue a more ambitious agenda of legislation aimed at strengthening their self-government capacity. On a practical level, online voting has also been adopted as a way to improve administrative efficiency and modernize governance institutions and processes. It has prompted many communities to create email directories that not only allow contact with community members leading up to and during votes, but also support the facilitation of outreach and information sharing (Budd et al. 2019).

While online voting has proven popular among First Nations, there are challenges related to its uptake and suitability. For example, access to reliable high-speed Internet services, especially amongst remote First Nations, is a key challenge communities face. The costs associated with adoption are an additional barrier. To implement online voting, First Nations must currently contract a private sector vendor to supply the voting platform. While costs vary between vendors, the types of votes, and the size of the community, it is up to First Nations to fund the start-up costs associated with deployment. Online voting also presents challenges linked to the suitability of the technology within the unique political and cultural context of Indigenous communities. When confronted with the prospects of introducing online voting, many First Nation members have expressed concern that it may reinforce socioeconomic and demographic divides in their communities by empowering primarily younger, tech-savvy, and wealthier members (Goodman et al. 2018).

Finally, the technology's fit with traditional Indigenous values and customs can pose a challenge. Our research has found that many First Nation members, particularly elders, are wary of online voting because of the potential that it will replace traditional in-person deliberative decision-making practices (Budd et al. 2019). Fears that technology will lead to more anonymized and less transparent political practices are a serious challenge, and one that is compounded by a lack of Indigenous technology vendors. While this concern is common, however, communities that have experimented with online voting generally find their members express positive opinions after using the technology.

In sum, online voting adoption offers a number of benefits and challenges for First Nations linked to broader challenges in Indigenous governance stemming from colonization. Nonetheless, through lessons learned from trials and experimentation, First Nations have been able to mitigate many of these challenges. Below we present a community-engaged vignette of one of our community partner's – Tsuut'ina Nation – experiences with online voting.

6

TSUUT'INA NATION'S EXPERIENCE

Tsuut'ina Nation is an Athabaskan First Nation located 13 kilometres south of Calgary, Alberta. The Tsuut'ina Nation's territory is comprised of the Tsuut'ina Nation 145 Indian Reserve. The community has a land base of 29,417 hectares and a total registered population of 2,342. Of those citizens, 2,022 reside on-reserve with the remaining 320 citizens residing off-reserve.

Since 2016, Tsuut'ina has deployed online voting for a variety of votes including Chief and Council elections, ratification and referendum votes, and community opinion polls. Our relationship with the community began in 2018 ahead of a community poll held to gauge citizen attitudes on the production and sale of cannabis on the Nation's territory. We partnered with Tsuut'ina to support the poll and to deliver a survey on community attitudes toward voting methods. In line with a CER approach, we conducted extensive engagement to build an equitable relationship with Tsuut'ina. This engagement involved multiple community visits, a presentation to Chief and Council, focus groups, and a mock vote to teach community citizens how to use online voting and build digital literacy. We also took part in two days of community meetings in April of 2018 when the cannabis poll was held. These visits allowed us to learn about the community's past experiences with online voting and citizens' attitudes.

What motivated Tsuut'ina to take up online voting in the first place? Like many other First Nations, Tsuut'ina adopted online voting to pass legislation to replace sections of the *Indian Act*. The community first used online voting in 2016 to adopt a custom election code. An example of a sectoral self-government agreement, the Tsuut'ina Chief and Council Electoral Code replaced the sections of the *Indian Act* setting out the rules for Chief and Council elections.

While viewed as widely positive, the introduction of online voting was also met with concern. In speaking with leaders and administrative staff, many noted that some groups in the community, such as elders, were distrustful of online voting. This distrust stemmed largely from issues of digital literacy, where many citizens felt they lacked the experience and technical skillset to navigate online voting platforms. This digital inexperience was mitigated to some degree by digital skills workshops offered in the leadup to the community poll in 2018 which provided Tsuut'ina citizens with the skills and confidence to comfortably vote online. In addition to officials' concerns, informal conversations with citizens during the community poll revealed additional worries regarding privacy and data storage. Tsuut'ina citizens expressed concern that confidential information would be stored by private companies outside the community. Further dialogue and information sharing about the protocols of data sharing between the community and the technology vendor helped to put some of these concerns to rest, however, they do represent important issues that were echoed by other communities.

Overall, online voting was positively received by both Tsuut'ina voters and administrators. For administrators, online voting has helped to create more efficient and transparent vote tabulation processes. Administrators highlighted the ability to track turnout as votes were in process as a key benefit of online ballots, which was viewed as especially important in votes with required participation quorums. The quickness of online voting was also pointed to as beneficial following the conclusion of votes because results could be relayed to the community almost immediately. This timely turnaround was seen as boosting trust in community votes.

Finally, while it is difficult to determine if online voting increased participation due to the unavailability of turnout data from past votes, administrators observed the technology's ability to engage specific groups such as those unable to travel to on-reserve polling stations. This benefit is not only for off-reserve voters, but also for those with disabilities or mobility issues. Administrators also identified younger voters as a key target demographic of online voting. Roughly half of Tsuut'ina's citizens are under the age of 40. Online voting is viewed by Tsuut'ina administrators as a tool to foster long-term engagement among younger voters.



7

LESSONS LEARNED

Tsuut'ina's experience provides a firsthand account of the benefits and challenges First Nations face when using online voting. On the one hand, the technology provides a resource to engage Tsuut'ina citizens and pursue community-directed legislation. On the other hand, some citizens expressed concern, at least initially, about the prospects of online voting. Below we reflect on some of the lessons learned from Tsuut'ina's experience.

The Importance of Community

The success of online voting in First Nations is largely contingent on the ability of communities to incorporate the technology within existing pathways of community connections. A key takeaway from working with Tsuut'ina is that online voting must be introduced in a manner that builds upon rather than replaces community connections. In the 2018 cannabis poll, online voting was offered as part of a series of community meetings. During these meetings, elected leaders and other officials presented information to citizens about the growth and sale of cannabis on-reserve. Following these presentations, citizens were able to pose questions to challenge leaders or gain further information. Citizens could also cast an online ballot at any point to register their opinion in the poll and test the technology. The incorporation of voting within community meetings and events is important to the success of online voting in a First Nation context. It ensures that online voting and other digital avenues of participation do not replace existing forms of deliberative decision-making. One key concern with online voting among First Nations is that it will lead to a loss of dialogue and greater anonymity. Integrating online voting with in-person meetings helps to mitigate this concern.

Cultural Concerns and the Importance of Training

The suitability of online voting for traditional First Nation cultural practices and customs is an enduring issue. This concern points to the importance of

introducing online voting in a manner consistent with cultural practices and customs, as well as the need to offer training and support around digital literacy. Often, cultural concerns are entangled with a general feeling of discomfort toward the use of digital technology. Our experiences holding workshops with communities demonstrated that when community citizens/members are offered one-on-one training with online voting platforms their satisfaction and comfort with the technology increases. In light of this finding, it is a general good practice for online voting to be rolled out slowly within First Nations, with citizens/members provided the opportunity to receive training and participate in mock votes prior to using the technology in binding community votes.

Intergovernmental Support and Loosening Regulations

There needs to be greater federal support for the introduction of online voting. Currently, First Nations who wish to use online voting must pay to do so out of their own-source revenues or through funding provided by pan-Indigenous organizations. In line with their fiduciary obligation, the federal government could play a larger role providing funding for First Nations elections and votes. However, any role the federal government takes with regard to supporting online voting and digital governance must be aligned with the inherent right to self-government. In order to adequately support First Nations, it is essential that the federal government allow communities to determine the conditions and procedures around the introduction of online voting. This support could come in the creation of an Online Voting Resource and Information Centre. This Centre could provide logistical and technical support for First Nations interested in adopting online voting. This recommendation is further outlined in a recent report (Gabel and Goodman 2021).

Perhaps the most important and direct way for the federal government to support First Nation deployments of online voting is by amending regulations to allow for the use of non-paper methods of voting in First Nations elections and referendums. Crown-Indigenous Relations and Northern Affairs Canada has the authority to amend relevant regulations of the *Indian Act* and *First Nations Elections Act*. Given the growing desire to use online voting, and the success that many communities have had with the technology, loosening federal regulations would be an important step toward supporting digital innovation and self-government in First Nations.



8

CONCLUSION

This brief presents the growing use of online voting in First Nations in Canada. Online voting represents one of many community-led digital innovations First Nations are exploring. As we have discussed, these types of digital innovations are driven by the pursuit for self-government and rolling back of settler jurisdiction. Online voting implementation has helped to engage members and has allowed communities to pass important pieces of legislation that replace sections of the *Indian Act*. In spite of challenges related to technical access, funding, and cultural appropriateness, First Nations and their members have generally had satisfactory experiences with online voting. Satisfaction certainly characterizes Tsuut'ina Nation's experience, as the Nation has continued to use the voting method to revitalize on-reserve governance and engage citizens.

It is important that both scholars and policymakers give attention to the benefits and challenges of digital government for First Nations. Digital technologies can provide clear benefits for Indigenous peoples to challenge the influence of settler institutions and move toward self-government. As COVID-19 persists, digital technologies are likely to take on a more important role in Indigenous governance. Given the heightened vulnerabilities of First Nations to infectious diseases, many communities have taken steps to limit on-reserve travel. As such, technologies like online voting provide a remedy to help members stay connected and for on-reserve governance to remain effective. This brief provides communities with a resource as they pursue digital innovation while also reminding other levels of government that they have a role to play in supporting First Nations to realize self-government.



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