

**IN THE MATTER OF THE THUNDERCHILD FIRST NATION GENERAL
ELECTION AND THE CONTINUED ADMINISTRATION OF THE ELECTION**

FURTHER DECISION AND REMEDIAL ORDER

October 16, 2026

BACKGROUND

1. The Thunderchild First Nation General Election is being conducted pursuant to the *Thunderchild First Nation Election Act* (the “**Election Act**”).
2. On September 16, 2026, the Appeal Tribunal (the “**Tribunal**”) issued its decision in Appeal No. 2026-01. The Tribunal determined that the *Election Act* ratified in 2024 was the legislation governing the General Election and directed that it be followed throughout every stage of the election process.
3. In that decision, the Tribunal recognized that administrative errors had occurred but determined that they did not, on the evidence then available, justify restarting the election because there was no evidence that the errors had affected a potential candidate's substantive rights or the outcome of the election. The Tribunal therefore adopted corrective measures intended to preserve the election while bringing its administration into compliance with the *Election Act*.
4. The Tribunal specifically stated that its September 16 determination did not prevent it from considering a subsequent material breach of the *Election Act* or evidence of actual prejudice arising later in the election process.
5. On September 29, 2026 Deputy Electoral Officer Garry Frenchman resigned. He was replaced by Melissa Thunderchild Bergan; pursuant to the *Election Act*.
6. On October 13, 2026, following further concerns respecting the Electors List and the ability of eligible Electors to participate, the Tribunal determined that the cumulative circumstances warranted the removal of Shelley Angus as Chief Electoral Officer and Andrea Armstrong as Deputy Electoral Officer.
7. The Tribunal directed the replacement Election Officials to be selected based on their standing as the next highest-voted eligible individuals in the electoral officer selection process conducted under the *Election Act*. Dolly Fox has accepted the position of Chief Electoral Officer (“CEO”). Tessa Marie Weekusk has accepted the position of Deputy Electoral Officer (“DEO”).

8. The Tribunal directed the outgoing CEO to immediately preserve and securely deliver to the replacement CEO all election records and materials within her possession or control, expressly including ballots, sealed ballot boxes, polling records and electronic voting records.
9. Shelley Angus has chosen not to comply with the Appeal Tribunal Order. She did not transfer any of the election records and materials in her possession or control.
10. The Tribunal is advised that the replacement CEO and DEO have made diligent and commendable efforts to obtain the election records and materials required to continue administering the election, including the sealed ballot boxes containing ballots cast at the Advance Polls.
11. The Tribunal recognizes that these circumstances were not caused by the replacement CEO or DEO. Their efforts to secure the election materials and allow the election to proceed in an orderly manner are acknowledged.

INTEGRITY OF THE EXISTING VOTES

12. Section 6.06 of the *Election Act* requires advance poll ballot boxes to remain unopened and the votes uncounted until the close of voting on Election Day. It also requires persons voting at an Advance Poll to be marked on the Electors List so that they cannot vote a second time.
13. The *Election Act* further contains specific safeguards surrounding ballot boxes. Immediately before polling begins, each ballot box is to be opened so persons present may witness that it is empty, after which it is locked and properly sealed so that it cannot be opened without breaking the seal.
14. Electronic voting is also subject to safeguards addressing security, vote verification and authentication, auditing, data retention, the privacy and secrecy of votes, storage of votes until polls close, and reporting and counting requirements.
15. These requirements demonstrate the importance the *Election Act* places upon maintaining an identifiable and reliable chain of custody and preserving the integrity, secrecy and security of votes until they are lawfully counted.
16. The Tribunal is not making a finding that any ballot already cast was actually altered, opened or otherwise compromised. The problem is that the ordered transfer of custody has not occurred and the replacement electoral officers therefore cannot independently verify and assume responsibility for the integrity and continuity of the existing physical election materials.
17. Similarly, any electronic votes previously cast must be capable of being reconciled with secure electronic voting records and the statutory safeguards applicable to electronic voting.
18. In these exceptional circumstances, the Tribunal finds that allowing the existing Advance Poll or electronic votes to determine the election would create an unacceptable and avoidable risk to the transparency, fairness and integrity of the election process.

NOMINATIONS AND CANDIDATES

19. The Tribunal has no information to establish that the Nomination Meeting, the nomination of any candidate, or confirmation of any existing candidate was compromised by the circumstances giving rise to this further decision.
20. Sections 5.03 through 5.07 of the *Election Act* establish the applicable nomination, Nomination Meeting and candidate confirmation processes.
21. The Tribunal previously relied upon *Reaburn v. Lorje*, 2000 SKQB 81, *Miller v. Boxall*, 2005 SKQB 122, and *Opitz v. Wrzesnewskyj*, 2012 SCC 55, for the principle that administrative irregularities do not automatically require an election to be annulled and that consideration must be given to the nature and actual effect of the irregularity.
22. The October 13 decision similarly recognized that corrective relief should minimize prejudice to the electoral process, the Nation and eligible Electors, and that the circumstances must determine whether a corrective direction remains sufficient. The Tribunal is mindful that its remedy should interfere with the electoral process no more than is reasonably necessary.
23. The Tribunal considers it unnecessary and disproportionate to invalidate portions of the election process that have not been shown to be affected and proper.
24. The Tribunal therefore finds no basis to invalidate or repeat the Nomination Meeting or require existing candidates to be renominated.
25. All nominations and candidate confirmations made in accordance with the *Election Act* remain valid and in full force and effect.

REMEDIAL APPROACH

26. Section 4.01 of the *Election Act* provides that Election Day is the third Monday in October except as otherwise provided in the Act or by an order of the Appeal Tribunal. The Act therefore expressly contemplates that the Tribunal may, where warranted, order an Election Day other than the ordinary statutory Election Day.
27. The Tribunal considers that the least intrusive remedy capable of protecting the election is therefore to preserve the valid nomination process and candidates while resetting the compromised voting portion of the election and providing every Elector with a fresh and equal opportunity to cast a ballot.
28. The Tribunal recognizes that postponing and repeating voting imposes additional financial and personal burdens on candidates and Electors. Candidates may have taken leave from employment, incurred campaign expenses and made arrangements based on the original election schedule. Preserving the completed nomination process avoids requiring candidates to repeat those steps, but does not eliminate the hardship caused by extending the campaign. The revised schedule must therefore be no longer than reasonably necessary to implement the required safeguards and provide meaningful notice and voting opportunities.

DECISION AND ORDER

29. Having considered the cumulative circumstances and the need to preserve the integrity of the General Election while interfering with the completed election process only to the extent necessary, the Tribunal orders and directs as follows:

CEO and DEO APPOINTMENTS

30. The Tribunal confirms that Dolly Fox is the Chief Electoral Officer. Tessa Marie Weekusk and Melissa Thunderchild Bergan are Deputy Electoral Officers.
31. They shall immediately assume responsibility for the continued administration of the General Election in accordance with this Decision, the Tribunal's previous decisions and the *Election Act*.

NOMINATIONS PRESERVED

32. The Nomination Meeting and the nomination and confirmation of candidates are not set aside.
33. All candidates validly nominated and confirmed remain candidates in the General Election. No person shall be required to be renominated solely because of this Decision.

PRIOR ADVANCE POLL VOTES NOT TO BE COUNTED

34. All ballots cast at the Advance Polls conducted before this Decision shall be segregated and shall not be counted in determining the result of the General Election.
35. The CEO and DEOs shall continue to make reasonable efforts to obtain custody of the existing sealed ballot boxes and all other election materials from Ms. Shelley Angus. If and to the extent that those materials are obtained by the Nation, the CEO or the DEOs, they shall be securely preserved as part of the election record. Any sealed ballot boxes so obtained shall remain sealed and shall not be opened for the purpose of counting the ballots contained therein.

PRIOR ELECTRONIC VOTES NOT TO BE COUNTED

36. Any electronic ballots previously cast in the General Election shall likewise not be included in the final count.
37. Existing electronic voting records shall be preserved and shall not be deleted, altered or destroyed.
38. Previously registered Electors and those Electors now wishing to register are required to re-register or register, as the case may be, for online voting.

FRESH OPPORTUNITY TO VOTE

39. Every eligible Elector, including every Elector who previously voted at an Advance Poll or electronically, shall be afforded a fresh opportunity to vote in the continued election.
40. No Elector shall be prevented from voting in the reset voting process solely because the Electors List or electronic voting records indicate that the Elector voted before this Decision.

41. For clarity, this does not permit an Elector to vote more than once during the reset voting process.
42. The Tribunal determines that, pursuant to section 4.06 of the *Election Act*, both the current and removed Chief Electoral Officers and Deputy Electoral Officers, having accepted their appointments in writing, remain prohibited from voting in this continued General Election, subject only to the tie-breaking exception expressly provided in that section. Removal from an electoral position and the revision of voting dates do not restore voting eligibility for this same General Election.

NEW VOTING DATES

43. The Tribunal finds that a shortened notice period is justified in these exceptional circumstances. Requiring a further full notice period would unnecessarily prolong campaign expenses, employment disruption and uncertainty for candidates, Electors and the Nation.

Below is a new election schedule:

Event	Revised Date
Revised Election Notices posted and mailed	No later than October 22, 2026
Online voting registration closes	November 1, 2026, at 5:00 p.m. SK time
Saskatoon Advance Poll	November 2, 2026
Edmonton Advance Poll	November 4, 2026
Online voting opens	November 5, 2026
Online voting closes	November 8, 2026
Election Day	November 9, 2026

NOTICE TO ELECTORS

44. The CEO and DEO shall cause notice to be sent by regular mail to the last known address of every Elector entitled to vote in the reset election, advising of:

- a. the revised Election Day;
- b. the dates, times and locations of the new Advance Polls;
- c. the availability and applicable requirements of electronic voting;
- d. the applicable registration dates and deadlines;
- e. the fact that votes cast at the previous Advance Polls and through the previous electronic voting process will not be counted;
- f. the fact that every eligible Elector, including an Elector who previously voted, is entitled to vote again through the reset voting process; and
- g. current contact information for the CEO and DEO.

45. Notice shall also be publicly posted in a manner reasonably calculated to bring the changes to the attention of Electors.

46. Section 4.14 ordinarily requires an Election Notice to be posted in community buildings and sent by regular mail to the last known address of each Elector. The Tribunal's September 16 decision similarly required broad communication and regular mail notification when the earlier notices were replaced.

DISTINGUISHABLE BALLOTS

47. All paper ballots used at the reset Advance Polls and on the revised Election Day shall be printed on paper of different colours from the ballots previously used in this General Election, with separate and readily distinguishable colours for the Chief and Councillor ballots.
48. This direction is intended as an additional administrative safeguard to ensure that any ballots cast before this Decision can be readily distinguished from ballots validly cast during the reset voting process.

TRANSFER AND PRESERVATION OF EXISTING ELECTION MATERIALS

49. Nothing in this Decision authorizes the destruction of any previous ballot, ballot box, electronic voting record, voters list, polling record or other election material.
50. All such materials shall be securely preserved so that a complete record remains available in the event of an appeal, review or other proceeding.
51. Ms. Angus and Ms. Armstrong shall forthwith return to the Nation all election related materials and information belonging to the Nation that remain in their possession or control. Without limiting the foregoing, Ms. Shelley Angus shall deliver all advance poll ballots, including all ballots cast at the previous Advance Polls, all unused ballots, sealed ballot boxes, voters lists, polling records and related election materials in her possession or control to the current Chief Electoral Officer or directly to the Nation's Director of Operations no later than November 1, 2026. Any election materials obtained by the Nation shall be securely preserved in accordance with this Decision. Failure by Ms. Angus to comply with this direction by November 1, 2026 shall constitute further non-compliance with this Decision and shall result in the additional consequences set out below.

COMPENSATION

52. Sections 4.12 and 4.13 of the *Election Act* govern the fees and reasonable election expenses of the CEO and DEOs.
53. The CEO and DEO shall be compensated at fee and expense rates comparable to those applicable to the previous electoral officers, subject to any authority under the *Election Act* to determine additional reasonable compensation arising from the extraordinary work required to implement this Decision.
54. This is consistent with the Tribunal's earlier determination that replacement electoral officers be compensated comparably to the outgoing electoral officers and that the urgency and additional work could warrant fair additional compensation.

CONDUCT OF FORMER ELECTORAL OFFICERS & NON-COMPLIANCE ORDERS

55. The Tribunal finds that the failure of Ms. Angus and Ms. Armstrong to comply with its direction requiring the prompt and secure transfer of election materials has caused further and unnecessary disruption to the administration of the General Election.
56. The Tribunal considers deliberate non-compliance with a lawful direction respecting election materials to be a serious matter, particularly where such conduct has the potential to undermine confidence in the integrity and continuity of the electoral process. In this case, the non-compliance has also resulted in serious financial harm to the Nation and affected candidates and has unnecessarily delayed the election.
57. Section 12.02(c) of the *Thunderchild First Nation Appeal Tribunal Act* expressly authorizes the Tribunal, where it finds that an individual has failed to comply with a decision of the Tribunal, to issue a Non-compliance Order imposing any or all of the consequences prescribed in paragraphs 12.02(a) through (d).
58. In determining the appropriate consequences, the Tribunal has considered the nature and seriousness of the non-compliance attributable to each of Shelley Angus and Andrea Armstrong, their respective circumstances, the disruption and delay caused to the General Election, and the need to protect the integrity and continuity of Thunderchild First Nation's electoral process.
59. With respect to Andrea Armstrong, the Tribunal considers a more limited period of disqualification to be appropriate. The Tribunal therefore orders that Andrea Armstrong is prohibited from holding or assuming any position as an Electoral Officer with Thunderchild First Nation for a period of six (6) years.
60. The Tribunal considers the conduct and non-compliance of Shelley Angus to warrant more serious consequences. Pursuant to section 12.02(c), the Tribunal orders that Shelley Angus is disqualified from holding any Electoral Officer position with Thunderchild First Nation for a period of ten (10) years. Section 12.02(c) permits disqualification from an official position for up to ten (10) years.
61. Shelley Angus shall have until November 1, 2026 to comply with paragraph 51 of this Decision by delivering the advance poll ballots, unused ballots and other election materials specified in that paragraph that remain in her possession or control.
62. If Shelley Angus fails to comply with paragraph 51 by November 1, 2026, then, in addition to the disqualification imposed under paragraph 60, and pursuant to section 12.02(b), she shall not be hired as an employee of, or awarded any contract with, Thunderchild First Nation or an Empowered Entity for a period of three (3) years. Section 12.02(b) expressly permits this type of prohibition for up to ten years.
63. If Shelley Angus fails to comply with paragraph 51 by November 1, 2026 and, at that time, holds employment with, or is party to a contract with, Thunderchild First Nation or an Empowered Entity, the Tribunal orders pursuant to section 12.02(a) that such employment or contract shall be terminated for cause. Section 12.02(a) expressly identifies termination for cause of employment or a contract as an available consequence of a Non-compliance Order.

64. The foregoing orders are made collectively as a Non-compliance Order under section 12.02. The Government shall forthwith implement the orders of the Tribunal as required by that section.

FUTURE ELECTION ADMINISTRATION AND TRAINING

65. The Tribunal recommends that strong consideration be given to strengthening the *Election Act* to require appropriate certifications, orientation, education or training for electoral officers.
66. The Tribunal previously observed that the *Election Act* does not presently prescribe training, certification or prior experience as a prerequisite to appointment. It recommended non-mandatory orientation or training, documented review of election notices and forms, and maintenance of a current consolidated copy of the governing *Election Act*. The Tribunal continues to emphasize these recommendations.
67. In light of the subsequent events in this election, the Tribunal recommends that Council and the Electors consider the aforementioned qualifications and safeguards should now be incorporated expressly into the *Election Act* through the amendment process prescribed by section 18.02.

CONTINUING APPLICATION OF THE ELECTION ACT

68. Except to the limited extent that dates or procedures are necessarily varied by this remedial order, the *Election Act* continues to govern the General Election and shall be complied with.
69. Nothing in this Decision shall be interpreted as suspending the *Election Act* generally or authorizing the CEO, DEO, Council or any other person to disregard a requirement of the *Election Act* that has not been expressly addressed by this Decision.
70. The CEO is in charge of the election and its conduct under section 4.10 and retains authority over procedural matters not otherwise specifically addressed in the Act, subject to the requirements of fairness and impartiality.
71. The term of the newly appointed Chief and Council remains governed by the *Election Act*. The postponed Election Day does not change the next scheduled election.

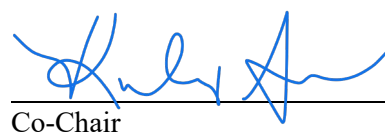
EXISTING CHIEF AND HEADMEN

72. The alteration of the Election Day pursuant to this Decision does not enlarge, reduce or otherwise alter the powers or authority of the existing Chief and Council.
73. During the period required to complete the continued General Election, the powers, duties and authority of Chief and Council shall remain those otherwise prescribed by the *Election Act*, the *Thunderchild First Nation Constitution* and other applicable Thunderchild First Nation legislation.
74. The transition to the newly elected Chief and Headmen shall occur in accordance with the governing legislation and this Decision.

CONCLUSION

75. The Tribunal recognizes that resetting voting after Advance Poll and electronic votes have already been cast is an extraordinary remedy.
76. The Tribunal is nevertheless satisfied that, in the present circumstances, preserving the completed nomination and candidate process while resetting only the voting portion of the election is the least intrusive available remedy capable of providing all Electors with an equal voting opportunity and protecting the integrity, transparency and fairness of the General Election.
77. The purpose of this Decision is not to benefit or disadvantage any candidate. It is to place all candidates and Electors, to the greatest extent reasonably possible, in the position they would have occupied had the circumstances requiring this intervention not occurred.
78. The General Election shall proceed, subject to the revised dates and directions contained in this Decision.

Dated this 16th day of October, 2026.


Chair
Co-Chair