

May 23, 2018

Dear Marvin Yellowhorn, Chief Electoral Officer:

Re: Appeals – Little Red River Cree Nation (LRRCN) Election May 1, 2018

Hearing date: May 19, 2018

The appeals committee met on May 21 and 22, 2018 to discuss the appeal of David Nanooch and came to a decision. The appeals committee has decided against the appeal. In accordance with the LRRCN Custom Election Code 2003 and pursuant to section 21 Election Appeals, the appeals committee has elected not to allow a new election because of insufficient evidence provided by the candidate appealing the election.

Grounds of David Nanooch's appeal:

Section 17 of the LRRCN Election Code 2003: Mr. Nanooch's complaint was in regards to the removal of ballots off the Fox Lake reserve by the electoral officer.

S. 21 of the LRRCN Customary Election Regulations provides grounds of appeal as they relate to candidates in the election:

- a candidate in the election was not eligible to be a candidate by virtue of these provisions,
- a candidate in the election was nominated by persons not eligible to nominate,
- person(s) who voted were not eligible to vote,
- person(s) eligible to vote were not allowed to vote, or
- a candidate was practicing unfair and unacceptable or corrupt election practices, for example: bribery, threats or intimidation of electors, electoral officer, polling clerks, or other persons assisting in the election.

Although, Mr. Nanooch's grounds of appeal are not encompassed in s.21, the appeals committee has considered Mr. Nanooch's complaint. In his written appeal, Mr. Nanooch states that the electoral officer had removed the ballots from Fox Lake before completing the count and that the ballots were taken to High Level and counted there.

Section 17 of the LLRCN Custom Election Code 2003 states that "As soon as possible after the close of the polls, the electoral officer or deputy electoral officer shall, in the presence of any candidates of their agents who are present, open all ballot boxes...".

The appeals committee has found that the electoral officer Marvin Yellow Horn and his deputies had authority to take those ballots and leave because all of the witnesses had left by 6:30 am. The electoral officer and his deputies did what they could in the circumstances.

The appeals committee does not find merit to Mr. Nanooch's claim and denies the appeal.

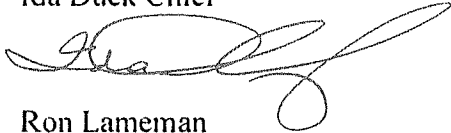
Sincerely,

Appeals committee members:

1. Geraldine Hill



2. Ida Duck Chief



3. Ron Lameman



May 23, 2018

Dear Marvin Yellowhorn, Chief Electoral Officer:

Re: Appeals – Little Red River Cree Nation (LRRCN) Election May 1, 2018

Hearing date: May 19, 2018

The appeals committee met on May 21 and 22, 2018 to discuss the appeal of Gus Loonskin and came to a decision. The appeals committee has decided against the appeal. In accordance with the LRRCN Custom Election Code 2003 and pursuant to section 21 Election Appeals, the appeals committee has elected not to allow a new election because the activity in question did not affect the outcome of the election.

Grounds of Gus Loonskin's appeal:

The election was improperly called and unlawful due to non-compliance with LRRCN Custom Election Code 2003 amendment regulations.

S. 21 of the LRRCN Customary Election Regulations provides grounds of appeal as they relate to candidates in the election:

- a candidate in the election was not eligible to be a candidate by virtue of these provisions,
- a candidate in the election was nominated by persons not eligible to nominate,
- person(s) who voted were not eligible to vote,
- person(s) eligible to vote were not allowed to vote, or
- a candidate was practicing unfair and unacceptable or corrupt election practices, for example: bribery, threats or intimidation of electors, electoral officer, polling clerks, or other persons assisting in the election.

Although, Mr. Loonskin's grounds of appeal are not encompassed in s.21, the appeals committee has considered Mr. Loonskin's complaint. S.2 of the LRRCN Custom Election Code 2003 provides for the notice of an election and s. 5 provides for the term of office of a Councilor or Chief. There is no provision for an early election; however, the sections provide only that a term not exceed four years. The appeals committee has found that Mr. Loonskin has been an active participant in the calling of an early election and for this reason his appeal will not be accepted.

- i. Public Notice dated March 10, 2017: Mr. Loonskin states "the best thing to do right now is to call a new Chief and Council election. If LRRCN Members want to do that; all they have to do is give me direction, at the meeting, to begin canvassing for signatures on a petition that calls for a new Chief and Council election." Mr. Loonskin submits in his written appeal that "LRRCN

members and Council must respect the rule of law and democracy and, must follow the amending procedure provided for in the Election Code.” The Public Notice posted from Mr. Loonskin is contradictory to his own basis for appeal.

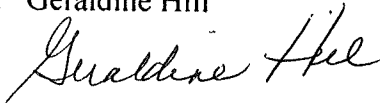
- ii. Chief and Council Resolution dated February 14, 2018: The BCR was the basis for the calling of an early general election and indicates that meetings were held in the communities to seek direction from the band members. The BCR was signed by nine Chief and Council Members including Mr. Loonskin. Mr. Loonskin was present and chose to sign the BCR.

Finally, the results of the election indicate that the newly elected Chief had garnered a large amount of votes (864) which is 538 more than the second place candidate. Holding another election in a year will only cost the nation and the outcome in this election was not so close that holding an early election would have affected the outcome of the election.

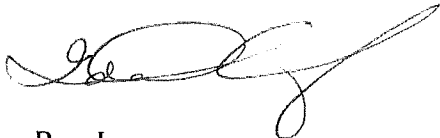
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