



For Immediate Release: June 3, 2022

**SUMMARY REPORT TO NORWAY HOUSE CREE NATION MEMBERSHIP
Election Appeal Decision Update**

- ❖ **May 31, 2022** - As a response to the NHCN Election Appeal Committee's Decision of May 19, 2022, an application was filed to the Federal court of Canada seeking an order of the Court that pending a decision of the Court:
- confirming that the Chief and Council remain in office;
 - suspending the decision of the Election Appeal Committee that the office of Chief was vacated;
 - suspending the decision of the Election Appeal Committee to remove Councillors elected on March 07, 2022;
 - stopping the holding of a new election;
 - confirming that the Election Appeal Committee acted outside their authority;
 - cancelling the decision of the Election Appeal Committee; and
 - confirming the electronic on-line voting was proper.

A summary of the grounds of the Appeal is as follows:

1. The Election Appeal Committee had no jurisdiction to conduct the hearings because any hearing had to take place within 30 days of the filing of the appeals
2. The Election Appeal Committee failed to conduct a process that was in accordance with the First Nation's custom election process as well as the requirement of Natural Justice and procedural fairness. In particular, the Elections Appeal Committee:
 - ✓ held hearing in places other than advertised thereby misleading the membership
 - ✓ refused to disclose the procedures and process that the EAC intended to utilize in the election appeal even when asked
 - ✓ failed to provide those who stood to be affected by the decision, sufficient particulars of the appeals and allegations made
 - ✓ failed to provide those who stood to be affected by the decision with an opportunity to make representation, tender evidence and make submissions prior to decisions being made

- ✓ failed to follow the custom code election appeal process developed over the years which includes the requirement for a public hearing or forum for band members at which those elected positions are the subject of the hearing, are permitted to defend the allegations imposed against them
3. The Election Appeal Committee erred in law by basing their decision on “facts” that were not in evidence before them. For example, the Elections Appeal Committee decision refers to a “**Black Out Period**”—the Elections Procedures Act (EPA) has no mention of a Blackout Period, nor does the Elections Procedures Act prevent any candidate from making election promises or in speaking to their achievements while in office which is a general & regular campaign practice by most politicians from all various levels of governments
 4. The Election Appeal Committee erred in law in holding that Chief Anderson was guilty of corrupt practice relating to Band Council Resolution (BCR) N.H./2021-2022/067 authorizing the Electoral Officer to utilize electronic on-line voting as other means of voting. *Band Council Resolution (BCR) is a legal practice used by Chiefs & Councils as a tool in their decision-making processes as First Nations Leaders which they do in a collective manner. The BCR documents must be signed by Quorum of Council in order for the BCR to be legal.* Therefore, the Election Appeal Committee (EAP) alleging Larson Anderson for improperly influencing the outcome of the election by repudiation of the Election Procedures Act by way of BCR is **false** because the BCR was signed by Quorum of Council, including the Appellant Hubert Hart.
- ❖ **June 1, 2022** – Federal Court, The Honourable Mr. Justice Favel orders the following;
1. The application shall proceed as a special managed proceeding.
 2. The application is hereby referred to the Chief Justice for the appointment of a Case Management Judge.
 3. The parties shall request case management conferences before bringing any motions for interlocutory relief.

***Court application, dated May 31, 2022, will also be posted.