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THE IMPACT OF DIGITAL TECHNOLOGY ON FIRST NATIONS PARTICIPATION AND GOVERNANCE

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Abstract:

First Nations have long sought strategies to improve community engagement and work towards self-government. One newer approach to achieving these ends involves the adoption of digital technology for elections and votes, as well as community consultation and interaction with local governments. Several First Nations in Ontario and British Columbia have deployed digital technology and many others are investigating doing so in hopes of engaging community members, building capacity within the community and working toward self-government. Internet voting, in particular, is one type of technology communities have been

drawn to. Indigenous communities are optimistic about the advantages in accessibility that such technology might provide. However, there has not yet been any systematic analysis of the effects and impact of internet voting in Indigenous communities. This paper examines the experience of Whitefish River First Nation which implemented internet voting for ratification of a new Matrimonial Real Property Law (MRP) in March 2015. The observations from this community provide a point of departure for ongoing analysis of what internet voting means for the quality of local democracy, and for self-determination.

Résumé

Les premières nations ont depuis longtemps recherché des stratégies permettant d'améliorer l'engagement communautaire et de rendre réalisable l'autonomie gouvernementale. Une nouvelle approche dans ce but consiste en l'utilisation de diverses technologies informatiques pour les élections et les votes, ainsi que pour la participation communautaire et l'interaction avec ces gouvernements. Plusieurs premières nations en Ontario et en Colombie-Britannique ont fait usage de ces technologies et plusieurs autres examinent cette option dans le but faire participer leurs membres, créant plus d'espace communautaire et se davantage dirigeant vers l'autonomie gouvernementale. Le vote par Internet, en particulier, constitue un type de technologie jugé intéressant par ces communautés. Les communautés autochtones sont optimistes en ce qui concerne les avantages (accès élargi) que procureraient ces technologies. On n'a cependant jamais systématiquement analysé les effets et l'impact du vote par Internet sur une communauté autochtone. Cet article examine ce qu'a vécu la communauté autochtone de Whitefish River, qui en mars 2015 a mis en place un système de vote par Internet afin de ratifier une nouvelle loi sur la propriété matrimoniale. Les observations qu'on y fait fournissent un point de départ afin de mieux comprendre ce que veut dire le vote par Internet pour la qualité de la démocratie locale, l'auto-détermination et les aspirations à l'autonomie gouvernementale.

Introduction

While there has been much attention focused on the former Conservative government's divisive *Fair Elections Act*, there has been far less coverage of another recent development in electoral rules and procedures. This development involves changes to the rules governing elections within Indigenous communities[1], specifically First Nations. The *First Nations Elections Act*, which received Royal Assent and was passed into law on April 11, 2014, offers the potential for improvements to First Nations elections systems and stability for First Nations communities. Until now, elections in many Indigenous communities

have been governed by the provisions of the *Indian Act*.[2] The rules of the *Indian Act* provide for short terms of office and, moreover, have produced election systems often fraught with administrative difficulties and inconsistencies, resulting in frequent appeals. For First Nations that choose to opt-in to the new *First Nations Elections Act*, the term of office of the elected chief and band council will increase from two years to four. New procedural fairness requirements and processes for appeal will also come into effect. For example, provisions that previously allowed for the Minister of Aboriginal Affairs and Northern Development to remove elected officials from office in cases of corruption would be replaced by recall procedures approved by First Nation electors. Appeals of electoral results that were previously directed to the Minister would instead be directed to courts. The hope is that this new framework will provide for greater clarity and enforceability of acceptable democratic practices in local elections, while minimizing the broad discretionary oversight that the Minister has traditionally maintained under the auspices of the *Indian Act*. Broadly speaking, the changes are consistent with First Nations demands for control over their own political affairs and for new, modern tools with which to improve governance and responsiveness in their communities.

Our paper does not deal with these developments in electoral law per se, but rather focuses upon the leeway these legislative changes provide for First Nations communities looking to experiment with digital technologies and e-democracy platforms. We are primarily interested in the extent to which digital technologies, and in particular internet voting, may serve as a tool for enhancing democratic engagement and governance in Indigenous communities in Canada as they work to strengthen local democracy and build community capacity.

Engagement with digital technologies and e-democracy platforms poses a number of questions for First Nations. For instance, to what degree do initiatives such as internet voting and e-democracy portals improve member participation in elections and the way in which elections are run as well as other types of community consultation? Furthermore, can the adoption of digital technologies, such as internet voting, positively impact participation among traditionally marginalized and unengaged members of First Nations communities? For example, are youth, or community members living off-reserve, more likely to take up opportunities to participate online? Complex questions are also raised with reference to public perceptions of local governance and public attitudes toward the political system. Do digital technologies alter the processes of consultation, deliberation and responsiveness of elected council in ways that improve public satisfaction in the quality of governance and feelings of external efficacy and trust?

What follows is an exploratory examination of the growing engagement amongst First Nations with digital technologies. We draw

on the existing theoretical and empirical body of research on First Nation elections, participation and governance, as well as research on digital technology and politics to explore some of the implications, opportunities and limitations that these technologies pose to First Nations communities. We examine the case of Whitefish River First Nation, which recently used internet voting to ratify their Matrimonial Real Property Law (MRP).

Our paper proceeds in three parts. The first portion briefly outlines the history of electoral provisions under the *Indian Act*, and discusses the implications of this electoral regime on patterns of Indigenous political participation, and on the overall quality of indigenous governance. Part two examines the recent opportunities afforded to First Nations to experiment with digital technologies, particularly internet voting. We draw on Whitefish River First Nation as an example of this emerging trend in digital engagement. Here, we consult research on internet voting and consider whether the findings in this domain might translate into benefits for First Nations or create new challenges. We conclude with some prospective questions for researchers looking to understand and assist First Nations in implementing digital technology into electoral proceedings and consultative processes.

Electoral Regimes, Indigenous Participation and First Nations Governance: Theoretical and Empirical Perspectives

For over a century, Canadian policies have eroded the traditional political systems of Indigenous peoples. The consolidated *Indian Act*, passed in 1876 but based on even older legislative models adopted prior to Confederation, created a paternalistic regime in which "Indians" were not self-governing citizens but objects of administration. The legislative framework of the *Indian Act* functioned on a daily basis as an oppressive and unrelenting system that denied Indigenous peoples both the ability to control their own lives and the opportunity to participate in the broader Canadian society.

One of the many areas subject to this regulatory regime is the matter of elections. As early as 1857, the concept of "enfranchisement" was introduced, whereby a person registered as a "status Indian" could give up legal status, with the objective of the government being to assimilate them into Canadian society as full rights-bearing citizens. The 1876 Act and subsequent amendments continued and furthered the policy of enfranchisement. Various incentives to enfranchise were introduced, including access to voting rights. Enfranchisement also became compulsory in a number of circumstances. For example, it was automatic if an Indian became a doctor, lawyer, Christian minister, or earned a university degree. Starting in 1869, women who married

non-Indians automatically lost their status and their children were not entitled to be registered as Indians. This policy had severe implications, not least of which was the exclusion of such women and their children from band membership and residence on reserves. A series of court challenges by Indigenous women's groups led to eventual reforms to the *Indian Act* in 1985. These amendments were intended to remove discrimination, restore status and membership rights, and increase control by communities over their affairs. Nevertheless, a consequence of linking enfranchisement and voting rights with the removal of Indian status has been to cultivate among Indigenous people a profound sense of distrust and disengagement from the national political system.

This distrust and disengagement also extends to local band council politics. Prior to European settlement, Indigenous communities across Canada had their own distinctive local political institutions and methods of political representation. The *Indian Act* sought to these customary governance practices and to impose upon communities the British colonial political ideal of elected local government. Under the terms of the Act, Indian bands would continue to select their leadership by way of custom until it was determined that they were "sufficiently advanced or civilized" to select their leadership pursuant to the provisions outlined in the *Indian Act*. The 1996 Report of the Royal Commission on Aboriginal Peoples illustrated the difficulties experienced by Indigenous peoples with respect to the imposition of the *Indian Act*. The Report concluded that: "for the past 100 years the [Indian] Act has effectively displaced, obscured or forced underground the traditional political structures and associated checks and balances that Indigenous people developed over the centuries to suit their societies and circumstances" (Canada, 1996, Volume 2, p. 346).

Not surprisingly, for many First Nations people, band council elections carried out under the terms of the *Indian Act* are viewed as a continuation of the colonial system and as a device to undermine the development of stable, autonomous Indigenous communities. There are concerns about the degree of ministerial intervention in the electoral and appeal processes, and about accountability of elected officials to the Department of Indigenous and Northern Affairs rather than to community members. In these respects, some view band councils as having the same kind of comprehensive control over people's property, jobs and housing that the federally appointed Indian agent used to exercise. There are also concerns about the lack of flexibility under the Act to set terms of office and determine the size of council. In particular, the requirement to hold elections every two years has created conditions of instability and fostered divisions in First Nations communities given that it is too short a time period to plan for and implement long-term initiatives or to sufficiently build a proper foundation for community development. Finally, there are concerns regarding the autonomy of

First Nations to establish their own membership and eligibility rules with respect to local elections. In particular, the on-reserve residency requirement to vote in elections and run for elected office has been invalidated by the Supreme Court of Canada, following legal challenges brought against First Nations elections under the *Charter of Rights and Freedoms* (Corbiere v Canada, 1999). The perceived lack of legitimacy of *Indian Act* governments continues to manifest itself today. For example, in 1924 the federal government used its power under section 74 (1) of the *Indian Act* to replace the traditional Haudenosaunee Council on the Six Nations reserve in Ontario with a Chief and Council elected under the *Indian Act*. This action was opposed by a large number of Six Nations members. Consequently, even today Six Nations voter turnout is traditionally low with roughly 6 to 10 percent of eligible voters taking part since some see voting as an insult to the traditional Confederacy Council. Low voter participation in other communities has also been attributed to resistance to the legitimacy of governing bodies elected under the terms of the *Indian Act* (Senate, 2010, pp. 15-19).

Despite awareness of the legacies of the *Indian Act* in terms of distrust and political disengagement, scholars have done a poor job of incorporating this into research on Indigenous voter participation and governance. Most of the research in this domain focuses on patterns of Indigenous voter participation in national (and to a lesser extent, provincial and municipal) elections. Here the goal is to understand differences in voter turnout rates, and in the correlates of voting in national level elections, comparing Indigenous populations to non-Indigenous ones. This research consistently shows that voter turnout rates among Indigenous and members of First Nations communities are lower than that among non-Indigenous peoples. However, there remains disagreement about the underlying causes of disengagement.

Some interpretations focus on the individual resources/political behaviour model. This model predicts that citizens require certain social, economic and political resources (e.g., socioeconomic status, education, political knowledge and information) to facilitate engagement and mobilization in the discussion process that attends elections, and to reduce the psychological-cognitive costs of reaching a voting decision (Verba & Nie, 1972; Verba, Schlozman & Brady, 1995; Pammett & LeDuc, 2003). It explains lower turnout in terms of the lower level of resources enjoyed by group members as a whole, but suggests that Indigenous peoples vote or do not vote for the same reasons as non-Indigenous peoples (Fournier & Loewen, 2011; Bargiel, 2012).

Other researchers adopt an Aboriginal politics interpretation, which directs our attention to factors and circumstances uniquely affecting Indigenous peoples that might account for their lower level of electoral participation, including Indigenous people's diverse, often contentious relations with the Canadian state and the role of involvement in Indigenous organizations (Cairns, 2003; Dalton, 2007; Ladner & McCrossan, 2007). This model predicts that low levels of Indigenous voter participation are a signal of mistrust and suspicion about the legitimacy of electoral out-comes over which their peoples can have no real impact (Belanger, 2009). One implication is that improved efforts by parties and other political actors toward Indigenous inclusion in the context of federal elections (e.g., more attention to Indigenous issues in party platforms, communication of campaign materials in Indigenous languages, or more Indigenous candidates) would help to improve voter participation.

A more radical perspective arises from a post-colonial interpretation of Indigenous-Canadian state relations. Here, the contention is that non-Native political institutions are transitory and superfluous features of Indigenous people's political existence (Alfred, 1995). Viewing them as instruments of colonization that facilitate Indigenous subordination and oppression, the thesis advanced is that Indigenous peoples should disengage from state institutions and engage in a politics of resistance that actively challenges these institutions. The implication is that for some Indigenous peoples and members of First Nations, not voting in federal elections may be an act of resistance against the historical context of enfranchisement as an act of assimilation (Jacobs, 2009), and that alternative forms of political mobilization against the state are preferred. Empirical research that has explicitly tested these distinctive explanatory models of low Indigenous turnout in federal elections finds some support for each, however the post-colonial "resistance" explanation appears to be the weakest. For example, Howe and Bedford (2009) report that having a nationalist identity as Indigenous (rather than Canadian), in which Canadian institutions and political practices are understood as foreign, does account for lower rates of participation. But this factor was less influential than socio-demographic variables such as age, income and education, or than practical and circumstantial barriers related to health status, residential mobility, and family configuration (e.g., higher incidence of single parenthood) – all of which had a stronger inhibiting effect on electoral participation within the Indigenous population than among Canadians at large. Similarly, Harell, Panagos and Matthews (2009) report that individual resources and socio-demographic factors (notably education, income and age) play an important role in explaining who votes and who does not among Indigenous peoples. Against the post-colonial resistance theory, they find that involvement in Indigenous organizations was positively associated with voting in federal elections. Across these studies, age consistently emerges as a crucial factor, with youth far less likely to vote than older Indigenous peoples.

There has been far less research into voter participation at the band council level. Here the question is not to compare Indigenous to non-Indigenous populations, but rather to understand the correlates of

participation in the distinctive venue of band council elections, and to examine variations in rates of voter participation across First Nations communities. While some First Nation communities have participation rates below 10 percent in community elections, others demonstrate rates around the 90 percent level, which thus stands in contrast to the consistently low Indigenous turnout in federal and provincial elections (Bedford & Pobihushchy, 1995; Bedford, 2003). At this level the causes of such variances in turnout are not well understood. Clearly, different Indigenous communities have unique internal political histories and relationship with the Canadian government. These histories can shape community perceptions of trust and legitimacy of local governing councils and institutions, which in turn can elevate or depress overall levels of voter participation. For example, witnesses have suggested that low rates of turnout in band council elections may be a manifestation of deep power struggles within some communities, pointing out that the relative frequency of elections at this level (every two years in many cases) produces constant strain and division, and an ultimately unstable governance system (Long & Boldt, 1987; Senate, 2010). Another possibility is that differences in electoral regimes across First Nation communities may impact the participatory orientations of community members. First Nations communities also have highly differentiated geographies: some are relatively compact and contiguous, whereas others are vast, with members separated by long distances and significant land and water barriers. The size of on-reserve and off-reserve populations differ, and the matter of "membership" may be more contentious in some communities than others. All of these aggregate level characteristics may influence rates of overall voter turnout across communities.

Internet Voting and E-Democracy: Applications to First Nations

To date, nearly twenty First Nations communities in Canada have adopted internet voting to facilitate participation in community elections or votes, such as general assemblies for community ratification of constitutional provisions or for broad consultation on significant policy matters, and many more are considering using the technology. Beyond individual communities larger First Nations groups are also deploying internet voting, notably the Union of Ontario Indians – an association which represents thirty-nine member First Nation communities. These groups are optimistic about the potential advantages in accessibility of remote digital voting, especially for facilitating participation of off-reserve members, youth, elders and those with health conditions or physical or mental disabilities. With respect to administration of band elections, another hope is that online ballots can provide a substitute

to mail-in ballots, the latter of which tend to give rise to disputes over validity and electoral fairness.[3] Many First Nations have expressed eagerness to trial digital technologies. They are optimistic about the promise of internet voting and online community portals (e-democracy technology) as a means of overcoming physical barriers to participation in rural northern communities and improving the overall inclusiveness of local government. First Nation leaders are also interested in the capacity these technologies offer for broad community consultation and the possibility to obtain more formal authorization of the interests and claims of communities.

Remote and rural Indigenous communities around the world are deeply interested in improving broadband connectivity and accessing technologies that can facilitate individual and collective well-being (Richardson, 1998; Beaton & Fiddler, 2002; O'Donnell et al., 2010; Krebs, 2011 ; McMahon et al., 2011; AANDC, 2013). Given the diversity in needs and resources related to technological adoption, it is critical to stress that the implementation of internet voting will vary from one community to the next. Below, we briefly profile the initial experiences of one community, Whitefish River First Nation (WRFN) that has pursued digital technology as a means of facilitating greater levels of community engagement for a community vote. In March 2015, WRFN deployed internet voting to ratify their Matrimonial Real Property (MRP) law. This legislation is intended to fill a policy void created by the *Indian Act*, wherein matrimonial property rights regarding spouses have not been fully applied on First Nation reserves.

We know of no research examining the impact of digital technologies on the quality of democratic governance in First Nations communities. Yet here, as in other jurisdictions, the question is whether the adoption of digital technology for government service leads to improvements in good governance—that is, governance that is participatory, transparent and accountable, that provides a framework for determination of political, social and economic priorities based on a broad consensus in society, and in which the voices of the poorest and most vulnerable are heard in decision-making processes, especially regarding the allocation of resources (Okot-Uma, nd). Research shows that there have been improvements in good governance in many, but not all, jurisdictions where e-governance technologies have been adopted (Klemp & Forcehimes, 2010; Lee & Kwak, 2012; Lukensmeyer, Goldman & Stern 2011; Khazaela & Stockemer, 2013; Okot-Uma n.d.).

With respect to internet voting, evidence in Canada shows that its deployment encourages a certain proportion of non-voters to partake electorally, suggesting its adoption may have potential to close participatory gaps and strengthen processes of community consultation (Goodman, 2014; Pammett & Goodman, 2013). Yet, there are also distinctive issues in First Nation communities that may influence the

adoption and effectiveness of digital technologies. Because demographics and participation gaps vary, technological solutions may work differently from one community to another. For example, community cohesiveness and geographic dispersion may affect the degree to which these innovations can improve electoral participation or enhance consultation. In some communities a key problem is how to encourage participation among youth, while for others the issue is how to facilitate participation among off-reserve members. With respect to electoral administration, some communities regard online ballots as a substitute to voting by mail. In other communities, the introduction of internet voting may raise concerns regarding trust and privacy. Finally, a digital divide among electors may be a concern, particularly for communities situated in rural locations with weak internet infrastructure. A digital divide can pose a problem in two ways: one, it can mean the difference between access or lack of access to a digital device with an internet connection; and two, it can mean a difference in the quality of access (e.g. dial-up vs. high speed) (Goodman et al., 2010).

Whitefish River First Nation

Our research employs a community-based participatory research (CBPR) paradigm and utilizes a mixed methods approach, drawing upon both quantitative and qualitative methodologies. The community-based approach is especially appropriate for this project, given the need to learn from First Nation peoples, how they experience electoral politics and hope to address the challenges of governance at the local level. Indigenous peoples are often excluded and disengaged from the research process (Battiste, 2000; Battiste, 2001; Brubacher, 2007; Castellano & Reading, 2010; Castalleno, 2000; Jackson, 1993; Mitchell & Baker, 2005; Porsanger, 2004; Smith, 2006; Wilson, 2008). CBPR addresses this by creating bridges between researchers and communities through the use of shared knowledge and experiences. It further lends itself to the development of culturally appropriate measurement instruments. Finally, CBPR establishes a mutual trust that enhances both the quantity and the quality of data collected.

Whitefish River First Nation is a community of 1,200 members of Ojibway descent with approximately 440 living on the First Nation. They are located on the shores of Georgian Bay and the North Shore channel to Manitoulin Island, Ontario and have a land base of 5600 hectares (Whitefish River First Nation Community Profile, 2014). They are governed by the *Indian Act* and hold their elections every four years. In the most recent election in February 2015, Chief Shining Turtle Franklin Paibomsai was elected to a fourth term. Voter turnout in White-fish River First Nation has been comparatively high at approximately 57 percent for the last few elections. Internet voting is one avenue the community

has trialed to empower residents in pursuit of self-determination.

Following regular consultation with band administrators, we visited WRFN in March 2015. During that time, we trained one interpreter and four youth Community Assistants to help with our data collection, field questions about the project, and transmit feedback to the research team. These assistants enhanced the research team's capacity to understand and address community issues. Our data collection involved two distinct but complementary methods. We carried out on-site observation along with semi-structured interviews with band administrators, members of Chief and Council, and community members. The purpose of these interviews was to collect information on the perceptions and functional aspects of internet voting from a variety of viewpoints, and to gain additional explanatory insight into the community dynamics. In all, fourteen semi-structured interviews were conducted, though in some cases this involved multiple conversations over the course of a day and a half of participant observation. To complement this, we also conducted an exit survey of paper ballot voters to gauge their satisfaction with the voting process. Once community members had cast their ballot, they were approached by the youth Community Assistants to complete a survey about their voting experience. Voters had the option to complete the survey via paper or tablet and could also do so orally with assistance of the interpreter. The survey probed awareness of the internet voting option, future intentions to vote by internet, and sociodemographic characteristics (e.g., age, education, income, health status, on- or off-reserve residence). A total of 123 surveys were completed for a response rate of approximately 81 percent.

Internet Voting and Voter Participation

In total fifty-one people registered to vote by internet and of those twenty-one cast ballots online, representing 4 percent of eligible community members. By contrast, 152 community members, 24 percent of eligible voters, participated using paper ballots. The required quorum of 25 percent was met with an overall turnout of 27 percent, and the MRP law was approved: 136 (yes) to 38 (no). Why did so few electors vote online, and what does this mean for the ability of internet voting to improve First Nations' participation?

Our observation of WRFN voters suggests that lack of awareness of internet voting was not a problem, although it might have been among community members that did not participate. Rather, the low uptake of online voting appears to be partially related to the two-step process that required self-registration prior to voting. In addition, electors reported technical impediments to accessing the online registration and voting portals, lack of familiarity with the internet voting process, and a lower sense of urgency to vote online since paper voting was available.

Community members we spoke to did not express considerable distrust or concern about the security of the internet voting system. More typical was the account provided by Elaine[4], who expressed that she really wanted to vote online, but had not completed the registration process in the required time frame:

> I forgot to do it, and when I went to register last Friday it was already too late.... I received the e-mail reminder about registering on Wednesday, and I said "I'll deal with that later." I get so many e-mails. But when I went back to my e-mail to do it, the deadline had closed. There should have been a subject line saying TIME SENSITIVE, then I would have known to do it immediately. I got back to it a day and a half later, but it was too late.

Another member, Andrea, was visibly upset in describing her experience attempting to register to vote online:

> I called the tech guy - the help number that they give us when we go to sign up. He walked me through it, and I did manage to register successfully, but I didn't get a PIN. I thought, I guess they will e-mail that to me. I waited, but it didn't come. I talked to my sons, who also had problems but were able to get their PINs... I called the tech guy again, and he said I wasn't doing it right, or maybe my computer is too old. But I have a nice IBM. I kept trying and trying. Finally, I just said to hell with it. I just felt this is a whole load of you know what... I hung up. But then I didn't know, am I still going to be able to vote by paper? I tried to do everything. I was very aware, I followed the instructions. What went wrong?

For the most part on-reserve members have the necessary hardware and connectivity to be able to vote online. According to data provided by WRFN band administration, 160 of 185 households have internet access, and most people have mobile phones with internet access.[5] Yet clearly some faced challenges related either to hardware performance or with the two-step process which required registration to access the online voting portal. Elderly electors may have faced technical challenges to a greater extent than younger members given that they are more likely to use Indigenous languages. While an interpreter was available to assist voters at the physical polling station, the internet voting system was in English. Our observations lead us to question the idea that internet voting will facilitate the participation of older members who may face health and mobility challenges to voting in person. This is interesting since the primary users of internet voting in Canadian municipal

elections are voters over the age of 50 (Goodman, 2014).

These challenges reinforce that for a first experience with internet voting it was important for WRFN voters to retain the option to vote by paper ballot. At the same time, we have no way of knowing whether the option to vote in-person at the polls may have reduced members' interest (or persistence) to try internet voting. Finally, the challenges for off-reserve members are likely quite different than those facing on-reserve members. Given the higher proportion of younger members living off-reserve, and their largely urban residence, it is unlikely that technical barriers were an impediment to internet voting. Rather, the challenge here – much as with ordinary voting methods – lies in communicating the issues and details of the vote to those living off-reserve.[6] For an issue such as the MRP law, it is also possible that off-reserve members felt they had less of a personal stake in the outcome.

While some members (like Elaine and Andrea) were keen to see the community adopt internet voting, others were less certain this was the right fit for WRFN. This was the case for a few older community members. For example, Angus, though clearly supportive of the community passing its own MRP law, felt that internet voting was not culturally appropriate: "It's not 'our way' - it's not traditional." He explained that the traditional voting method was that people would line up behind whichever candidate they supported, so that "everything was completely transparent." He also felt that there needed to be more time for community consultation, and that the whole process had been too rushed. The lack of understanding of the complex issue, he felt, made internet voting even less desirable. Rather, coming in person to the band administration office to vote by paper offered community members "the opportunity to discuss the issue with each other, to ask questions; people don't have that same level of discussion when they vote by internet." Another member also spoke of traditional methods of community consultation and worried that the adoption of new technology "might disrupt the community dialogue." She explained that for previous issues requiring consultation with members:

> We would go house to house and explain it in person to people. Sit around the table and answer their questions. There would be a whole system in place. The office would drop all other work, and focus on this, so that everyone in the community was aware. If no one was home, then the package of information would be dropped at the door, and in the office they would keep a record of who was to be contacted. Contact them, talk by phone, record their questions, cross them off the list. Make sure that everyone in the community was reached. All the concerns and questions would be collected, and we would have a full sense of what aspects of the issue people had problems with, so that we

could tweak the proposal. Of course, all that changed once the federal government said that off-reserve people had a right to vote. Then it was impossible to drive five hours to Toronto, or to Sudbury, to talk to everyone.

We witnessed an enormous amount of camaraderie, conversation and information sharing over the course of the day as people came in to vote. Whether they came singly, or in family groups, people generally lingered to talk, share stories, and update each other on personal events. Many also asked questions about the proposed law, either to the interpreter or to band administrative staff. The administrative office offered refreshments, which seemed to further encourage conversation. Those who came in from work to vote seemed to especially enjoy the break. One 40-ish-year-old man dressed in construction gear was asked by another community member why he had not voted online. He responded jovially, "I like that you get a free sandwich when you come in to vote. You can't get that on the internet!"

The low number of online votes cast raises critical questions about the usefulness and cultural appropriateness of remote digital voting methods in Indigenous communities. However, there are four caveats to this pessimistic conclusion. First, there was very strong support for the MRP law, particularly among the women we spoke to, and some linked the innovation of the community passing its own MRP law to the innovation of internet voting. For example, Margaret talked to us about the need for advancement in technology use (especially among older members), and in the same breath spoke of the need to modernize First Nation laws.

Second, data from our exit survey of paper voters suggests that more voters may opt for the internet voting option overtime. When asked if they would be likely to make use of internet voting in a future vote, 60 percent said they would – 22 percent of these saying they would do so "no matter what" and 38 percent commenting they would do so under certain circumstances such as illness or inclement weather. Of course, these individuals are already voters, so their adoption of internet voting would not increase participation. Furthermore, a majority (51 percent) reported not being satisfied with paper voting. This represents a large segment of voters, and speaks to an important undercurrent of dissatisfaction with current voting methods that should be explored further. It suggests that there is a need to improve the traditional voting method and raises questions as to whether internet ballots may be able to provide a more satisfactory voting experience overtime.

Third, neither the internet voting vendor nor the band leadership appeared particularly concerned about the low uptake of internet voting. Though reaching quorum was important for both parties (see below), they felt that the experience was good practice and that the community

would be-come increasingly comfortable with the technology overtime. When asked his view about the low online turnout, the internet voting representative explained that there were multiple options to enhance turnout:

> I'm not worried about that. This is the first time for them, so it's normal. It is easy to increase voting. The problem is registration, not voting. The two-step process for people to register online and then vote can be simplified into a 1-step process, but this band did not want to go that way. Option b is that you can mail people's credentials to them by post. Mail them their PINs, and they are the only ones that know their band ID number. Markham did this. They have the money.

Asked for his view, Chief Shining Turtle said he had no regrets at adopting internet voting and explained: "This is the future for us."

Finally, in many cases public uptake of internet voting is built, and grows, overtime (e.g. Estonia). Furthermore, lower adoption could be the result of a multitude of factors and lower participation in one trial does not signify a public rejection of the technology, but rather could point to specific issues or challenges First Nations communities face that should be addressed in the event of future deployments.

In summary, while band administrators viewed their first experience with internet voting as positive, the views in the community appear to have been more mixed. Many (though not all) people we spoke to expressed excitement about the community's innovation and leadership in adopting internet voting, and a slim majority of survey respondents indicated that they would be willing to try it in the future. If the intent of the band leadership was to link the community's aspirations for self-determination and advancement of the rights of women, on the one hand, to a sense of forward-looking optimism about digital technology on the other, then this largely was successful in the eyes of most voters.

Conclusion

This paper contributes to our knowledge of First Nations elections and participation, particularly in the context of the impact of digital and mobile technologies. In the case of WRFN, the introduction of internet voting had very modest uptake among community members. In addition, there were challenges with the two-step voting process that required registration before casting a ballot. There also appears to have been little improvement in voting accessibility for elderly members, and concern among some elders regarding cultural appropriateness of digital voting methods. and its compatibility with traditional decision-making processes. However, many other community members expressed

optimism about the future of community elections and votes, using technology and a general willingness to harness digital technology in a manner that is respectful and consistent with the political, social and cultural goals of the community. Notably, paper ballot voters' willingness to use internet voting in future, especially under special circumstances, and their reported dissatisfaction with the traditional in-person voting process suggest additional future pilots of the technology may be worthwhile.

Given that many factors influence voter participation in elections and votes, this one trial cannot lead us to make inferences about the impact of internet voting on community members' involvement in community level votes. The observations brought to light in this paper, however, are important considerations for future deployments as they may help anticipate factors that inhibit elector uptake of internet voting and which could be preemptively addressed. Some possible suggestions include an interface that is exceptionally user-friendly and easy to navigate, clear communication about registration timelines, or perhaps trialing a one-step model that does not first require registration. Others include the possible addition of online ballots in Indigenous languages and a system to help community members that require assistance. In Canadian municipalities call help centres and the training of staff at popular areas in the community (e.g. community centres, libraries, retirement homes) to act as deputy returning officers are two options that have been relied on to provide additional support and promote electors' use of the voting method. Finally, while internet voting may bring benefits for the administration of elections, this depends vitally on a clear understanding – among leadership, community members, and internet voting vendors – of what procedural electoral integrity means and requires in a First Nations context. This issue will become increasingly important if, as is expected, First Nations communities assume a greater degree of control and autonomy over their own electoral procedures and, potentially, wish to adopt internet balloting methods as part of that self-determination and modernization process.

Notes

1. We prefer to replace the use of the word "Aboriginal" with the more uniting and less colonizing term "Indigenous" to refer to First Nations, Inuit and Métis peoples of Canada.

2. Prior to the *First Nations Elections Act*, band council elections have been held in one of three ways: under rules outlined in the *Indian Act*; under customary rules of the band; or pursuant to a community's constitution contained in a self-government agreement. Approximately 252 First Nations elect their Chief and Council accord-

ing to the election provisions of the *Indian Act*, while some 333 First Nations follow their own customary rules. For those bands who follow the *Indian Act* rules, Chief and Council are elected by a majority of votes of the electors (those entitled to vote) of the band. For those that have their own custom codes, there may not be any elections at all (for example, there may be hereditary chiefs). Additionally, there are twenty-nine First Nations that conduct their elections according to the rules contained in their self-government agreements.

3. The rising cost of mail service in Canada is another consideration.

4. We report pseudonyms in describing the insights of community members and elected members of council.

5. This represents 86 percent of the on-reserve community, which is high compared to other jurisdictions that have deployed internet voting (Goodman, Pammett & DeBardeleben, 2010).

6. The community is currently working to compile a master list of community members' email addresses so that contacting off-reserve members with updates and information is easier.

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