

HOW AND WHY THE DECISIONS WERE MADE ON ALL ELECTION APPEALS

Attention Algonquins of Pikwakanagan First Nation members. We the Appeal Board do not require approval, nor permission nor received any influential guidance from anyone except the Appeal Board members itself on how the decisions were made on each appeal received.

The Appeal Board, Andre Carle - Chairperson, Sandra Nash and Lois Lavalley, were assembled to review, assess and make a decision regarded alleged irregularities and violations to our Custom Election Code (hereinafter Code). There were 9 appeals received of which six (6) were identical and one (1) stood alone by the candidate Angelina Commanda and two were brought forward by Greg Sarazin against Jim Meness and Kirby Whiteduck.

From the outset, it was obvious to the Appeal Board that the appellant, Chief & Council, Jan Leroux, Jim Meness and/or Kirby Whiteduck would not accept our decisions. We the Appeal Board have made it crystal clear from the beginning to be open and transparent that any, if not all, of our own unbiased decisions regarding these matters will be made public. All Algonquins of Pikwakanagan First Nation members can see how and why we came to the final conclusions. After confirming with all those interviewed, we did not receive any resistance from anyone to have this matter made public.

The majority of the appeals claimed irregularities and violations to the Code and demanded another election to be held. When reviewing the claims, past practice, precedent or intent was not considered and the Appeal Board applied strict and absolute adherence to the Code as it is written. Therefore, we the Appeal Board had no viable options but to reject all nine (9) appeals as they were in violation of the Code by not having ten (10) voters who actually voted and/or did not submit an affidavit. This is clearly stated in the Code in subsection 13.1 and 13.2 and in subsection 22.1.2 in the Custom Election Rules of Notice & Procedures (hereinafter Rules) Greg Sarazin's appeals were heard although his affidavit remained questionable. However, prior to the hearing, a prayer was said with the Appeal Board, Greg Sarazin and Deborah Pelletier in front of sweetgrass and we all acknowledged that we would all be truthful during the proceedings. We gave Greg Sarazin the benefit of the doubt and accepted his word that his affidavit is and was valid.

THIS NEXT SECTION IS TO ADDRESS THE CONCLUSION REGARDING GREG SARAZIN APPEAL TOWARDS JIM MENESE

Greg Sarazin's allegations against then candidate Jim Meness were two-fold:

- 1) During the platform process January 28th, 2017 Jim Meness asked a personal question of Greg Sarazin regarding money owed to the First Nation; and
- 2) Jim Meness used his position and authority as a Councillor over the staff of the Finance department in order to obtain Greg Sarazin personal and financial information.

Subsection 8.3 of the Rules states "...questions must be related to business at hand and not to personal matters." Greg submitted the document "Platform Process" which defined personal matter as a personal matter between the member and candidate not between the candidate and the Band.

Proceeding on evidence alone, Greg Sarazin submitted to the Appeal Board another document "Schedule of Donations made by Chief & Council Period Ending 31 March, 2008". If this document had not been supplied to the Appeal Board, we would have had no concrete evidence of abuse of power by Jim Meness. We don't even know if Jim Meness has or is in possession of this document and if he does it was not given to the Appeal Board in his own defence.

Starting around 2008, Chief and Council while acting as elected officials were also representing the Algonquins of Pikwakanagan First Nation in the land claim process. Therefore, they were getting paid by the band and as an Algonquin Negotiation Representative (ANR). Concerns started to swirl around that Chief & Council were perceived as "double dipping". To squash any perception of wrong doings, Chief & Council decided to return honorarium back to the

First Nation. Greg Sarazin's position regarding his use of these funds was based on that not being voted back in as councillor that he did not have to abide or honour the decision to give back any of the money.

Jim on the other hand, clearly stated "where he has no legal obligation but its still the moral obligation."

The Appeal Board doesn't need to agree or disagree with people. The Appeal Board merely needs to focus on the impact on the election. It was an unanimous decision by the Appeal Board that it is up to each individual member and the member alone to decide if it is a personal matter or not. In making a ruling it would be used as condoning or endorsing Greg Sarazin's argument. The Appeal Board has absolutely no right or obligation to decide this matter on the behalf of the member.

Regarding the allegations that Jim Meness used his position as Councillor over the Finance department and staff, it was confirmed that such document was available to any First Nation member. Again, Jim Meness in his defence, did not produce this document. All questions were answered by Catherine Bernard the Manager of the Finance Department and by Greg Sarazin's own testimony.

All the allegations of corrupt practice by Jim Meness are dismissed and did not affect the final outcome of the election.

THIS NEXT SECTION IS TO ADDRESS THE CONCLUSION REGARDING GREG SARAZIN APPEAL TOWARDS KIRBY WHITEDUCK

In the notice of appeal against Kirby Whiteduck, Greg Sarazin made the following allegations:

- 1) Hand delivering mail-in ballot packages, resulting in corrupt practice due to violation to the Code;
- 2) Conspiracy: to have mail-in ballot packages improperly removed from the Electoral Officer Office; and
- 3) Tampering with the balloting process

It is our duty and responsibility as Appeal Board members to investigate these serious allegations, look at all the evidence provided and listen carefully to all statements given during the questioning of witnesses. The appeal document itself, the tone used, and the depth of the language used did determine a couple of factors. The appeal appears to mostly intended to discredit and shame Kirby Whiteduck. We the Appeal Board finds that the carefully chosen and placed words are so frequently used that these allegations are clearly encroaching on accusations.

All factors including Kirby Whiteduck's statement leaves no doubt that he did indeed hand deliver mail-in ballot packages to Irene Purdie at her request three days before the election.

So the question remains. Did then candidate Kirby Whiteduck willfully violate the Code?

The Rules states:

- Subsection 11.2 "At least thirty-five (35) days before the day on which an election is held, the Electoral Officer shall mail, to those voters who requested a mail-in ballot, a package consisting of..."
- Subsection 12.3.1 to 12.3.4 "A voter may vote by mail-in ballot by"...(how to vote)
- Subsection 12.3.5 "delivering or mailing the mail-in ballot to the Electoral Officer...."

For clarification on the first (1) allegation: *hand delivering mail-in ballot packages, resulting in corrupt practice due to violation to the Code*

Subsection 11.2 in the Rules, "At least thirty-five (35) ... shall mail, to those voters who requested" The Appeal Board asked Jan Leroux, Electoral Officer what happens to a voter who wants to vote but less than 35 days

remain before the election? Answer, a call in to Jan Leroux, Electoral Officer and a package will be available to the voter at their request. Mail, pick up, given to another voter to be delivered is how it has always been without any allegations of corrupt practice. Subsection 12.3 and 12.3.5, it clearly states “A voter may vote by mail-in ballot by delivering or mailing....” The Custom Election Code is silent on how a voter delivers there completed ballot.

The Appeal Board in part agrees with Greg Sarazin that there is no provision within the Code that states how the mail-in ballot packages can be delivered other than by mail, however, cannot find anywhere within the Code or Rules that prohibits (prevents, dis-allow, condemns) such activities.

The law defines:

Violate: Violate: Is to break or fail to comply with; and

Violation: A breach and/or break of a law, a non-compliance

Therefore, the Appeal Board rejects Greg Sarazin’s allegation of corrupt practice and violation to the Code by hand delivering mail-in ballot packages by then candidate Kirby Whiteduck.

For clarification on the second (2) allegation: *Conspiracy: to have mail-in ballot packages improperly removed from the Electoral Officer Office*

These allegations suggest that Kirby Whiteduck was directly involved in an elaborate scheme which resulted in getting at least one vote during the election.

It claims that Theresa Kutschke improperly removed mail-in packages from Jan Leroux, Electoral Officer’s office, Doug Kutschke at his residence gave them to Kirby Whiteduck which he delivered them to Irene Purdie and her grand children in Renfrew. Rosie Commanda brought the ballots back to the reserve and gave them to Jan Leroux, acting Electoral Officer at the polling station.

- First of all, Theresa Kutschke received the mail-in ballot packages directly from Jan Leroux, Electoral Officer’s office at Irene Purdie’s request.
- Irene Purdie asked Kirby Whiteduck to pick up the packages at Doug Kutschke residence, saving Theresa Kutschke a trip to Renfrew
- Irene Purdie asked Rosie Commanda to deliver her mail-in ballot to the polling station and give them the Jan Leroux, Electoral Officer
- It was three days before the election and Irene just had knee surgery (mobility issues)

The Appeal Board agrees that all participants, in Irene Purdie’s time of need, helped her and her grand children exercise their legal right to vote in our elections. This allegation of conspiracy is dismissed.

For clarification on the third (3) allegation: *Tampering with the balloting process*

Greg Sarazin’s allegation of tampering with the balloting process stems from hand of delivering of mail-in ballot packages to a voter and the subsequent conspiracy theory. Since the Appeal Board dismissed these allegations, there is no grounds remaining for the tampering of the balloting system.

All the allegations of corrupt practice by Chief Kirby Whiteduck are dismissed and did not affect the final outcome of the election.