

**IN THE MATTER OF THE THUNDERCHILD FIRST NATION GENERAL ELECTION  
AND THE CONTINUED APPOINTMENT OF THE CHIEF ELECTORAL OFFICER**

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DECISION

*October 13, 2026*

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**BACKGROUND:**

- 1) The Thunderchild First Nation General Election conducted pursuant to the *Thunderchild First Nation Election Act, 2024* (the “Election Act”) is scheduled to be held on October 19, 2026.
- 2) The Appeal Tribunal received correspondence dated September 10, 2026, outlining several procedural errors, conflicting election notices, and poor accessibility of the Chief Electoral Officer (“CEO”).
- 3) In its September 16, 2026, decision in Appeal No. 2026-01, the Appeal Tribunal (“Tribunal”) declined to remove the CEO and directed corrective measures to be taken. The Tribunal directed strict compliance with the Election Act throughout the remainder of the election.
- 4) The Appeal Tribunal received correspondence dated October 10, 2026, but received October 8, 2026, alleging further errors from the CEO.

- 5) The correspondence is summarized as follows:
- a) The band membership clerk provided the CEO with a list of eligible voters (“Master Voters List”).
  - b) The CEO used the Master Voters List to create a publicly posted voters list (“Electors List”).
  - c) There are approximately 300 members who appear on the Master Voters List, but who do not appear on the posted Electors List.
  - d) The missing 300 members would not have received the Election Notice in the mail and would not have had a chance to register for electronic voting and may not be aware of the election.
  - e) The Tribunal has been asked to review this issue and provide directions for further action to ensure the proper conduct of the election.
- 6) The Tribunal requested the CEO provide an explanation for the discrepancies between the Master Voters List and the Electors List and indicated the urgency of the matter.
- 7) The CEO did not provide a detailed explanation for the discrepancies despite the Appeal Tribunal’s numerous attempts to obtain information by various means of communication:
- a. Email sent to the CEO at 11:16AM on October 9, 2026;
  - b. Phone call to the CEO at 11:31AM on October 9, 2026;
  - c. Email to the CEO at 6:04PM on October 9, 2026;
  - d. Text message to the CEO at 10:08AM on October 10, 2026; and
  - e. Email to the CEO at 9:29AM on October 11, 2026.

**RELEVANT LEGISLATIVE PROVISIONS:**

- 8) The *Election Act* defines Electors List as:
- "Electors List" means the list of Electors for an election as determined by the Chief Electoral Officer and contains the names, in alphabetical order, of the Electors, or substantially all of the Electors with unintentional omissions being acceptable;

9) The *Election Act* provides a definition for Elector:

“Elector” means a person who is:

- a) A Thunderchild First Nation Citizen as defined in the Thunderchild First Nation Citizen Act or Membership Act;
- b) Lives on or off of Thunderchild First Nation Territories, being Thunderchild First Nation Reserves;
- c) At least eighteen (18) years of age;
- d) Of sound mind; and
- e) Not disqualified from voting at elections for Council.

10) The *Thunderchild First Nation Membership Act, 2010* (“Membership Act”) governs membership of Thunderchild First Nation. Section 8.02 states:

*The Membership Clerk, and no other person adds and deletes names from the Membership List.*

11) The *Thunderchild First Nation Appeal Tribunal Act, 2007* (“Appeal Tribunal Act”) governs the Tribunal’s exercise of powers. Section 5.05 states the Appeal Tribunal in the course of exercising its powers under the Act shall:

- (a) Observe all principals of natural justice, procedural fairness or other procedure that is required by Legislation to observe;
- (b) The Appeal Tribunal shall adopt rules and procedures that are fair, economical, expedient and efficient taking into account the often-limited means of the parties to an Application to pay for the operation of the Appeal Tribunal;
- (c) Weigh the right or obligation being enforced and the materiality of the violation as against the remedy being used and the cost of implementing such remedy;
- (d) Use Costs as a means to limit cases that are frivolous or vexatious with such Costs being shifted to the Applicant who initiates such cases; and
- (e) Uphold Legislation and not act contrary to Legislation.

## **DECISION:**

- 12) The Membership Act is a foundational law of the Nation, defining who belongs to its community and forming the basis for eligibility to participate in the selection of its leadership.
- 13) The CEO is responsible for administering the election using reliable voter information and for addressing discrepancies in the records used for that purpose.
- 14) The Tribunal recognizes that the definition of “Electors List” permits unintentional omissions. That wording must also be read alongside the requirement that the list contain all or substantially all Electors. The Tribunal’s concern arises from the scale of the unresolved discrepancy, the absence of an explanation despite its request, and the resulting risk to participation shortly before Election Day.
- 15) An accurate voters list is fundamental to election administration. An omitted eligible elector may encounter difficulty receiving notice, registering for electronic voting or obtaining a ballot. The discrepancy therefore creates a substantial risk to participation rights.
- 16) The lists alone do not establish which persons failed to receive mailed notice, attempted to register or were refused a ballot. Those matters must be checked against mailing records, registration records and polling records.
- 17) The Tribunal does not find that Ms. Angus personally deleted each apparently missing entry or acted with an improper motive. Findings about intention, discrimination or deliberate disenfranchisement would require additional evidence.
- 18) The Tribunal has not received a response from Ms. Angus regarding the omission of nearly 300 Electors and therefore finds there to be a contravention of the electoral process which may affect the results of the election.

- 19) As Justice Layh noted in *Paquachan v Louison*, 2017 SKQB 239 at para 19, some allowance must be made for administrative errors in any election and contraventions unlikely to have affected the result will not trigger an overturning. On the question of whether a certain irregularity is “likely” to have affected the result, “persuasive evidence is needed”.
- 20) In the event of a contravention which may affect the results of the election, the Tribunal must attempt to minimize any prejudice to the electoral process, the Nation and all eligible Electors while also upholding its mandate of adopting rules and procedures that are fair, economical, expedient and efficient.
- 21) The Tribunal’s September 16 decision adopted a corrective approach because the evidence then available did not establish interference with substantive participation rights. The Tribunal gave clear directions and allowed the election to continue under the existing CEO.
- 22) The later voters-list discrepancy changes that assessment: a substantial issue now concerns who can effectively participate in the election, after advance polling dates and shortly before Election Day.
- 23) The Tribunal is no longer satisfied that directing another correction would be appropriate. In the circumstances, the scale of the unresolved discrepancy, the participation risks it creates, and the limited time remaining support a change in the person responsible for administering the election.
- 24) The Tribunal concludes that the CEO’s failure to explain or account for the substantial discrepancy between the Master Voters List and the Electors List, despite being expressly asked to do so, when considered cumulatively with the administrative deficiencies identified in the September 16, 2026, decision warrants her removal.
- 25) The scale of the unresolved discrepancy, the resulting risk to eligible electors’ participation, and the limited time remaining before Election Day make a further corrective direction insufficient to protect the integrity of the electoral process.

- 26) Pursuant to Section 4.08 of the Election Act, the appointment of Shelley Angus as CEO and Andrea Armstrong as Deputy Electoral Officer are terminated effective upon issuance and service of this decision. Ms. Angus and Ms. Armstrong shall cease exercising the powers and performing the duties of CEO and Deputy Electoral Officer, except to complete the secure transfer of records and administration directed below.
- 27) Consistent with the replacement identified in the September 16 decision, Dolly Fox is designated to assume the CEO role through the appointment mechanism required by the Election Act, upon confirmation of her continuing eligibility and willingness to serve. Any required formal appointment must be completed immediately. The fee and expense rates shall be comparable as those applicable to the outgoing CEO, consistent with the Tribunal's earlier decision. However, the amount of work involved in this shorter time frame warrants the discretion to award a higher compensation than which would have been paid to the current CEO had Ms. Angus performed the remainder of her duties and Ms. Fox shall be fairly compensated for her role as CEO given the urgency of the matter.
- 28) Consistent with the replacement identified in the September 16 decision, Tessa Marie Weekusk is designated to assume the Deputy Electoral Officer role through the appointment mechanism required by the Election Act, upon confirmation of her continuing eligibility and willingness to serve. Any required formal appointment must be completed immediately.
- 29) In the event Tessa Marie Weekusk refuses or is unable to fulfill her duties in the role of Deputy Electoral Officer, Melanie Starr shall be designated to assume the role of Deputy Electoral Officer through the appointment mechanism required by the Election Act, upon confirmation of her continuing eligibility and willingness to serve. Any required formal appointment must be completed immediately.
- 30) Melissa Thunderchild Bergen shall remain Deputy Electoral Officer as the Tribunal is satisfied the contravention pre-dated her recent appointment upon resignation of Mr. Frenchman.

- 31) In the event Dolly Fox refuses or is unable to fulfill the duties of the CEO, pursuant to Section 4.08(c) of the Election Act, the Tribunal shall order a new election, at which time the Tribunal will determine who shall be the Chief Electoral Officer and Deputy Electoral Officers and shall set the fees and expense rates.

**DIRECTION TO OUTGOING AND REPLACEMENT CHIEF ELECTORAL OFFICER:**

- 32) The outgoing CEO shall immediately preserve and securely deliver to the replacement CEO all election records and materials in her possession or control, including every voters-list version, source data, amendment history, notices, mailing records, registration records, correspondence, polling records, ballots, sealed ballot boxes, electronic voting records and administrative access information. Records shall not be altered or destroyed. Transfer of personal information and access credentials shall occur securely and be documented.
- 33) The corrected list shall be issued and communicated in accordance with the Election Act. Public versions shall exclude registry identifiers, dates of birth and other information not required for publication. A clear notice shall identify the replacement CEO, provide working contact information and explain how electors can confirm inclusion and seek correction under the applicable procedure.
- 34) The replacement CEO shall investigate whether affected electors received required notices and had access to electronic registration and the advance polls. Any corrective registration or voting arrangements must comply with the Election Act. If a statutory deadline or a lost polling opportunity cannot lawfully be remedied administratively, the CEO shall promptly report the issue to the Tribunal rather than assume authority to extend a deadline or establish an additional poll.
- 35) Within 24 hours after assuming office, the replacement CEO shall provide the Tribunal with an initial transition and correction report, including the status of the reconciliation, outstanding discrepancies, notice and registration concerns.

36) A complete reconciliation and proposed resolution of outstanding participation issues shall be provided no later than 48 hours after assuming office.

37) The October 19, 2026, Election Day remains scheduled.

Dated this 13<sup>th</sup> day of October 2026.



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Chairperson



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Co-Chair