

M'Chigeeng First Nation Administration  
53 HWY 551  
M'Chigeeng, Ontario  
P0P 1G0

April 13, 2023

Attn.: Enaagdenjged:

The Elections Appeals Committee is hereby providing notice to M'Chigeeng First Nation Administration of a motion made by the Election Appeal Committee at their April 13, 2023 meeting, in adherence to the M'Chigeeng First Nation Custom Election Code 2019, section 50 (1) and (2).

**#001/23 ELECTION 2023**

The Election Appeal Committee (EAC) declares a contravention of the scheduled M'Chigeeng First Nation May 13, 2023 election.

**MOVED:** Tonya Armstrong

**SECONDED:** Ernestine Debassige

**WHEREAS**, The EAC received numerous complaints and appeals regarding the entire M'Chigeeng Custom Election process, including the application and interpretation of the election procedures and the important role of the Electoral Officer in the implementation application of the Custom Election Code 2019; and,

**WHEREAS** the Electoral Officer was invited to attend numerous meetings with the M'Chigeeng Election Appeal Committee in order to monitor the implementation of the M'Chigeeng First Nation election, including the new date set for the M'Chigeeng First Nation of May 13, 2023; and,

**WHEREAS** the Electoral Officer failed to attend at any of the meetings that she had been invited to by the EAC, to among other things, report on the progress of the M'Chigeeng First Nation election; and

**WHEREAS** the Electoral Officer was specifically asked to provide a report to the EAC on whether she mailed out the ballots to the off-reserve voters on April 11, 2023, and has failed to respond to the EAC on whether or not this took place; and,

**WHEREAS** the EAC has had great difficulty in communicating with the Electoral Officer and the Electoral Officer has not responded to communications from the EAC;

**THEREFORE BE IT RESOLVED THAT** the EAC is of the view that the failure of the Electoral Officer to satisfactorily monitor the implementation of the M'Chigeeng First Nation election and that this failure will materially affect the outcome of this election, due to the following violations of the Custom Election Code 2019 as follows:

**Role of Electoral Officer**

32. (1) An electoral officer must administer the registration of voters, the nomination process, and conduct the taking and counting of a vote under this code.

(2) An electoral officer must exercise the powers and perform the duties set out in this code and the regulations and such additional duties as are assigned to the electoral officer by the council.

**Reference to Committee**

35. (1) The electoral officer may refer a question regarding the interpretation or application of this code or the regulations to the election appeal committee at any time in the course of his or her duties, and the committee may provide the electoral officer with directions.

**General Election Timelines**

(2) The electoral officer must (a) obtain a list of members' names, band numbers, dates of birth and most recent addresses from the Membership Register and, no later than 138 days prior to the election date, compile a list of eligible voters,

**Role of Electoral Officer**

(2) An electoral officer must exercise the powers and perform the duties set out in this code and the regulations and such additional duties as are assigned to the electoral officer by the council

**FURTHER**, the Election Appeal Committee issues this order to the M'Chigeeng First Nation Administration to terminate the current Electoral Officer. contract effective immediately.

**FURTHER**, That, Election Appeals Committee Appoint Peggy Manitowabi as Electoral Officer and accept the quote provided in the amount of \$28,000.00 to conduct a new election and set the new Election Date For September 2, 2023.

**FURTHER**, That the current Chief and Council term be extended to September 1, 2023 for the continued operations of member programs and services and to provide for the efficient government and shall terminate upon expiry of date set in this temporary order.

ALL IN FAVOUR: 04    OPPOSED: 00    ABSTENTIONS: 00  
MOTION CARRIED

Sincerely,



Winnifred Panamick, Election Appeal Chair

c.c. Election Appeal Committee:  
Grace Debassige  
Tonya Armstrong  
Ernestine Debassige