

ALIENATION AND NATIONALISM: IS IT POSSIBLE TO INCREASE FIRST NATIONS VOTER TURNOUT IN ONTARIO?

Jennifer Dalton

412A Osgoode Hall Law School
York University
4700 Keele Street
Toronto, Ontario
Canada, M3J 1P3
JenniferDalton@osgoode.yorku.ca

Abstract / Résumé

This article assesses whether Aboriginal voter turnout in Ontario can be increased under a different electoral system. The ways in which the first-past-the-post electoral system affects voter turnout among Aboriginal peoples are assessed, including an historical examination of Aboriginal electoral politics in Canada and corresponding low levels of Aboriginal voter turnout. Newly-collected, cross-time comparative data are presented on First Nations voter turnout in Ontario elections. The data are assessed within the context of Aboriginal alienation and nationalism, with the purpose of determining the role that each plays in affecting Aboriginal turnout. Finally, options for improving Aboriginal voter turnout are evaluated.

L'article évalue si la participation électorale des Autochtones en Ontario pourrait être accrue en adoptant un système électoral différent. L'auteur évalue les incidences du système majoritaire uninominal sur la participation électorale des Autochtones en procédant, entre autres, à un examen historique de la politique électorale des Autochtones au Canada et des faibles niveaux correspondants de participation des Autochtones. On présente des données comparatives temporelles, nouvellement recueillies, sur la participation électorale des Autochtones en Ontario. On évalue les données dans le contexte de l'aliénation et du nationalisme autochtones en vue de déterminer le rôle de chacun de ces facteurs dans la participation électorale des Autochtones. L'auteur évalue aussi les options d'amélioration de la participation électorale autochtone.

Introduction

Civic engagement is often considered a fundamental indicator of political legitimacy in a representative democracy. By extension, voter turnout levels are deemed to embody civic connectedness or lack thereof. However, in seeking to understand the roots of civic engagement, including voter turnout, the underlying political climate in a democracy is rarely as straightforward as these statements would suggest. Rather, nuanced complexity is the norm. The legitimacy of a democracy and its electoral system cannot be based solely on the extent of voter turnout at periodic elections.

There has been extensive academic debate and ardent advocacy in favour of electoral reform by various organisations, including Fair Vote Canada and its Ontario and Alberta provincial counterparts, Fair Voting BC, the Mouvement pour une Démocratie Nouvelle in Quebec, among others. The debate over electoral reform stems largely from concerns over a “democratic deficit” in Canada. In particular, these concerns are fuelled by ever-dropping voter turnout rates,¹ rooted in what appears to be overall political disengagement by the Canadian electorate. High cynicism and low confidence prevail among Canadian attitudes toward politicians and political institutions.²

How can worsening Canadian political disaffection be remedied? More specifically, how can electoral participation be improved? Does the deterioration of civic engagement necessitate electoral reform? There are several theories on improving voter turnout, based largely on political participation data. A full discussion is beyond the scope of this article. However, the most pertinent insights for improving voter turnout, at least for the purposes of this article, are institutional in nature. Aside from compulsory voting, which tends to result in higher turnout,³ many contend that electoral reform can increase overall voter turnout.⁴ Specifically, it is suggested that where electoral systems have higher levels of proportionality between the parties’ shares of the popular vote and the number of corresponding party seats in the legislative body—as occurs in Proportional Representation (PR) or mixed systems—higher levels of voter turnout are more likely. Consequently, in countries where plurality-majority electoral systems are in place, reforms to include proportionality are likely to improve overall voter turnout, even if only slightly.⁵

The First-Past-the-Post (FPTP) system, also known as the single-member plurality system, is currently in place across Canada. Would electoral reform, including some degree of proportionality, improve voter turnout in Canada? In recent years, various jurisdictions in Canada have looked at this issue, fuelled in part by concerns over decreasing voter turnout. In April 2003, the government of British Columbia created the

Citizens' Assembly on Electoral Reform, with the purpose of assessing the electoral system in British Columbia, including the possibility of reform. In October 2004, the final report of the Citizens' Assembly proposed that the FPTP electoral system should be changed to a Single Transferable Vote (STV) system, customised to British Columbia as "BC-STV." On 17 May 2005, the British Columbia electorate voted in a referendum on the proposed electoral reform, but the proposal failed.⁶ In November 2005, Prince Edward Island held a plebiscite on whether the province's electoral system should be changed to a mixed-member proportional (MMP) system, but the proposal failed.⁷

Similarly, in March 2006, the Ontario government established the Ontario Citizens' Assembly on Electoral Reform, which undertook to determine whether a change to Ontario's FPTP electoral system was needed. Between April and June 2006, 103 registered voters were randomly selected, one from each of Ontario's former electoral districts,⁸ to serve on the Citizens' Assembly. Including the Chair, George Thomson, fifty-two members of the Assembly were women and fifty-two members were men. At least one member was an Aboriginal person. The Assembly's final recommendation was included in a report released on 15 May 2007. Electoral reform to Ontario's FPTP electoral system was suggested in the form of a Mixed Member Proportional (MMP) system, which is a combination of FPTP and PR systems. The proposed system would allow each voter to choose both a local member, as has been the case under FPTP, as well as a preferred political party. The Legislative Assembly of Ontario would have 129 seats, wherein the number of electoral districts would be reduced to ninety with the remaining thirty-nine seats filled by party list members. Where a political party receives at least three percent of the votes, and if that party is entitled to a greater number of seats than won locally, list members would be added in order to achieve approximate proportionality. Before elections, parties would be required to publicly nominate candidates for their list members, including a description of how these members were chosen. Overall, the party with the largest number of seats won would be asked to form the government, likely resulting in recurrent minority governments.⁹ All Ontarians had the opportunity to vote on the suggested changes in a referendum held concurrently with the Ontario provincial election on 10 October 2007. Prior to that time, the Ontario government determined that the recommended MMP electoral system would have only come into effect if a super-majority threshold of 60 percent of valid votes province-wide, plus a simple majority of at least 50 percent in sixty-four of Ontario's provincial ridings, were achieved.¹⁰ However, voter support for the proposed changes fell far short of the required minimum support

levels, with only 36.9 percent in favour of the proposed reforms and five ridings with more than 50 percent support.¹¹ A discussion of the reasons behind these results is beyond the scope of this paper. Yet, the most apparent reasons for the failed attempts at electoral reform in Ontario included low voter turnout and an overall lack of voter awareness due to poor media coverage and the absence of a clear, well-funded, educational campaign by the Ontario government and Elections Ontario.

While voter turnout has been declining overall, there are also certain groups whose voting levels are even lower than that of the general population. Notable in this regard are ethnic minorities, youth, and Aboriginal peoples.¹² This paper focuses on the latter group—specifically First Nations—in the context of Canada, and more particularly, in the Ontario context; this is especially timely given the recent mandate of the Ontario Citizens' Assembly and 2007 Ontario election and referendum. While there are analogous underlying factors that explain lower levels of voter turnout among various cohorts, voter turnout among First Nations is a unique phenomenon with distinctive underlying factors. Given this distinctiveness, and in light of the recent debate in Ontario over electoral reform, this paper asks the following principal question: Is it possible to increase First Nations voter turnout through the implementation of a different electoral system, or are there other substantive issues at play?

This paper asserts two related issues in tandem. First, it is contended that numerically increasing First Nations voter turnout is a multifaceted task, requiring a different approach than simply altering the type of electoral system in Ontario. Second, this paper argues that the issue of low First Nations voter turnout across Canada and in Ontario provincial elections is not simply a matter of voter apathy or alienation, as is often the case among groups with low voter turnout.

In focusing on these themes, this paper reviews the ways in which the FPTP electoral system—in Ontario, and more generally, in Canada—affects voter turnout among First Nations. This includes an historical examination of Aboriginal electoral politics in Canada and low levels of First Nations voter turnout. Following this, cross-time comparative data are presented on First Nations voter turnout in Ontario in recent federal and provincial elections. These data deal specifically with voter turnout among First Nations in Ontario, with the purpose of gaining greater insight into recent and current trends in First Nations voting in the province vis-à-vis the general population. Further comparisons are drawn with First Nations voter turnout in Ontario First Nation Council elections, held under the Indian Act.¹³ At this point, data have only been collected for First Nations communities in Ontario, simply because voter turnout data are not available for specific Métis communities, off-Reserve com-

munities, or the urban Aboriginal population in the province.¹⁴ Nevertheless, the volume of data collected on First Nations voter turnout is expansive and provides a clear, reliable picture of how a large portion of the First Nations population engages in Ontario electoral politics. The data are assessed within the context of First Nations alienation and nationalism, with an eye to determining the role that each plays in affecting First Nations voter turnout. The specific methodological issues surrounding these data are discussed later in the paper.

First Nations Voter Turnout in Canada: Historical Denial and Political Consequences

First Nations and Historically-Restricted Electoral Participation

From Confederation onwards, “registered Indians” under the Indian Act were only permitted to vote in federal elections “if they gave up their treaty rights and Indian status through a process defined in the Indian Act and known as ‘enfranchisement’.”¹⁵ In order to vote in federal elections, “registered Indians” were also expected to surrender their distinct identities, “integrate” into the dominant society, and give up the right to property tax exemption.¹⁶ Overall, the entire process was a comprehensive tool of assimilation, and to this day casts a negative shadow on electoral participation for many First Nations.¹⁷ Various arguments were advanced in parliamentary debates in order to support the denial of the franchise to First Nations. In particular, four central contentions stand out, not only because of the frequency with which they were used, but also because they are singularly and explicitly unjust. First, it was contended that First Nations socio-economic conditions were too poor, and consequently, “Aboriginal people were not ‘civilized’ or ‘literate,’ that they were ‘wards’ of the government and susceptible to voter manipulation by the government in power and thus not worthy of the right to vote.”¹⁸ Second, precisely because of the distinct status of First Nations under the Indian Act, some asserted that the right to vote could not reasonably be extended to “registered Indians.” For instance, treaty payments and annuities, prohibitions on entering into contracts, buying, or selling, as well as exemption from taxation were considered “special” factors which justified the withholding of fundamental citizenship rights.¹⁹ Third, early on, the franchise was considered as an incident of proprietary ownership. Since First Nations Reserve lands are designated as federal lands, some contended that the distinct First Nations land tenure system on Reserves was at odds with the franchise at the time.²⁰ Finally, those who sought to deny voting rights to First Nations over the course of parliamentary debates used the distinct political consciousness of First Nations to their advantage. In particular, opponents of First

Nations voting rights argued that First Nations assertions of sovereignty were “inconsistent with any [First Nations] participation in Parliament.”²¹

It was not until 1960, under the government of Prime Minister Diefenbaker, that the Canada Elections Act²² granted all “registered Indians” the right to vote. The Inuit were able to vote in federal elections held after 1950,²³ but federal ballot boxes were not available in all Inuit hamlets until 1962. Historically, non-status First Nations and Métis peoples have not formally been restricted from voting, but this is primarily because they have been considered outside of the ambit of federal government responsibility.²⁴

First Nations political representation shares an important association with First Nations voting behaviour. The restrictions placed on the right of First Nations to vote have resulted in an overall lack of First Nations political representation in Canadian governments.²⁵ This trend continues to the present, with very few First Nations, Inuit, or Métis individuals ever having served in Parliament or provincial legislatures. For example, there have been only twenty-six self-identified First Nations, Inuit, or Métis persons who have been elected to the House of Commons.²⁶ As a result, the Canadian electoral system arguably suffers from a lack of legitimacy from the perspective of many First Nations. A detailed listing of those First Nations, Inuit, and Métis individuals who have served as Members of Parliament is provided in Table 1.

Low Voter Turnout Among First Nations Peoples in Canada: Causes and Consequences

In light of the historical restrictions placed on First Nations voting, the development of First Nations political participation in Canadian politics has not occurred in tandem with that of non-First Nations groups. Instead, political involvement of First Nations in Canadian electoral politics has been restricted and encumbered by historical government policies.²⁷ While this might be considered reasonable, given that newly-enfranchised groups frequently require several decades to exercise their right to vote at rates comparable to the general population,²⁸ the trend of low voter turnout among First Nations is also a contemporary phenomenon, having lasted for approximately fifty years.

More generally, voter turnout tends to be lower among certain groups. Voter turnout is most commonly affected by socio-economic, psychological, and political factors. Socio-economic factors such as age, education, income, and employment status play important roles. More often, those who are younger, with lower levels of education and income, and who are unemployed, are less likely to vote. Psychological factors are also significant determinants of voter turnout, particularly level of

interest in politics, knowledge or information about politics, alongside feelings of political efficacy. Those who have less interest in politics, have less knowledge about political issues, or feel that their votes will have little impact, are less likely to vote. Finally, there are important political factors at play in influencing voter turnout, including party identification and overall degree of political cynicism. Those who are not affiliated with a political party or who do not identify with any political ideology are less likely to vote, as are people who are more cynical toward the political system and politics.²⁹

Alienation is at once a common cause and consequence at the core of many of these elements. For instance, those who feel alienated from the political system and electoral politics are often less interested in politics, and consequently, may have less knowledge about political affairs. This, in turn, contributes to feelings of political inefficacy and worsened alienation. Additionally, those who feel alienated from the political system are less likely to have any sort of party affiliation and are more likely to convey pessimism towards or distrust of the political system. Groups who feel alienated from Canadian politics come from a wide spectrum of cohorts, including youth, minority cultures, immigrant groups, and First Nations.³⁰

It is argued here that First Nations are significantly alienated from the Canadian political system, largely because of historical restrictions on voting and electoral participation. However, the case of First Nations voter turnout is more complex, with several nuanced aspects underlying First Nations voter turnout levels.³¹ Not only has First Nations enfranchisement occurred relatively recently, but, as noted above, enfranchisement itself was used previously as a tool of assimilation. As a result, this particular factor is both historical and political in nature. It constitutes one of the central underlying features of low levels of First Nations voter turnout in Canadian elections. This is primarily because it embodies “a sense of alienation from the electoral system and political processes, feelings of exclusion, ...a perceived lack of effectiveness, the non-affirmation of group difference by and within electoral politics, and the virtual lack of a group’s presence or representation in electoral politics (and in politics generally).”³² All of this is intensified by the fact that First Nations peoples “see themselves as distinct from other Canadians and as belonging to ‘nations within,’ [but] as nations that are not represented ‘within.’”³³

In addition to this distinct contributing factor, First Nations voter turnout is also affected by overall age and socio-demographic characteristics. The First Nations population is younger than the general population in Canada, while a disproportionate number of First Nations live in

Table 1
**Self-Identified First Nations, Inuit, and Métis Candidates Elected
to the House of Commons, 1867-2006**

First Elected	Name	Electoral District(s)	Political Affiliation
2006	Rod Bruinooge	Winnipeg South, Manitoba	
2006	Tina Keeper	Churchill, Manitoba	Conservative
2006	Gary Merasty	Desnethé—Missinippi—Churchill River, Saskatchewan	Liberal
2005	Todd Norman Russell	Labrador, Newfoundland and Labrador	Liberal
2004	Bernard Cleary	Louis-Saint-Laurent, Quebec	Bloc Québécois
2004	David Smith	Pontiac, Quebec	Liberal
1997	Nancy Karetak-Lindell	Nunavut, Northwest Territories; Nunavut, Nunavut	Liberal
1997	Rick Laliberte	Churchill River, Saskatchewan	NDP; Liberal
1996	Lawrence O'Brien	Labrador, Newfoundland and Labrador	Liberal
1993	Paul Devillers	Simcoe North, Ontario	Liberal
1993	Elijah Harper	Churchill, Manitoba	Liberal
1988	Jack Iyerak Anawak	Nunatsiaq, Northwest Territories	Liberal
1988	Ethel Dorothy Blondin-Andrew	Western Arctic, Northwest Territories	Liberal
1988	Wilton Littlechild	Wetaskiwin, Alberta	PC
1984	Thomas Suluk	Nunatsiaq, Northwest Territories	PC
1983	Gerry St. Germain	Mission—Port Moody, British Columbia	PC
1980	Cyril Keeper	Winnipeg—St. James, Manitoba; Winnipeg North Centre, Manitoba	NDP
1979	Peter Ittinuar	Nunatsiaq, Northwest Territories	NDP
1972	Walter Firth	Northwest Territories, Northwest Territories	NDP
1968	Leonard Stephen Marchland	Kamloops—Cariboo, British Columbia	Liberal
1963	Eugène Rhéaume	Northwest Territories, Northwest Territories	PC
1948	William Albert Boucher	Rosthern, Saskatchewan	Liberal
1930	Errick French Willis	Souris, Manitoba	PC
1873	Louis Riel	Provencher, Manitoba	Independent
1871	Pierre Delorme	Provencher, Manitoba	Conservative
1871	Angus McKay	Marquette, Manitoba	Conservative

Source: Parliament of Canada at <http://www.parl.gc.ca/> .

Political Affiliation	Aboriginal Heritage	Years Re-elected
Conservative	Métis	None
Liberal	First Nations	None
Liberal	First Nations	None
Liberal	Métis	2006
Bloc Québécois	First Nations	None
Liberal	Métis	None
Liberal	Inuit	2000; 2004; 2006
NDP; Liberal	Métis	2000
Liberal	Métis	1997; 2000; 2004
Liberal	Métis	1997; 2000; 2004
Liberal	First Nations	None
Liberal	Inuit	1993
Liberal	First Nations	1993; 1997; 2000; 2004
PC	First Nations	None
PC	Inuit	None
PC	Métis	1984
NDP	Métis	1984
NDP	Inuit	1980
NDP	Métis	1974
Liberal	First Nations	1972; 1974
PC	Métis	None
Liberal	Métis	1949
PC	First Nations	None
Independent	Métis	1874; 1874
Conservative	Métis	None
Conservative	Métis	None

Table 2
Canadian Federal Electoral Districts with Minimum Ten Percent
First Nations or Inuit Electors (2001 Census Data)

Electoral District	Province/Territory	Aboriginal Electors (%)
Nunavut	Nunavut	79
Churchill	Manitoba	55
Churchill River*	Saskatchewan	54
Western Arctic	Northwest Territories	45
Labrador	Newfoundland and Labrador	31
Kenora—Rainy River*	Ontario	25
Skeena*	British Columbia	24
Yukon	Yukon	20
Athabasca*	Alberta	20
Abitibi—Baie-James—Nunavik*	Quebec	20
Dauphin—Swan River*	Manitoba	17
Prince Albert	Saskatchewan	16
Algoma—Manitoulin*	Ontario	14
Selkirk—Interlake	Manitoba	14
Winnipeg North Centre*	Manitoba	14
Regina—Qu'Appelle	Saskatchewan	14
Cariboo—Chilcotin*	*British Columbia	14
Battlefords—Lloydminster	Saskatchewan	14
Winnipeg Centre	Manitoba	13
Saskatoon—Rosetown—Biggar	Saskatchewan	12
Lakeland*	Alberta	11
Peace River	Alberta	10
Manicouagan	Quebec	10
Prince George—Bulkley Valley**	British Columbia	10
Prince George—Peace River	British Columbia	10
Timmins—James Bay	Ontario	10

Source: Statistics Canada, Census 2001. There are no ridings with minimum ten percent Métis.

* In 2004, the names of these ridings were changed, in the same order as they appear above, to Desnethé—Mississippi—Churchill River, Kenora, Skeena—Bulkley Valley, Fort McMurray—Athabasca, Abitibi—Baie-James—Nunavik—Eeyou,

Dauphin–Swan River–Marquette, Algoma–Manitoulin–Kapuskasing, Winnipeg–North, Cariboo–Prince George, and Westlock–St. Paul, respectively, as per parliamentary representation requirements in accordance with the *Constitution Act, 1967, 30 & 31 Vic. (U.K.), c. 3* and the *Electoral Boundaries Readjustment Act*, R.S.C. 1985, c. E-3. Representation in the House of Commons must be adjusted after each decennial census (ten years). In each instance, a representation order takes effect on the dissolution of Parliament, occurring at least one year after the representation adjustments are proclaimed. The names of these electoral districts were legislatively changed according to *An Act respecting the effective date of the Representation Order of 2003* (R.S.C. 2004, c.1) and *An Act to change the names of certain electoral districts* (S.C. 2004, c. 19).

** As per the relevant legislation listed above, this electoral district was adjusted to be included in the districts of Prince George–Peace River and Skeena–Bulkley Valley.

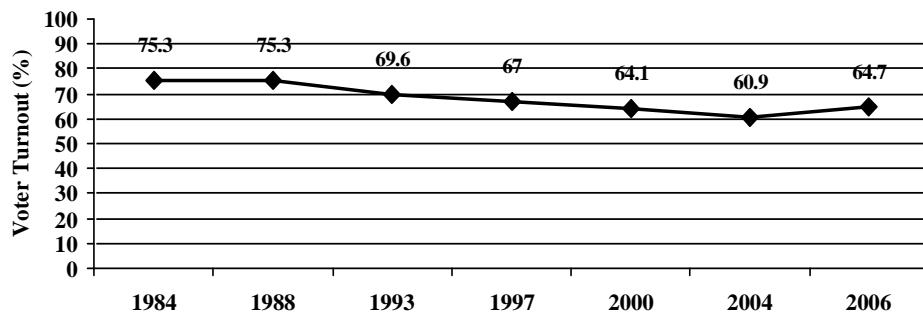
poverty, with high levels of mobility and low levels of education.³⁴ Each of these components is relevant to both on- and off-Reserve First Nations communities, contributing to feelings of political inefficacy and exclusion. In addition, off-Reserve and urban First Nations persons often suffer from weak social connectedness,³⁵ thereby increasing feelings of alienation.

Each of the above elements is exacerbated further by nearly non-existent First Nations representation in Canadian political institutions, alongside an overall lack of recognition of distinctive First Nations political and cultural practices in Canadian electoral politics.³⁶ First Nations communities are also geographically-dispersed across the country; there are no electoral districts that consist of First Nations majorities, while very few ridings have “sizeable” First Nations populations. Table 2 provides a breakdown of Canadian federal electoral districts with a First Nations or Inuit population of at least ten percent. These issues are further compounded by poor media communications for many First Nations and Inuit communities, particularly in the North where media availability is insufficient and campaign materials are rarely provided in Aboriginal languages.³⁷ Ultimately, these factors reduce access and discourage electoral participation.

FPTP and First Nations Political Involvement in Canadian Elections

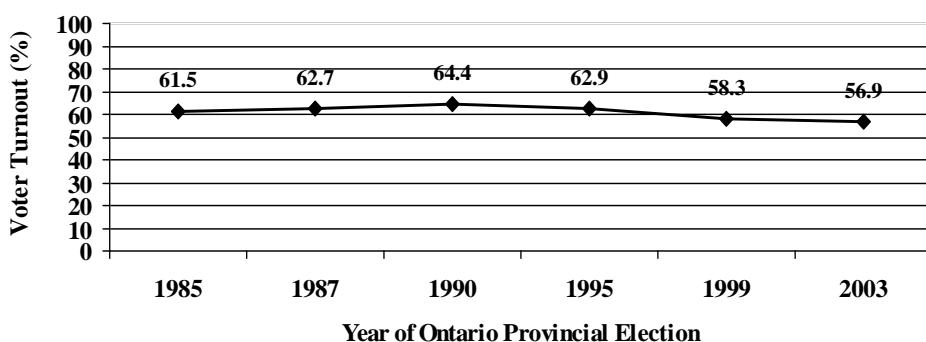
Table 3a and Table 3b provide overall voter turnout levels for federal elections in Canada since 1984 and Ontario provincial elections since 1985, with each demonstrating a gradual decline in voter turnout, albeit a slight anomalous increase in the most recent federal election. As noted above, significant debate over electoral reform has and continues to

Table 3a
Voter Turnout (%) in Canadian Federal Elections, 1984-2006



Source: Elections Canada at www.elections.ca.

Table 3b
Voter Turnout in Ontario Provincial Elections, 1985-2003



Source: Elections Ontario at www.electionsontario.on.ca.

occur, with many decrying the decline in voter turnout as indicative of a need for change in Canada's electoral system. The same is true in Ontario, where the debate came to a head with the mandate of the Ontario Citizens' Assembly.

In the context of First Nations peoples, electoral reform is an important issue, precisely because First Nations voter turnout is even lower than that of the general population. However, there has been very limited scholarly attention paid to First Nations voter turnout. While there are a few case studies that examine voter turnout data for First Nations peoples in certain Canadian provinces,³⁸ most scholarly research on the

larger topic of First Nations electoral participation has dealt almost exclusively with First Nations representation in Canadian legislatures.³⁹ No previous studies have provided specific data or analysis on First Nations turnout in Ontario.

Nevertheless, a few landmark studies on Aboriginal peoples and electoral reform deserve review. These studies pertain to Aboriginal peoples, more generally, but are obviously relevant specifically to First Nations as well. In particular, a portion of the Royal Commission on Electoral Reform and Party Financing,⁴⁰ a special Research Volume⁴¹ related to the same Commission, and a report from the Committee for Aboriginal Electoral Reform,⁴² also published as part of the Commission, stand out as being thoroughly comprehensive and creative in seeking and recommending options for improving Aboriginal voter turnout. While the focus of each is primarily at the federal level, most of what is discussed applies easily to Ontario. Notably, the primary objective of each report was to suggest possible mechanisms to enhance Aboriginal voter turnout and electoral participation, including improving Aboriginal representation in Canadian legislatures.

More specifically, each of these reports contends that Aboriginal voter turnout could be improved through various reforms or adjustments to the current FPTP electoral system in Canada. By extension, these suggestions should reasonably apply to the Ontario FPTP electoral system as well. Without going into extensive discussion about the recommendations of these reports at this point, it is relevant to note that each report contends that the current FPTP electoral system limits Aboriginal participation in Canadian electoral politics. In particular, the Royal Commission on Electoral Reform and Party Financing emphasises the importance of improving Aboriginal representation in Canadian legislatures, as a good in itself, but also to indirectly improve Aboriginal voter turnout in Canadian elections. This is particularly relevant given the dispersed geographical nature of the Aboriginal population, inadequate media communications, including in Aboriginal languages, and the general socio-economic trends of many Aboriginal peoples, as discussed earlier in this paper.⁴³ The rationale behind improving Aboriginal voter turnout, through increased numbers of Aboriginal representatives, is based on the idea that Aboriginal peoples may be more likely to participate in Canadian electoral politics if there are candidates with whom they can relate, both politically and culturally; these candidates are also considered potentially more effective in advancing community interests. Further, the Royal Commission notes that Aboriginal peoples "find themselves disproportionately among those who have been negatively affected by the requirements and regulations of the present voting proc-

ess, especially given their geographic locations and their languages.”⁴⁴ Each of these factors contributes to lower Aboriginal voter turnout.

In Aboriginal Peoples and Electoral Reform in Canada, which stems from the Royal Commission on Electoral Reform and Party Financing, similar contentions are advanced. While this particular volume deals with a broad range of topics related to electoral issues and Aboriginal peoples in Canada, and while it does overlap with the Royal Commission in certain areas, one portion specifically emphasises the inability of the FPTP electoral system “to provide an effective vehicle of political interaction or influence for Aboriginal peoples.”⁴⁵ The reason behind the ineffectiveness of FPTP for Aboriginal peoples rests on the fact that the electoral system does little to promote Aboriginal voter turnout or Aboriginal representation in Canadian legislatures.⁴⁶ Aboriginal voter turnout and representation are presented as two sides of the same coin, with representation ultimately influencing turnout levels. Specifically, the current FPTP electoral system consists of several barriers that affect any sort of direct representation of most minority groups in Canada. For Aboriginal peoples, this problem rests primarily with their geographically-dispersed nature, thereby minimising the possibility that candidates might be elected to legislatures. Further, legislatures, including the House of Commons, do not reflect accurately the composition of the Canadian population. Instead, they consist primarily of white males of the middle class.⁴⁷ Ultimately, this calls into question the overall legitimacy of the political system, not only because of explicit limitations on accurate representation, but also in the way that the composition of legislative representatives affects electoral debate on so-called relevant issues.⁴⁸ In other words, when representatives consist primarily of white, middle-class males, the voices of underrepresented minority groups, including those of Aboriginal peoples, are more likely to be stifled amidst a plethora of seemingly-relevant “mainstream” issues.

Together, these issues have an important effect on voter turnout, which is the other side of the coin. Lack of Aboriginal representation along with perceived illegitimacy of the electoral system exacerbate feelings of Aboriginal alienation. The result is a significant disconnect from the Canadian electoral system, and corresponding low voter turnout levels.⁴⁹ As Roger Gibbins notes, where Aboriginal candidates run in predominantly-Aboriginal polling areas, Aboriginal turnout rates increase.⁵⁰ It would seem that Aboriginal candidates help to restore some level of legitimacy to the FPTP electoral system, but the fact that there are very few areas where Aboriginal peoples are geographically concentrated makes this option potentially futile.

One other central report is “The Path to Electoral Equality,” from The

Committee for Aboriginal Electoral Reform. This report also emphasises the impact of historical electoral discrimination on Aboriginal peoples and resultant low levels of Aboriginal voter turnout.⁵¹ Additionally, significant importance is attached to the negative impact of the FPTP electoral system and corresponding structure of the party system on Aboriginal voter turnout. With regard to the latter, it is contended that “[a]s long as the Aboriginal vote remains diluted and partitioned, political parties have little incentive to field Aboriginal candidates to win the Aboriginal vote.”⁵² This assertion is also premised on the geographically-dispersed nature of the Aboriginal population.

With regard to the electoral system, the report contends that electoral laws have not recognised the Aboriginal community of interest.⁵³ This is particularly the case within the confines of the FPTP electoral system in Canada. While electoral law does allow for the consideration of various group interests, official language minority groups, and concentrated ethnic communities when determining electoral boundaries, the same cannot be done for Aboriginal peoples, precisely because they are geographically dispersed.⁵⁴ However, this is worsened by the fact that earlier federal electoral boundaries served to dilute the Aboriginal vote further. As noted by the Committee, this dilution resulted:

from the north-south axis on which the boundaries of northern electoral districts have been drawn, allowing the non-Aboriginal population in the more populous towns in the southern parts of a constituency to outvote the Aboriginal population forming the majority in the rest or most of the constituency.

[T]he application of electoral boundaries legislation has served to partition the Aboriginal community of interest into different electoral districts, thereby diluting the Aboriginal vote and rendering it ineffective.⁵⁵

Ultimately, this leads to worsened Aboriginal alienation from the Canadian electoral system in conjunction with further degradation of the legitimacy of the system.⁵⁶ This, in turn, results in lower levels of Aboriginal voter turnout. What can be done to rectify this? Before assessing various options, the results of several in-depth statistical analyses on First Nations voter turnout in Ontario are reviewed.

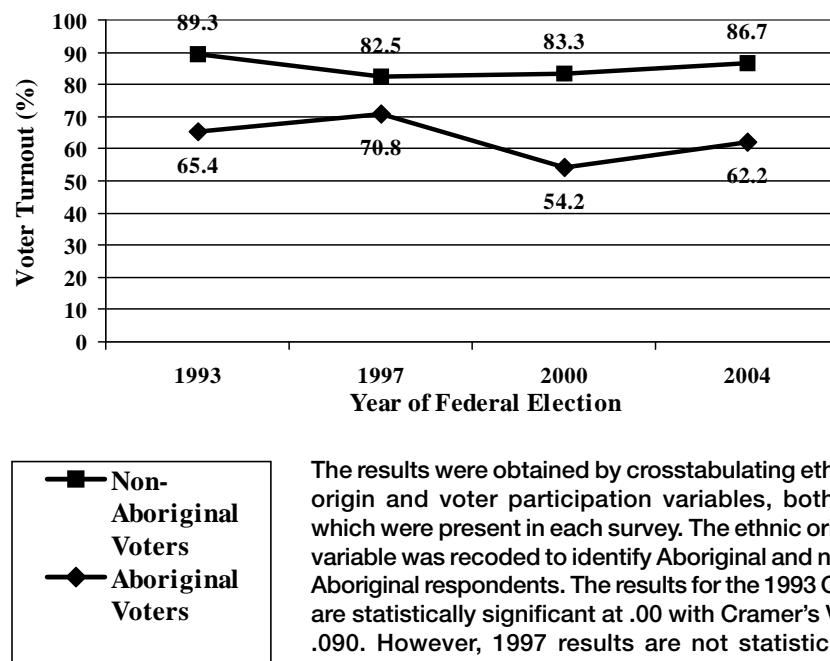
First Nations Voter Turnout in Ontario: A Case Study

Methodological Considerations

Very few scholarly studies have assessed or collected quantitative data on First Nations voter turnout in Canada; none have focused spe-

cifically on Ontario. This is partly because the collection of such data is a complex task. Quite simply, much of the relevant data simply do not exist nor can they be obtained easily. For instance, gathering voting data is nearly impossible for Métis, off-Reserve, or urban Aboriginal populations because individual demographics are not collected to correspond with individual voting preferences; electoral ballots are confidential. Demographic information, including self-identification with First Nations communities, is only collected as part of the Canadian Census, and results from Census data cannot be matched with electors' voting choices.

Table 4
Canadian Election Study (CES): Cross-Time Comparison of
Aboriginal and Non-Aboriginal Self-Reported Voter Turnout Levels
in Canadian Federal Elections, 1993-2004



The results were obtained by crosstabulating ethnic origin and voter participation variables, both of which were present in each survey. The ethnic origin variable was recoded to identify Aboriginal and non-Aboriginal respondents. The results for the 1993 CES are statistically significant at .00 with Cramer's V at .090. However, 1997 results are not statistically significant at .139 with Cramer's V at .038. This occurs because there are too few cases. The 2000 results are statistically significant at .00 with Cramer's V at .072, while the 2004 results are statistically significant at .00, with Cramer's V at .086.

One alternative is to collect data on self-reported voter turnout, but the proportion of those who respond in the affirmative is often inflated, since respondents are often motivated to provide socially-desirable responses that cast themselves in a favourable light.⁵⁷ This tendency to over-report voter turnout is seen clearly in Table 4. Data were analysed from self-reported voter turnout levels in the Canadian Election Study⁵⁸ for the 1993, 1997, 2000, and 2004 federal elections, and were weighted nationally to adjust for bias. The results show that Aboriginal voters⁵⁹ consistently report lower levels of voter turnout than do non-Aboriginal voters in federal elections. Notably, self-reported turnout levels among non-Aboriginal voters are at least 20 percent higher than official voter turnout for each election. With regard to First Nations voters, the data collected for the purposes of this current study, along with the results of various other studies, demonstrate that First Nations voter turnout is usually significantly lower than the Aboriginal data reported in Table 4.⁶⁰

In the few studies that have been conducted on First Nations voter turnout in Canada, data collection has been limited to poll-by-poll results on Reserves, thereby focusing solely on results for First Nations communities. This task is somewhat easier given that, in recent years, Elections Canada and some provincial Elections offices have attempted to ensure that some poll boundaries do coincide with First Nations Reserve boundaries. For example, a study conducted by David Bedford and Sidney Pobihushchy,⁶¹ is considered the benchmark for research on First Nations voter turnout in Canada, precisely because it set a precedent for gathering data on First Nations voting.⁶² Specifically, Sidney and Pobihushchy gathered First Nations turnout data for federal, provincial, and First Nation Council elections in Nova Scotia, New Brunswick, and Prince Edward Island between 1962 and 1993. However, in order to ensure that the data they collected dealt solely with First Nations, they had to limit the collection of data to poll-by-poll results for polling stations that served First Nations communities alone. Poll-by-poll results for areas that included both First Nations and non-First Nations electors were excluded, thereby reducing the size of the First Nations sample.⁶³ However, given the rigour with which their methodology was employed, and since their results were broad-based and “reasonably exhaustive,” it can be argued that the results were statistically representative of First Nations peoples in the three provinces.⁶⁴ Of course, this does not allow for an in-depth understanding of the variations that exist from one particular First Nations community to another,⁶⁵ save where particular voting trends emerge, such as repeatedly low or high voter turnout for particular communities. In such instances, there may be cultural or geographic factors at play that affect the overall tendency of

community members to vote.

In this particular case study, the emphasis is placed on First Nations voter turnout in Ontario. As in the Bedford and Pobihushchy study, data for First Nations voters living off-Reserve or in urban areas were excluded because these data are not available. This precludes the inclusion of any data on Métis voters. There are no Inuit hamlets in Ontario, therefore no data exist for Inuit in the Ontario case. Instead, the emphasis is placed on First Nations on-Reserve communities, with poll-by-poll data obtained for those polling stations that serve exclusively First Nations communities in Ontario. Data were gathered from the official poll-by-poll results published by Elections Canada and Elections Ontario for the most recent four federal elections and the two most recent Ontario provincial elections. By-elections were excluded. Elections Canada and Elections Ontario provided lists of those polling stations in Ontario that served exclusively First Nations communities in the 2006 federal and 2003 Ontario provincial election respectively. For the other elections examined, the relevant polling stations, names, and numbers had to be matched separately with the original information provided by Elections Canada and Elections Ontario. In all instances, voter turnout was calculated from the total amount of votes cast as a percentage of the overall numbers of eligible voters across all relevant First Nations polling stations. Where polling stations could not be matched with complete certainty, they were eliminated in order to maintain the integrity of the data. Ultimately, while the scope of the data is restricted to on-Reserve First Nations communities, it is important to note that the data collected are reliable and significant, given the sheer volume of data collected, covering a vast number of polling stations across Ontario. Data were excluded where polling results included both First Nations and non-First Nations voters. Where polling stations served First Nations communities exclusively, it is reasonable to assert that very few, if any, non-First Nations persons live in those communities or voted at those particular polling stations.

First Nations Voter Turnout in Federal and Provincial Elections: The Ontario Example

The first portion of the data collected focuses on the 1997, 2000, 2004, and 2006 federal elections, with an Ontario regional focus. The results are presented in Table 5a. In each election, First Nations electors voted at consistently lower rates than the general population in Ontario, with a 10- to 20-point range of difference. What is also striking is the fact that, despite the national decline in voter turnout, First Nations voter turnout in Ontario in the 2000, 2004, and 2006 federal elections has gradu-

Table 5a
**First Nations Voter Turnout in Ontario, Canadian Federal Elections,
1997-2006**

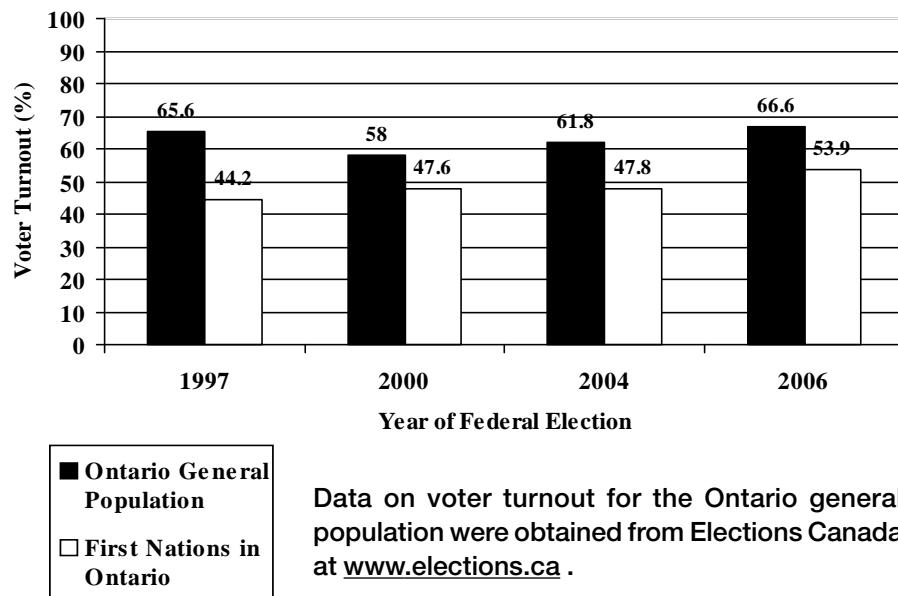
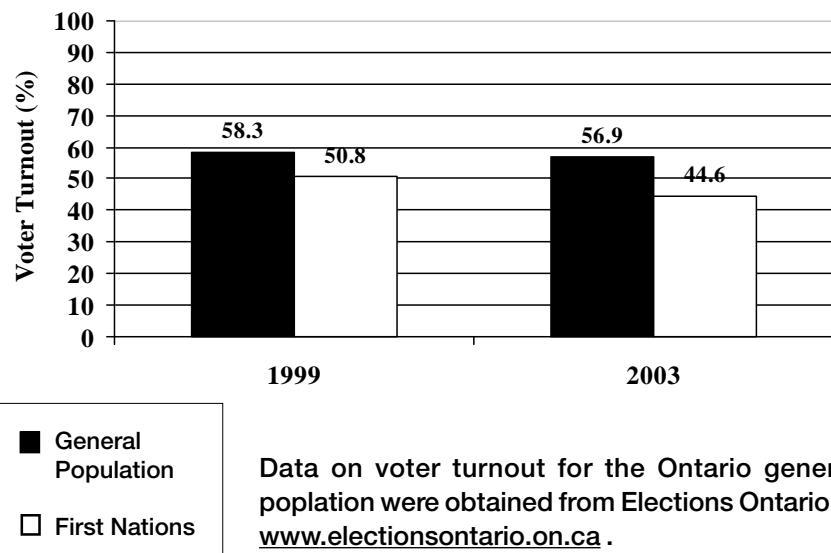


Table 5b
**First Nations Voter Turnout in Ontario Provincial Elections,
1999-2003**



ally increased.

The same methodology was employed for the 1999 and 2003 Ontario provincial elections. Reliable data were not available prior to the 1999 Ontario provincial election. After conducting extensive research in order to locate data for any previous Ontario provincial elections, it was discovered that Elections Ontario has not maintained any databases or listings on those polling stations that served exclusively First Nations communities prior to the last provincial election. The results are presented in Table 5b. Once again, a noticeable difference is present between voter turnout levels for First Nations and the general population, albeit to a lesser extent, with a range of eight to twelve percentage points between the two groups. A drop in voter turnout rates is also noticeable when comparing the 1999 and 2003 elections. This is quite different from the results shown in Table 5a, where voter turnout levels for First Nations in Ontario actually increased over time. While data are not available for First Nations voter turnout in the Ontario provincial elections prior to 1999, the drop in First Nations voter turnout from 1999 to 2003 may be indicative of an overall trend in First Nations participation in Ontario provincial elections.

Explaining the Trends: First Nations Voting in Ontario

Interestingly, and as noted above, First Nations voter turnout on Ontario actually increased in the 2000, 2004, and 2006 federal elections. The reasons behind this increase are unknown, but it may be that the efforts of Elections Canada and some Aboriginal organisations, such as the Assembly of First Nations (AFN), to improve overall Aboriginal voter turnout have been somewhat successful. Notably, the rate of participation of the Ontario general population also increased from the 2000 federal election onwards. This is an interesting dynamic, especially given the downward trend of voter turnout across the country. Of course, this national trend has been an overall country-wide average, without taking into consideration regional deviations.

Conversely, overall Aboriginal electoral participation in provincial elections is not something that Elections Ontario has attempted to improve in any sort of substantive way, even in recent years. This is in stark contrast to the significant efforts of Elections Canada over the past several years in this regard. While Elections Ontario was able to provide a list of the relevant polling stations in Ontario that served exclusively First Nations communities in the 2003 provincial election, the polling station names and numbers had to be matched separately for the 1999 election. This process was not possible for any earlier provincial elections in Ontario since the polling station names and numbers were substantially

different prior to 1999. Moreover, very few polling station names prior to the 1999 Ontario election provided any sort of reference to First Nations communities or Reserve lands, as they now do.

It is contended here that Elections Canada's efforts at improving education and access to voting for Aboriginal peoples have been effective at the federal level, especially given collaborative endeavours with national Aboriginal organisations. Alternatively, in the context of Elections Ontario, Aboriginal voter turnout has largely functioned as a non-issue, with little attention paid to the special problems faced by Aboriginal electors, arguably doing little to affect First Nations voter turnout levels over time.⁶⁶

Previous studies provide important comparisons for the data presented above. For example, Bedford and Pobihushchy found that First Nations electors in Nova Scotia, New Brunswick, and Prince Edward Island voted at significantly lower rates than the general population, both in federal and provincial elections. In most instances, the rate of First Nations voter turnout was between 20 percent and 30 percent lower than that of the general population. Some instances demonstrated more drastic differences between First Nations turnout and that of the general population, while results for Prince Edward Island were less dissimilar.⁶⁷ Moreover, the authors showed that participation rates decreased significantly between 1963 and 1993 in Nova Scotia and New Brunswick. For instance, First Nations voter turnout in Nova Scotia dropped from 89.3 percent in 1962 to 54.0 percent in 1988 for federal elections and from 52.0 percent in 1963 to 45.2 percent in 1993 in provincial elections.⁶⁸ In New Brunswick, First Nations voter turnout dropped from 70.0 percent in 1962 to 17.8 percent in 1988 in federal elections and from 64.4 percent in 1967 to 27.6 percent in 1991 in provincial elections.⁶⁹ A more moderate decline is evident for Prince Edward Island, where First Nations participation rates changed from 75.0 percent in 1962 to 72.8 percent in 1988 in federal elections and 80.4 percent in 1976 to 77.7 percent in 1993 in provincial elections.⁷⁰

While the lower rates of First Nations voter turnout in Nova Scotia, New Brunswick, and Prince Edward Island are comparable to those found in Ontario vis-à-vis the general populations in each province, an interesting contrast is apparent with regard to voter decline. In particular, Bedford and Pobihushchy found that First Nations voter turnout dropped drastically over a three-decade period, but in the data presented herein on federal elections, First Nations voter turnout in Ontario has actually increased moderately over the past decade. The precise reasons behind this difference are beyond the scope of this paper, but the different timeframes, regional differences, and Elections Canada's efforts may be

relevant factors.

A similar study conducted by Jean-Nicholas Bustros, which focused on First Nations voter turnout data across the country, provides further comparison. The methodology was similar, with data based on poll-by-poll results at the federal level. This study found that First Nations voter turnout for the 1992 Charlottetown referendum was 41 percent, with 38 percent and 40 percent respectively for the 1993 and 1997 general elections.⁷¹ When compared with voter turnout for the general population—at 71.8 percent for the referendum, 69.9 percent for the 1993 general election, and 67.0 percent for the 1997 general election—the differences between First Nations voter turnout and that of the general population are striking. While the data presented by Bustros do not deal specifically with Ontario, there is one notable statistic for comparison, namely the First Nations voter turnout rate of 40 percent during the 1997 federal election. This turnout rate was calculated for First Nations electors across the country and is slightly lower than the voter turnout rate calculated for First Nations in Ontario during the 1997 federal election, shown above in Table 5a. These rates are close enough to be comparable, thereby reinforcing the significance of each.

A third important study, conducted by Daniel Guérin, builds on the work of Elections Canada's National and International Research and Policy Development Directorate. Both use a similar methodology to that employed in the current study on Ontario. In the Directorate's study, it was determined that First Nations voter turnout across the country during the 2000 federal election was 47.8 percent.⁷² In conducting his own analyses, Guérin found that First Nations turnout across the country was 48 percent for the 2000 federal election.⁷³ These results are nearly identical to the Ontario First Nations voter turnout of 47.6 percent in the 2000 federal election, presented in Table 5a. However, Guérin also determined that variations existed across provinces and territories. While most results for First Nations voters were lower than the national average, First Nations in a few provinces, namely Saskatchewan and Prince Edward Island, had higher turnout levels than that of the general population.⁷⁴ Guérin provided no concrete reasons for these differences. He did suggest that community participation may depend on a socio-cultural factor, wherein elections that deal with issues directly affecting First Nations communities may garner higher voter turnout from relevant community members.⁷⁵

Finally, a recent study completed by Michael Kinnear, which uses a similar methodology, provides data on First Nations voter turnout in Manitoba for federal elections between 1962 and 2003. As noted therein, voter turnout was quite high right after the franchise was extended to

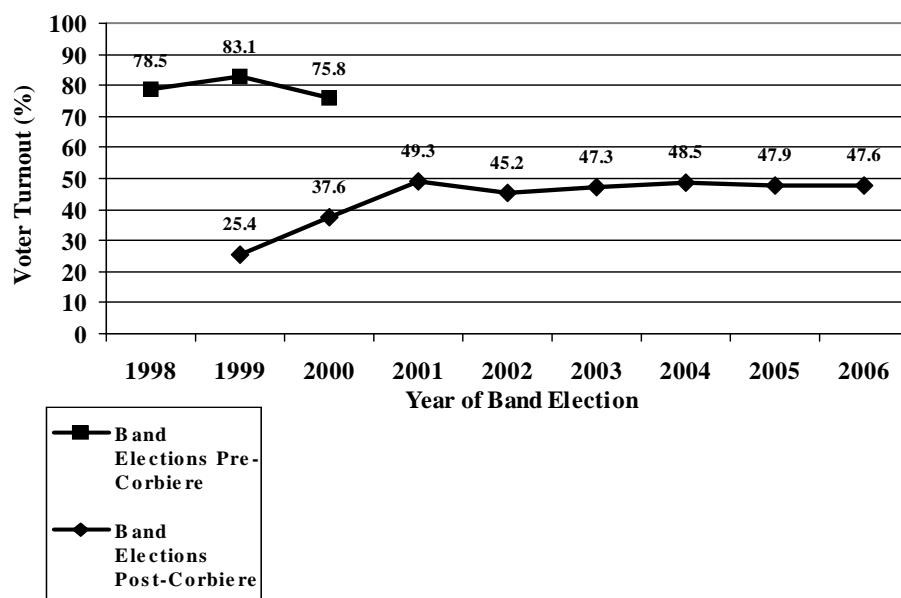
“registered Indians,” with First Nations turnout at 60.5 percent.⁷⁶ This lasted for a few years, but then started to gradually and continually decline, dropping to 6.0 percent in 2003. Most notably, while downward trends in voter turnout have been found for the general Canadian population, the drop in First Nations voter turnout in Manitoba has been extreme.⁷⁷ These results are quite different from those presented above for Ontario, but Kinnear provides no explanation for the severe drop in First Nations voter turnout in Manitoba.

Soaring First Nations Voter Turnout?: Ontario First Nation Council Elections under the Indian Act

There is one exceptional trend discovered in Ontario, which contradicts all of the data discussed thus far. First Nations Council elections are administered through Indian and Northern Affairs Canada (INAC) under the Indian Act. First Nations communities hold these elections to select Chiefs and band councillors. For the purposes of this study, data were collected on First Nations voter turnout in Ontario First Nation Council elections. The Band Governance Directorate of INAC provided the raw data used to extrapolate the information provided in Table 5c. The values calculated comprise the average First Nations voter turnout for all First Nation Council elections held in Ontario in a given year. Most notable are the significantly-high levels of First Nations voter turnout in First Nation Council elections between 1998 and 2000, particularly when compared with First Nations voter turnout in Ontario, both in Canadian federal elections and in Ontario provincial elections, as presented in Table 5a and Table 5b. Nevertheless, while voter turnout levels are consistently high, this occurs prior to the Supreme Court of Canada ruling in Corbiere⁷⁸ in 1999, after which turnout levels drop drastically. In Corbiere, the Supreme Court held that band members living outside of their Reserve communities have the right to vote in First Nation Council elections. Among other things, this ruling substantially increased the numbers of eligible First Nations voters. Ultimately, the decision required the expansion of eligible voters lists for First Nation Council elections to include members living outside of the relevant communities. Two data lines are presented in Table 5c, one indicating the results before Corbiere, and the other representing the results after Corbiere. There is an overlap in the yearly values shown because of the 18-month timeframe allowed to communities for implementation of the ruling, and because different Ontario bands implemented the relevant requirements at different rates.

Ultimately, the number of eligible voters has expanded several-fold, but the results of these analyses show that many eligible voters living outside of their First Nations communities have not voted in First Nation

Table 5c
Average Voter Turnout in Ontario Band Elections, 1998-2006:
Before and After Corbiere



Council elections, thereby causing the overall drop in voter turnout levels. This does not, however, indicate that members residing in the communities have voted in fewer numbers. Unfortunately, it is no longer possible to determine voter turnout levels among only those individuals living in the communities. However, the results in Table 5c show that voter turnout levels have gradually increased despite the initial drop after Corbiere. The delay in improved voter turnout among those living outside of First Nations communities was most likely due to a lack of information and confusion about the new voting rights.⁷⁹

Bedford and Pobihushchy have provided the only other available data on First Nations voter turnout in band council elections in Canada, only their study deals with Nova Scotia and New Brunswick between 1961 and 1993.⁸⁰ They found that participation rates were consistently high at approximately 90 percent.⁸¹ In this instance, First Nations voter turnout in First Nation Council elections would seem to be even higher than the pre-Corbiere results presented above. Overall, these results, along with the data presented in Table 5c, are striking, particularly given the usual inattention paid by the general population to municipal politics, where voter turnout rates of approximately 30 percent are typical.⁸² Bedford and Pobihushchy have asserted that, in the context of New

Brunswick and Nova Scotia, high First Nations voter turnout in First Nation Council elections is due to the amplified significance of Band governance in the lives of First Nations vis-à-vis the relative importance of Canadian federal and provincial governance.⁸³

The only other relevant data on First Nations voter turnout within First Nations communities is based on the 1995 Quebec Referendum. At the time, several First Nations communities held their own referendums on the issue of Quebec secession from Canada, particularly with regard to whether Quebec could forcibly include those First Nations communities living in the province as part of a new sovereign country. The Grand Council of the Crees asserted that no secession could occur that would require their inclusion without prior consent. In a separate referendum held on 24 October 1995, Cree voters were asked the following question: "Do you consent, as a people, that the Government of Quebec separate the James Bay Crees and Cree traditional territory from Canada in the event of a Yes vote in the Quebec referendum?" In response, 96.3 percent of the Crees voted to stay within Canada, and notably, the turnout was 77 percent, which is much higher than First Nations turnout rates in Canadian elections.⁸⁴ Similarly, the Inuit of Northern Quebec held their own referendum, where they were asked the following question: "Do you agree that Quebec should become sovereign?" In this instance, 96 percent voted against Quebec sovereignty, with Inuit voter turnout at 75 percent.⁸⁵

What do all of these results mean? Why is there such a stark contrast between First Nations voter turnout in Canadian and Ontario elections on the one hand, and in First Nation Council elections on the other hand? While some might argue that electoral reform would solve the problem, this paper argues that improving First Nations voter turnout, including in the Ontario context, involves much more than simply adjusting the FPTP electoral system currently in place.

Alienation, Nationalism, or Both?

In light of the new data presented on Ontario, it is abundantly apparent that First Nations voter turnout is significantly and consistently lower than that of the general population, at least in the context of Canadian elections. This reinforces the contention that First Nations voters feel alienated from Canadian electoral politics. Historical, socio-economic, political, geographic, and communications factors are related to alienation and feelings of exclusion, ultimately resulting in lower First Nations voter turnout in provincial and federal elections in Ontario. However, this does not explain the high levels of First Nations voter turnout in First Nation Council elections. In fact, the results presented above, along-

side the previous research of Bedford and Pobihushchy on First Nation Council elections in Nova Scotia and New Brunswick, seem to speak against assertions of alienation. This issue will be addressed momentarily.

It is argued here that voting patterns among First Nations are the result of more than just alienation. First Nations nationalism stems from contested citizenship rooted in historical colonialism and forced assimilation. Many First Nations view their participation in Ontario and Canadian elections as constituting acceptance of colonialism and their historical dependence on the Canadian state. It is this sense of nationalism that maintains the drive of First Nations to protect their cherished heritages, cultures, languages, religions, and political practices. For many First Nations, this may entail the refusal to "give in" to the dominant electoral culture, including voting in federal and Ontario provincial elections.

Nationalism and alienation are concomitant components underlying First Nations voter turnout. As asserted by Kiera Ladner,

Aboriginal people are not simply a community of interest or a minority group that feels alienated from the political process. They form "nations within": nations with distinct political cultures, political systems, political traditions, histories of colonization, relationships with other nations (such as Canada), and visions as to how the relationship between their nations and Canada should be structured and the manner in which each nation should participate in the affairs of the other.⁸⁶

In other words, both alienation and nationalism are crucial factors in determining levels of First Nations voter turnout. However, this makes the possibility of improving First Nations voter turnout in Canada more difficult. While electoral reform may address feelings of alienation, it is unlikely to influence First Nations nationalism, nor should it.

Others have noted the relevance of First Nations nationalism in affecting First Nations voter turnout. For instance, Bedford and Pobihushchy have contended that First Nations nationalism is the central factor in determining low and declining First Nations voter turnout.⁸⁷ They have argued that First Nations' "sense of civic duty" as Canadians has all but disappeared as they see themselves less and less as Canadians."⁸⁸ Silver et al., who conducted a qualitative study on First Nations electoral participation in Winnipeg, place similar importance on First Nations nationalism as an underlying determinant of voter turnout:

A major part of the explanation for the relatively low levels of participation in the mainstream Canadian political process

is this nationalism explanation. Many Aboriginal people see themselves as distinct peoples, as nations.

...

[B]y the early 1980s almost all Aboriginal politics had been effectively...centred upon the pursuit of Aboriginal rights and self-government, and the winning of sovereignty for First Nations.⁸⁹

These matters are further complicated by the fact that First Nations voter turnout varies from one community to the next. This point was alluded to earlier in the paper, but detailed data on specific First Nations communities' voter turnout levels could not be provided herein, due to the sheer volume of data. Nonetheless, it is reasonable to expect that different First Nations communities will be more or less likely to vote, depending on a variety of historical, cultural, and political factors that are specific to each community. By extension, Ladner notes that:

[a]s each Aboriginal collectivity has its own political traditions and its own vision of a just relationship with Canada, electoral participation varies substantially, as does the manner in which individuals and collectivities rationalize their participation (or lack thereof) in Canadian politics. To further complicate matters, participation rates (and the rationalization thereof) vary, especially when comparing nationalists and traditionally minded individuals who are grounded in their communities with individuals who have few ties to their nation and its history, political traditions and sense of nationalism.⁹⁰

However, the nationalist explanation does not account for high voter turnout levels in First Nation Council elections. First Nation Council elections are also state-imposed electoral institutions, and nationalist sentiments, which so obviously affect First Nations participation in Canadian electoral politics, should arguably also apply in this context, thereby resulting in lower First Nations voter turnout. This is a puzzling contradiction. Bedford and Pobihushchy address this same issue in the context of their research. They contend that voter apathy or alienation cannot be a factor in First Nations Council elections, quite simply because of the high level of voter turnout. However, “[t]hese data appear less anomalous when one understands how critical Band Council decisions are for persons living in Reserve communities. Welfare, housing, unemployment insurance, jobs, social and health services and education are very frequently controlled by the Chief and Council. They are responsible for most of the key services that are delivered.”⁹¹

In light of the scope of political power held by chiefs and councils,

and given the often-poor socio-economic conditions of most First Nations, it is little wonder that First Nations individuals would feel compelled to vote in much higher numbers in First Nation Council elections. By actively engaging in this elections process, First Nations individuals are better able to determine the governing structures that so significantly affect their lives. As Bedford and Pobihushchy note, “[t]he political stakes are simply too high on Reserves to permit the relatively disinterested politics that mark Canadian elections.”⁹² They refer to this complex phenomenon as the “politics of dependency,” which has resulted from the legacy of colonialism experienced by First Nations peoples. They describe this aptly in the following quotation:

A political culture and socio-economic reality of dependency has been created on Reserve communities which expresses itself in the form of (what would be for municipalities in the non-Aboriginal culture) abnormally high turnout.... [T]he only way to explain these striking results is by grounding them in the unique political, economic and social existence that one finds in Reserve communities. Local politics has a different meaning and different consequences for people living in Reserve communities than in other communities, and this difference must be central to any explanation of the vast differences in turnout rates that one finds between local elections on Reserves and in non-Aboriginal communities.⁹³

These assertions are certainly applicable to First Nations in Ontario. Ultimately, given the socio-economic conditions faced by First Nations and in light of the corresponding centrality of band governance in the lives of First Nations individuals, the data on voter turnout in Ontario becomes understandable, irrespective of First Nations nationalism.

Yet, these findings and the underlying rationale behind them do not address the larger issue of low First Nations voter turnout in Ontario, and more generally, in Canada. There still exists First Nations alienation from the dominant federal and provincial electoral institutions, while First Nations nationalism is a fundamental component entering into any discussions on First Nations political issues. The end result is an electoral system that lacks legitimacy for First Nations, ultimately leading to further alienation. The tenuous relationship between First Nations and the Canadian state should not be weakened further. Instead, solutions need to be found that will simultaneously address First Nations alienation, First Nations nationalism, and the illegitimacy of the current electoral system in Ontario, and more generally, in Canada.

The Future of First Nations Voter Turnout: Possibilities and Solutions

There are many recommendations and possible solutions for improving First Nations voter turnout, all of which cannot be discussed within the confines of this paper. Instead, an overview and corresponding analysis will be provided. Some proposed mechanisms are already in place, including in international jurisdictions, with varying levels of success.

Increasing General First Nations Representation

Several straightforward, basic mechanisms could be put in place to potentially increase First Nations voter turnout. In Ontario, these mechanisms would turn on issues of First Nations representation in order to enhance issue salience and reduce First Nations alienation. For instance, increasing the number of First Nations Members of Provincial Parliament at Queen's Park could help to promote First Nations connectedness to Canadian and Ontario electoral politics. In order to do so, more opportunities for nomination of First Nations candidates in Ontario's main political parties would be required, alongside the encouragement of First Nations involvement in party policy and decision-making.

Of course, it is easy to make these suggestions, but much harder to put them into practice. The impetus to provide opportunities for First Nations to become more involved lies with the major political parties in the province and across the country, and yet, under the current FPTP electoral system, it seems that there is little desire on the part of political parties to field First Nations candidates who are considered less "safe." Instead, it is commonly argued that proportional representation and semi-proportional electoral systems are much more effective at providing some level of representation for disadvantaged or excluded groups, such as First Nations. However, would this really affect First Nations voter turnout? If the Ontario electoral system were changed to one with some degree of proportionality, would this improve First Nations voter turnout in the province? It is argued here that changing the model of electoral system in place would do little to improve First Nations voter turnout because First Nations nationalism remains a crucial factor in determining voter turnout levels. Changing the type of electoral system will not affect First Nations nationalism.

One relevant example is found in the relatively-recent reforms to New Zealand's electoral system. After recommendations released by the Royal Commission on the Electoral System and two subsequent referendums in 1992 and 1993 on proposed electoral change, the elec-

toral system was changed from FPTP to a mixed-member proportional (MMP) system. One of the goals behind this reform was to ensure that the House of Commons would be more proportionate in its representation. This was important for the Maori as well, who constitute the Indigenous population in the country. Another goal was to improve overall voter turnout. In the elections following the reforms, increased representation for historically-disadvantaged groups, including the Maori, indeed occurred, but Maori voter turnout did not increase. In fact, shortly thereafter, overall voter turnout actually decreased further.⁹⁴ By extension, it is argued that changing the FPTP electoral system in Ontario to a new electoral system, perhaps one that is more proportionate, may help to improve First Nations representation, but in the long run, it will not substantially improve First Nations voter turnout because of the existence of First Nations nationalism. In this way, and as discussed near the start of this article, theories on electoral reform which contend that proportionality would improve voter turnout are largely irrelevant in the context of First nations turnout.

Particularistic Representation and Nation-Based Solutions

Mechanisms that add specific, guaranteed First Nations representation to existing electoral system may be more effective than general tools of representation in increasing First Nations voter turnout. These options do not require fundamental alterations to the electoral system in place. For instance, guaranteed seats in legislatures, affirmative redistricting, Aboriginal electoral districts (AEDs), and Aboriginal legislatures have been suggested. However, guaranteed Maori seats in the New Zealand parliament have been in existence since the 1860s, and yet, this has done little to ensure that Maori voter turnout is on a par with that of the general population. This is primarily because these seats are largely symbolic.⁹⁵ While it could be argued that, in Ontario, guaranteed seats might foster feelings of First Nations connectedness or allow greater representation of First Nations issues in legislative debates, the New Zealand example is cause for hesitation. Providing a few token seats in a Canadian legislature, such as Queen's Park or Parliament, may be fairly ineffective, given that the voices of a few First Nations representatives could be stifled easily by the majority. In this instance, the seats would have to go beyond mere tokenism and serve as effective vehicles of First Nations representation.

Affirmative redistricting is somewhat similar, although it does not entail the creation of any new seats set aside specifically for First Nations representatives. Instead, electoral districts are adjusted to allow for ridings with more concentrated First Nations populations, thereby

increasing the possibility that First Nations representatives will be elected. This may be a difficult task, given the dispersed nature of the First Nations population across Ontario and Canada, but there are some northern electoral districts with much higher concentrations of First Nations. As in the case of guaranteed seats, affirmative redistricting must be effective with meaningful results. Otherwise, it is likely that First Nations would see this option as little more than lip service.

Specific Aboriginal Electoral Districts (AEDs) provide another option to increase First Nations representation in Canadian legislatures. This was the central recommendation made by The Committee for Aboriginal Electoral Reform in its report discussed earlier in this paper, and was subsequently endorsed by the Royal Commission on Electoral Reform and Party Financing and the related Research Volume on Aboriginal Peoples and Electoral Reform.⁹⁶ In particular, AEDs would consist of electors who identify first and foremost as members of First Nations, Inuit, or Métis. Regional residence would be a secondary consideration, with AEDs likely to overlap, or be superimposed upon, geographic districts. Specific voters lists would have to be created, the number of districts would be debatable, and ultimately, the heterogeneous nature of First Nations, Inuit, and Métis would have to be considered in constructing the districts.⁹⁷ It would constitute a large undertaking, and in the context of Ontario, could be applied irrespective of the electoral system in place. However, as in the other instances of particularistic representation, in order effect meaningful change, AEDs could not simply serve as symbolic seats, where First Nations representatives are given little voice or credence.

Finally, the creation of Aboriginal parliaments or legislatures has been suggested. The Royal Commission on Aboriginal Peoples (RCAP) supported this idea, recommending an Aboriginal Parliament Act to first establish a representative body of all Aboriginal peoples. This would then evolve into a House of First Peoples and become part of Canadian Parliament. The primary role of the Aboriginal Parliament would be an advisory one to the House of Commons and the Senate on matters relating to Aboriginal peoples, but the RCAP was careful to specify that it did not want to circumscribe the authority of the proposed Aboriginal Parliament. Instead, the RCAP provided a fairly extensive list of advisory topics for the Aboriginal Parliament, ultimately allowing for significant involvement by Aboriginal peoples. In addition, voters would elect representatives from their respective nations, and elections would take place at the same time as federal elections. Enumeration of Aboriginal voters would also take place during the general enumeration process held across the country. Ultimately, the RCAP envisioned an Aboriginal

Parliament that would eventually consist of 60 to 80 representatives, one from each nation in Canada.⁹⁸ It is reasonable to contend that a similar implementation could occur in the context of the Ontario legislature as well, although it would apply on a smaller scale instead of across the country.

There was a similar institution in place in Australia until recently. Various efforts have been undertaken, both historically and more recently in Australia, to improve Aboriginal voter turnout levels. The National Aboriginal Consultative Committee, in existence from 1973 to 1977, and the National Aboriginal Conference, in existence from 1977 to 1985, had limited advisory roles on matters affecting Aboriginal peoples. From 1990 to 2005, the Aboriginal and Torres Strait Islander Commission (ATSIC)⁹⁹ was a central governing body that served the interests of Aboriginal peoples in Australia with some limited executive decision-making powers.¹⁰⁰ It was instituted by the Labor Government of Bob Hawke, but was dismantled in 2005 by the Liberal government under Prime Minister John Howard, leaving the future of Indigenous governance in the country uncertain. Prior to being dismantled, the ATSIC allowed Aboriginal peoples to be formally involved in government by electing representatives. Representatives were elected separately from Australian Commonwealth, state, and territory elections. Voting was not compulsory, and Aboriginal electors did not need to self-identify prior to voting. Near its conclusion, the ATSIC consisted of 404 elected regional councillors, covering a total of 35 ATSIC regions grouped under 16 zones. In each zone, a national commissioner was also chosen from among the elected regional councillors.¹⁰¹ Overall, this was a sizeable group representing the interests of Aboriginal peoples in Australia.

However, the central problem with this model, at least with regard to increasing Aboriginal voter turnout, is the fact that the Commission had only limited executive decision-making. In the context of Ontario, such limits would do little to effectively serve the interests of First Nations voters. Instead, such a system could be viewed as consisting of partially-imposed electoral politics, with central authority remaining with the dominant political institutions in power. Similar contentions can be made regarding the Saami Parliaments in Finland, Norway, and Sweden. Each country has a Saami Parliament, which were created in 1973, 1988, and 1992 respectively. However, the Saami parliaments in Norway and Finland do not have any legislative functions, so in this way, “parliament” is a misnomer. Additionally, the Saami were not adequately involved in the creation of any of these institutions.¹⁰² The RCAP has asserted that a more robust Aboriginal Parliament would be needed, with the purpose of adequately serving the needs and interests of Aboriginal

peoples. The RCAP stated that “Aboriginal parliaments can have real power, and Aboriginal peoples can be fully involved, if not primarily responsible, for the structure and processes of such institutions.”¹⁰³ In this way, it would seem that the RCAP proposal constitutes the most comprehensive of the mechanisms suggested to improve overall Aboriginal electoral participation.

Ultimately, each of the mechanisms discussed above provides particularistic representation, but where does this leave First Nations nationalism? It is argued here that First Nations nationalism is an important part of any discussion on First Nations politics or Canadian electoral reform. Regardless of any implementation of particularistic First Nations representation—whether it is through guaranteed seats, affirmative redistricting, AEDs, or an Aboriginal legislature—First Nations nationalism will continue to play a fundamental role in determining First Nations electoral participation, including voter turnout. More importantly, it is contended that simply improving First Nations representation without ample First Nations input is not enough to increase First Nations voter turnout. First Nations will continue to feel that the Canadian and Ontario electoral systems are foreign impositions, representing colonialism and historical dispossession, thereby lacking legitimacy. Instead, there needs to be formal and explicit recognition of First Nations as constituting nations who are culturally different from the rest of Canada, before any electoral mechanisms can effectively be put in place.¹⁰⁴ Regardless of the type of electoral system in Ontario or Canada, recognition of First Nations nationalism as a viable and vibrant component of Canadian society and electoral politics is crucial. Official nation-based recognition would work to bridge the gap of alienation that exists between First Nations and electoral systems in place, and ultimately, would help to renew the relationship between First Nations and the Canadian state. It is asserted that this sort of recognition is the fundamental first step in improving First Nations voter turnout, both in Ontario and across the country.

By extension, electoral options that acknowledge and respect First Nations nationhood would need to be put in place, where First Nations could participate as distinct nations in the electoral process. Where particularistic First Nations representation is employed, First Nations voters would need to be assured of taking part in an electoral process where they are recognised as members of their distinct nations, and where they are politically involved to affect their nations. In other words, the goal would be effective, viable First Nations representation within the context of official recognition of First Nations as important contributors to the electoral process. This, in turn, would address First Nations

alienation, and ultimately, lead to increased First Nations electoral participation and voter turnout in Ontario and Canadian elections. Once again, assertions that electoral reform with enhanced proportionality would improve voter turnout are largely irrelevant in the context of First Nations turnout and nationalism.

Kiera Ladner puts forth similar contentions, arguing for national or treaty representation through nation-based participation. She asserts that particularistic representation could work within this context. Ladner's following statement is included at length due its relevance:

I would argue, with absolute certainty, that national and/or treaty representation would increase Aboriginal participation in electoral politics. Providing for such representation would enable Aboriginal people to participate in Canadian electoral politics as nations and to vote as, and for, citizens of their nations. A system of guaranteed representation could liberate Aboriginal people from the forces of assimilation, as individuals would not be forced to participate in the alien system as "Canadians." Instead, they could participate in electoral politics as members of their nations and in a manner that could be designed to incorporate Aboriginal peoples as "nations within." I would argue that enabling nation-based participation in electoral politics would...[guarantee] the inclusion of Aboriginal peoples as candidates and actors in electoral politics. Moreover, it would enable Aboriginal people to participate (as voters, as candidates and in debate on issues) as members of nations....¹⁰⁵

It is argued here that the approach suggested herein is certainly feasible in Ontario, and more generally, in Canada. The primary precondition is political impetus, followed by the substantial resources, time, and First Nations involvement needed to create the conditions for success. It may be that Canadian governments will lack the political will to undertake such a considerable task, particularly in the face of potential public objection. Is the Ontario government, and more generally, the Canadian government, willing to engage in more than symbolic tokenism by officially recognising the role of First Nations communities as nations participating fully within Canadian electoral systems? Will the governments then embark on a path to secure effective First Nations representation and improve First Nations voter turnout? The implication of such recognition necessarily entails increased and significant access to resources for First Nations, thus weighing as an important consideration for any government with the perspicacity to undertake this task. This is indeed a tall order, but time will tell.

Acknowledgement

I am truly grateful to Patrick Monahan for his keen enthusiasm, extraordinary insight, and always-thoughtful input. Sincere thanks also to Lorne Sossin for reviewing an earlier draft. Deepest thanks are reserved for my mother, Janet Dalton, for her helpful editorial advice and continual support. Thanks also to Herschell Sax of Elections Canada for providing a comprehensive list of relevant federal polling stations for First Nations communities, and to Marc Boivin of Indian and Northern Affairs Canada, Band Governance Directorate, for providing the raw data on First Nations band council elections. Thanks also to the Geography department of Elections Ontario for compiling a list of relevant provincial polling stations for First Nations communities across the province. I would like to thank the anonymous reviewers for helpful comments. Finally, I would like to acknowledge the very generous financial support of the Social Sciences and Humanities Research Council of Canada.

References

1. Voter turnout in most democracies has been declining in recent years (see André Blais, Elisabeth Gidengil, Neil Nevitte, and Richard Nadeau, "Where Does Turnout Decline Come From?" (2004) 43 European J. Pol. Research 221 at 221 [Blais et al., "Where Does Turnout Decline Come From?"]).
2. See Neil Nevite, *The Decline of Deference: Canadian Value Change in Cross-National Perspective* (Peterborough, Ontario: Broadview Press, 1996); André Blais, Paul Howe, and Richard Johnston, "Strengthening Canadian Democracy: A New IRPP Research Project" (November 1999) Policy Options 7; David Zussman, "Do Citizens Trust their Governments?" (1997) 40:2 Can. Pub. Admin. 234.
3. In countries where voting is compulsory, voter turnout tends to be on average thirteen percent higher than in countries where voting is not mandatory. However, this is generally only the case where there are penalties for not voting (see André Blais, Louis Massicotte, Agnieszka Dobrzynska, *Why is Turnout Higher in Some Countries than in Others?* (Ottawa: Elections Canada, 2003) at 8 [Blais et al., *Why is Turnout Higher?*]).
4. Some assert that no electoral system can have a significant effect on voter turnout (see Ontario Citizens' Assembly on Electoral Reform, *One Ballot, Two Votes: A New Way to Vote in Ontario*, available at <http://www.citizensassembly.gov.on.ca/assets/One%20Ballot>,

%20Two%20Votes.pdf May 15, 2007 at 14 [Ontario Citizens' Assembly].

5. Blais et al., Why is Turnout Higher, *supra* note 3 at 8; Law Commission of Canada, *Voting Counts: Electoral Reform for Canada* (Ottawa: Public Works and Government Service, 2004) at 40 [Law Commission of Canada]; Andrew Reynolds, Ben Reilly, and Andrew Ellis, *Electoral System Design: The New International IDEA Handbook* (Stockholm: International Institute for Democracy and Electoral Assistance, 2005) at 119.
6. The referendum was held in conjunction with the provincial election. Ultimately, electoral reform did not occur in the case of British Columbia, despite support for reform in 77 of the 79 electoral districts, since only 57.7 percent of voters supported a new "BC-STV" electoral system. A super-majority was required, including the support of 60 percent of valid votes across the province, along with more than 50 percent of valid votes in at least 60 percent (48) of the 79 provincial electoral districts. A detailed listing of the final results is available at http://www.elections.bc.ca/elections/sov05/refSOV05/SOV-Refcomplete_r.pdf
7. A super-majority was required with the following threshold limits: a minimum of 60 percent of valid votes province-wide would have to approve the proposal, and at least 50 percent of valid votes cast in at least 60 percent (16) of the provinces' electoral districts would need to approve the proposal. Only 36.42 percent of valid votes supported the proposed reform. For further information see Report of the Chief Electoral Officer of Prince Edward Island: Plebiscite for the Provincial Mixed Member Proportional System (Charlottetown: Elections Prince Edward Island, 2005), available at <http://www.electionspei.ca/plebiscites/pr/plebiscitefinalreport.pdf>.
8. As of October 2007, there were 107 electoral districts in Ontario (*Representation Act, 2005*, S.O. 2005, c.35, Sched.1).
9. Full details of the recommended electoral system are provided in *Ontario Citizens' Assembly*, *supra* note 4.
10. The *Electoral System Referendum Act, 2007*, S.O. 2007, c. 1. There was significant outrage when the legislation was first proposed, most notably from supporters of electoral reform, since a super-majority reduces the possibility that reform will be approved, as occurred in British Columbia and Prince Edward Island.
11. Those ridings in support of the proposed reforms included Beaches-East York (50.1 percent), Davenport (56.7 percent), Parkdale-High Park (54.5 percent), Toronto-Danforth 55.1 percent), and Trinity-Spadina (59.2 percent).

12. Section 35(2) of the Canadian Constitution refers to Aboriginal peoples as including “Indian, Inuit, and Métis peoples of Canada” (Constitution Act, 1982, being Schedule B to the Canada Act, 1982 (U.K.), 1982, c.11). In this paper, First Nations is used instead of “Indian.” “Aboriginal” is used when referring to all First Peoples of Canada.
13. Indian Act, R.S.C. 1985, c. I-5.
14. There are no Inuit in Ontario, thus it is not necessary to collect data on Inuit communities in this context.
15. Elections Canada, *A History of the Vote in Canada* (Ottawa: Minister of Public Works and Government Services Canada, 1997) at 89.
16. Committee for Aboriginal Electoral Reform, “The Path to Electoral Equality” in *Report of the Royal Commission on Electoral Reform and Party Financing*, Vol. 4 (Ottawa: Supply and Services Canada, 1991) 228 at 235 [Committee for Aboriginal Electoral Reform].
17. Kiera L. Ladner, “The Alienation of Nation: Understanding Aboriginal Electoral Participation” (2003) 5:3 *Electoral Insight* 21 at 22-23 [Ladner].
18. Committee for Aboriginal Electoral Reform, *supra* note 16 at 236.
19. Ibid.
20. Ibid.
21. Ibid.
22. Canada Elections Act, S.C. 1960, c. 39.
23. Federal legislation explicitly denied the right of Inuit to vote between 1934 to 1950.
24. This does not mean that there have not been other impediments to their electoral participation. Of course, non-status First Nations and Métis women, along with all women, were not permitted to vote until 1918. With regard to non-status First Nations and Métis, more generally, the federal government has usually taken the position that non-status First Nations and Métis have no existing rights under section 35 of the Canadian Constitution. Therefore, the government is not under any obligation to negotiate with Métis. However, recognition of Métis rights has occurred with the relatively recent Supreme Court of Canada ruling in Powley [R. v. Powley, [2003] 2 S.C.R. 207]. For further discussion on the history of Aboriginal enfranchisement, see Royal Commission on Electoral Reform and Party Financing and Robert A. Milen, ed., *Aboriginal Peoples and Electoral Reform in Canada*, Vol. 9 of *The Collected Research Studies*, Royal Commission on Electoral Reform and Party Financing (Toronto: Dundurn Press, 1991) at 4-5 [Aboriginal Peoples and Electoral Reform].
25. For further discussion, see Manon Tremblay, “The Participation of Aboriginal Women in Canadian Electoral Democracy” (2003) 5:3 *Elec-*

- toral Insight 34 at 34.
26. For further discussion, see Anna Hunter, "Exploring the Issues of Aboriginal Representation in Federal Elections" (2003) 5:3 *Electoral Insight* 27 at 29 [Hunter]. In-depth assessment of Aboriginal representation in the 2004 federal election is provided in Loretta Smith, "Aboriginal Candidates in the 2004 General Election" (2005) 7:1 *Electoral Insight* 17 [Smith].
 27. See Royal Commission on Electoral Reform and Party Financing, *Reforming Electoral Democracy: Final Report, Volume 1 – Reforming Electoral Democracy* (Ottawa: Supply and Services Canada, 1991) at 170 [Royal Commission on Electoral Reform].
 28. Daniel Guérin, "Aboriginal Participation in Canadian Federal Elections: Trends and Implications" (2003) 5:3 *Electoral Insight* 10 at 10 [Guérin].
 29. For further discussion, see Tony Coulson, "Voter Turnout in Canada: Findings from the 1997 Canadian Election Study" (1999) 1:2 *Electoral Insight* 18. For extensive discussion on general causes of low voter turnout, see Blais et al., "Where Does Turnout Decline Come From?", *supra* note 1; Jon H. Pammett and Lawrence LeDuc, *Explaining the Turnout Decline in Federal Elections: A New Survey of Non-Voters* (Ottawa: Elections Canada, 2003); André Blais, Elisabeth Gidengil, Richard Nadeau, and Neil Nevitte, "Generational Change and the Decline of Political Participation: The Case of Voter Turnout in Canada," paper presented at the workshop *Citizenship on Trial: Interdisciplinary Perspectives on Political Socialization of Adolescents*, McGill University, Montreal, Quebec, 20-21 June 2002 (on file with author); Law Commission of Canada, *supra* note 5 at 38-42.
 30. For further discussion see Gina Bishop, "Civic Engagement of Youth and of New and Aboriginal Canadians: Preliminary Findings from CRIC Research" (Summer 2005) *Canadian Issues* 15 [Bishop].
 31. Low First Nations voter turnout has been receiving increased attention through the media and various roundtable discussions. There have also been various government attempts to improve First Nations voter turnout. Most recently, there has been a Memorandum of Understanding signed by the Assembly of First Nations and Elections Canada to work together to increase First Nations participation in federal elections (see Elections Canada, Memorandum of Understanding, signed 6 December 2006, accessed online at <http://www.elections.ca/vot/abo/understanding.pdf>, and Elections Canada, Expanding the Partnership Between the Assembly of First Nations and Elections Canada, 6 December 2006, accessed online at <http://www.elections.ca/content.asp?section=med&document>

=dec0606&dir=pre&lang=e&textonly=false . For further discussion, see Elections Canada, Report of the Chief Electoral Officer of Canada on the 39th General Election of January 23, 2006, accessed online at http://www.elections.ca/gen/rep/re2/statreport2006_e.pdf; Michelle MacAfee, "Elections Canada Tries to Turn Around Low Aboriginal Turnout" (12 June 2004), CNews, accessed online: <http://cnews.canoe.ca/CNEWS/Politics/CanadaVotes/2004/06/12/497018-cp.html>; Elections Canada, "Roundtable on Aboriginal Youth and the Federal Election Process" (2004) 6:1 *Electoral Insight* 40; Elections Canada, Aboriginal Participation in Federal Elections (26 January 2006), accessed online at <http://www.elections.ca/content.asp?section=vot&document=index&dir=abo/circle&lang=e&textonly=false>; Elections Canada, Presentation of the Chief Electoral Officer to the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources (28 January 2003), Ottawa, accessed online at <http://www.elections.ca/content.asp?section=med&document=jan2803&dir=spe&lang=e&textonly=false>; "Education and Awareness Campaign – First Nations Voter Turnout (2005) 2:5 AFN Echo 6; Len Kruzenga, "Federal Election in Full Flight: Importance of Aboriginal Vote Greatest in 17 Ridings" (2004), accessed online at www.firstperspective.ca .

32. Ladner, *supra* note 17 at 21-22.
33. *Ibid.* at 23.
34. Statistics Canada, *Aboriginal Peoples of Canada: A Demographic Profile* (Ottawa: Minister of Industry, 2003) at 7, 13. For further discussion, see Elections Canada, *Aboriginal People and the Federal Electoral Process: Participation Trends and Elections Canada's Initiatives* (Ottawa: Elections Canada, 2004), accessed online at <http://www.elections.ca/content.asp?section=loi&document=abor&textonly=false> [Elections Canada, *Federal Electoral Process*].
35. Royal Commission on Electoral Reform, *supra* note 27 at 168-170.
36. For further discussion, see Hunter, *supra* note 26 at 27.
37. Valerie Alia, "Aboriginal Peoples and Campaign Coverage in the North," in *Aboriginal Peoples and Electoral Reform in Canada*, *supra* note 16, 105 at 108-109.
38. David Bedford and Sidney Pobihushchy, "On-Reserve Status Indian Voter Participation in the Maritimes" (1995) 15:2 *Can. J. Native Stud.* 255 [Bedford and Pobihushchy]; David Bedford, "Aboriginal Voter Participation in Nova Scotia and New Brunswick" (2003) 5:3 *Electoral Insight* 16 [Bedford]); Guérin, *supra* note 25; Bishop, *supra* note 30; Jim Silver, Cyril Keeper, and Michael MacKenzie, "A Very Hostile System in Which to Live": Aboriginal Electoral Participation in Win-

- nipeg's Inner City (Ottawa: Canadian Centre for Policy Alternatives, 2005)[Silver et al]. Ailsa Henderson, *Nunavut: Rethinking Political Culture* (Vancouver: UBC Press, 2007) at 138-167. Other general studies include a small segment on Aboriginal voter turnout, such as Elections Canada, 2000 General Election Post-Event Overview (Ottawa: Supply and Services Canada, 2000) at 5-7, 10-11, 16 [Elections Canada, 2000 General Election].
39. For example, see Hunter, *supra* note 26; Smith, *supra* note 26; Trevor Knight, "Electoral Justice for Aboriginal People in Canada" (2001) 46 McGill L. J. 1063; Tim Schouls, "Aboriginal Peoples and Electoral Reform in Canada" (1996) 24:4 C.J.P.S. 729; Russel Lawrence Barsh, "Canada's Aboriginal Peoples: Social Integration or Disintegration?" (1994) 14:1 Can. J. Native Stud. 1; James Youngblood Henderson, "Empowering Treaty Federalism" (1994) 58 Sask. L. Rev. 241; Jonathon Malloy and Graham White, "Aboriginal Participation in Canadian Legislatures," in Robert J. Fleming and J. E. Glenn, eds., *Fleming's Canadian Legislatures* 1997, 11th ed. (Toronto: University of Toronto Press, 1997) 60.
 40. Royal Commission on Electoral Reform, *supra* note 27.
 41. Aboriginal Peoples and Electoral Reform, *supra* note 24.
 42. Committee for Aboriginal Electoral Reform, *supra* note 16.
 43. Royal Commission on Electoral Reform, *supra* note 27 at 169-170.
 44. *Ibid.* at 171.
 45. Roger Gibbins, "Electoral Reform and Canada's Aboriginal Population: An Assessment of Aboriginal Electoral Districts," in Royal Commission on Electoral Reform and Party Financing and Robert A. Milen, ed., *Aboriginal Peoples and Electoral Reform in Canada*, Vol. 9 of *The Collected Research Studies*, Royal Commission on Electoral Reform and Party Financing (Toronto: Dundurn Press, 1991) 153 at 156 [Gibbins].
 46. *Ibid.*
 47. *Ibid.* at 159.
 48. *Ibid.*
 49. *Ibid.* at 160.
 50. *Ibid.*
 51. Committee for Aboriginal Electoral Reform, *supra* note 16 at 8-9.
 52. *Ibid.* at 11.
 53. *Ibid.* at 9.
 54. *Ibid.* at 9-10.
 55. *Ibid.* at 10.
 56. It should be noted, however, that since this report was released, Elections Canada has made several attempts to enhance overall Abo-

riginal participation in Canadian electoral politics, alongside improving public awareness of some of issues faced by Aboriginal electors, more generally. For example, in addition to launching a variety of information and educational programs, particularly in northern areas of Canada, Elections Canada has extended communication and advertisements through print, television, and radio in 37 Aboriginal languages. Elections Canada has also established the Aboriginal Community Relations Officer program and the Aboriginal Elder and Youth Program (AEYP). The former, which was originally called the Aboriginal Liaison Officer program, began during the 2000 general election, and allowed returning officers to appoint Aboriginal Liaison Officers where electoral districts contain at least one First Nations, Inuit, or Métis community and/or the off-Reserve Aboriginal population represents at least ten percent of the total riding population. The latter program allows Elders and youth to provide and interpret information for Aboriginal electors and to assist as elections offers at polling stations in Aboriginal communities. Finally, Elections Canada provides that, where First Nations, Inuit, or Métis communities agree, polling stations are set up on Reserves or in communities in order to facilitate Aboriginal voting. For discussion, see especially Elections Canada, *Federal Electoral Process*, *supra* note 34; Elections Canada, *Report of the Chief Electoral Officer of Canada on the 38th General Election of June 28, 2004*, at 44-45, accessed online at http://www.elections.ca/gen/rep/re2/statreport2004_e.pdf; sources cited, *supra* note 31.

57. For further discussion, see Jeffrey A. Karp and David Brockington, "Social Desirability and Response Validity: A Comparative Analysis of Overreporting Voter Turnout in Five Countries" (2005) 67:3 *J. of Politics* 825.
58. First Nations Reserves are excluded from the Canadian National Election Studies, but the samples are still representative of the general population, including those who self-identify as Aboriginal (see Gibbins, *supra* note 45 at 158).
59. In these studies, there was no differentiation between First Nations, Inuit, or Métis respondents. Instead, respondents self-identified as either Aboriginal or non-Aboriginal.
60. An Ipsos-Reid study conducted for Elections Canada after the 2000 federal election found that 70 percent of Aboriginal respondents reported having voted, which is even higher than the official voter turnout across the country. It is important to note, however, that the findings of this study for Aboriginal respondents was based on an over-sample of 150 Aboriginal individuals and a telephone survey of

556 Aboriginal individuals, all of whom resided in northern areas of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, and Quebec. As a result, the survey was not representative of the national Aboriginal population, but instead, was a “proxy.” Nor did it specify whether respondents were First Nations, Inuit, or Métis (see Elections Canada, 2000 General Election, *supra* note 38 at 10, 16).

61. Bedford and Pobihushchy, *supra* note 38.
62. An article released later by Bedford provided much of the same data (see Bedford, *supra* note 38).
63. Bedford and Pobihushchy, *supra* note 38 at 256-257, 259-260.
64. *Ibid.* at 256.
65. Aboriginal peoples are as culturally, linguistically, and politically heterogeneous in nature as other peoples around the world. For further discussion, see John Borrows, *Recovering Canada: The Resurgence of Indigenous Law* (Toronto: University of Toronto Press, 2002) at 3.
66. In general, while federal turnout levels tend to be higher than provincial turnout levels, which, in turn, are higher than municipal turnout levels, this tendency may not be applicable to First Nations. This is illustrated most clearly in the context of First Nation Council elections and local politics, where First Nations voter turnout is drastically higher than the norm. Relevant data and associated analysis are presented below.
67. Bedford and Pobihushchy, *supra* note 38 at 271-272; Elections Canada, Voter Turnout at Federal Elections and Referendums, 1867-2004, accessed online at <http://www.elections.ca/content.asp?section=pas&document=turnout&lang=e&textonly=false>; Elections Nova Scotia, Comparative Statistics, accessed online at <http://electionsnovascotia.ns.ca/results/Comparative%20Stats%202006.pdf>; Elections New Brunswick, 1995 Recapitulation, accessed online at <http://www.gnb.ca/elections/95prov/95recapsheet-e.asp>; Elections Prince Edward Island, Statistics on General Elections from 1966 to 2003, accessed online at <http://www.electionspei.ca/provincial/historical/ceoreports/turnout/turnout.pdf>.
68. Bedford and Pobihushchy, *ibid.* at 259-260.
69. *Ibid.* at 258.
70. *Ibid.* at 261.
71. Jean-Nicholas Bustros, *Electoral Participation of Aboriginal People: Summary of Previously Conducted Research and Analysis* (Ottawa: Elections Canada, Legal Services Directorate, 2000).
72. See Guérin, *supra* note 28 at 12.

73. Ibid. at 12-13.
74. Ibid. at 14.
75. Ibid.
76. Michael Kinnear, "The Effect of Expansion of the Franchise on Turn-out" (2003) 5:3 *Electoral Insight* 46 at 47.
77. Ibid.
78. *Corbiere v. Canada (Minister of Indian and Northern Affairs)*, [1999] 2 S.C.R. 203.
79. Sidura Ludwig, "Amended Indian Act Causes Election Confusion" Capital New Online, 3 March 2000, accessed online at <http://temagami.carleton.ca/jmc/cnews/03112000/n1.htm>.
80. No data were provided for Prince Edward Island because the two bands in that province hold custom elections and are not required to disclose their results (Bedford and Pobihushchy, *supra* note 38 at 262).
81. Ibid. at 262.
82. Ibid. at 270.
83. Ibid. at 262.
84. See Jill Wherrett, *Aboriginal Peoples and the 1995 Quebec Referendum: A Survey of the Issues* (Ottawa: Library of Parliament, Research Branch, 1996) at 4-6.
85. Ibid. at 7.
86. Ladner, *supra* note 17 at 23.
87. Bedford and Pobihushchy, *supra* note 38 at 269.
88. Ibid.
89. Silver et al., *supra* note 38 at 12-13.
90. Ladner, *supra* note 17 at 24.
91. Bedford and Pobihushchy, *supra* note 38 at 274.
92. Ibid.
93. Ibid. at 273.
94. For extensive discussion, see Thérèse Arseneau, "The Representation of Women and Aboriginal Peoples under PR: Lessons from New Zealand" (November 1997) *Policy Options* 9; Jeffrey Karp, "Members of Parliament and Representation," in Jack Vowles, Peter Aimer, Jeffrey Karp, Raymond Miller, and Ann Sullivan, eds., *Proportional Representation on Trial: The 1999 New Zealand General Election and the Fate of MMP* (Auckland, New Zealand: Auckland University Press, 2002)[Karp]; Jeffrey A. Karp and Susan A. Banducci, "The Impact of Proportional Representation on Turnout: Evidence from New Zealand" (1999) 34:3 *Aust. J. Pol. Sci.* 363; Nigel S. Roberts, *A Case Study in the Consequences of Electoral System Change*, Hong Kong Democratic Foundation, 2000, <http://www.hkdf.org/seminars/>

- 001021/roberts.doc; Jack Vowles, "Offsetting the PR Effect?: Party Mobilization and Turnout Decline in New Zealand, 1996-99" (2002) 8:5 *Party Politics* 587; Jack Vowles, Susan A. Banducci, and Jeffrey A. Karp, "Forecasting and Evaluating the Consequences of Electoral Change in New Zealand" (2006) 41 *Acta Politica* 267.
95. See Karp, *ibid.* at 130.
96. See especially Gibbins, *supra* note 45.
97. *Ibid.* at 161.
98. Royal Commission on Aboriginal Peoples, Report of the Royal Commission on Aboriginal Peoples, Vol. 2, Part 1, "Restructuring the Relationship," in *For Seven Generations: An Information Legacy of the Royal Commission on Aboriginal Peoples* (CD-ROM) (Ottawa: Libraxus Inc., 1997) at paras. 7474-7523 [RCAP]. The RCAP suggested that, early on, the Aboriginal Parliament should be smaller in size, and then grow to accommodate all of the Aboriginal nations across the country. It should be noted that the RCAP's depiction of Aboriginal nation is debatable. While this issue cannot be considered at any length here, the RCAP conception does not take into account the fact that some historical Aboriginal communities no longer exist as political entities. Additionally, it does not seem to consider the effects of the Indian Act or the general changes that have occurred to Aboriginal communities and the Aboriginal population as a whole. Neither does it consider the historical, contemporary, or developmental differences between Aboriginal peoples.
99. The ATSIC was established by the Aboriginal and Torres Straight Islander Commission Act 1989 (Cth) (1989-), Commonwealth of Australia, which took effect on 5 March 1990. As of 30 June 2005, the ATSIC Regional Councils were abolished by the Aboriginal and Torres Straight Islander Commission Amendment Act 2005 (Cth), Commonwealth of Australia.
100. For more discussion, see Will Sanders, "ATSIC Elections and Democracy: Administration, Self-Identification, Participation and Representation," *Democratic Audit of Australia*, July 2003, http://democratic.audit.anu.edu.au/papers/20030724_sanders_atsic_elect%20.pdf.
101. For more extensive discussion, see Will Sanders, "Participation and Representation in the 2002 ATSIC Elections" (2004) 39:1 *Australian J. Pol. Sci.* 175; Will Sanders, John Taylor, and Kate Ross, "Participation and Representation in ATSIC Elections: A 10 Year Perspective" (2000) 35:3 *Aust. J. Pol. Sci.* 493.
102. For further discussion, see RCAP, *supra* note 98 at paras. 7478-7482.
103. *Ibid.* at para. 7481.

104. At times, First Nations have engaged in strategic block voting, or nation-based voting, in order to effect the desired electoral result. This is one way that First Nations have asserted their nationhood. However, this might not be relevant in the context of all elections, and more importantly, it does not involve formal recognition of nationhood by the Canadian state. For further discussion on nation-based voting, see Ladner, *supra* note 17 at 24.

105. *Ibid.* at 25.

