

## Beaver Lake Cree Nation

### Election Law Update

On September 2, 2021, the Federal Court rendered its judgment on the court application brought by Kurtis Gladue against the Beaver Lake Cree Nation, challenging certain aspects of the BLCN's election of March 29, 2019.

The Court's decision can be accessed at this link: <https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/512409/index.do>

#### What the Court Decided

Mr. Gladue had appealed the election results to the Election Appeal Tribunal set up under the Beaver Lake Cree Nation Election Law. His appeal was dismissed by the Tribunal, and he applied to the Court to review that decision.

In its decision, the Court found that there had been a technical error in the way the Election Appeal Tribunal had been appointed, and ordered that a new Appeal Tribunal be appointed to decide Mr. Gladue's appeal. More specifically, the Court ordered:

1. That the BLCN and/or the Membership Clerk appoint a new Committee within 15 days of this Order in accordance with the process set forth in the Election Law.
2. Once appointed, the Committee will appoint a Tribunal within 15 days of its appointment pursuant to the criteria set forth in the Election Law.
3. Once the Tribunal is re-constituted, the Tribunal will, within 15 days, consider the information before the previously appointed Tribunal and determine the appeal in accordance with the Election Law.

Although Mr. Gladue sought a new election, the Court did not order a new election, invalidate the 2019 election, or otherwise address the validity of the election, Chief and Council, or of Mr. Gladue's appeal more generally. Rather, the Court was clear that it is the Election Appeal Tribunal that is to make this determination in accordance with the Election Law approved by the membership.

#### What Happens Next

Chief and Council continues to act in the best interests of the Nation and its members, and decisions and actions taken in the course of these duties remain legally valid notwithstanding this court decision.

To move this matter forward in accordance with the Court's directions, the Beaver Lake Cree Nation has put out a call for members to serve on the Election Law Committee. If you are interested in serving on that Committee, please review that posting and apply by no later than September 13, 2021.

Once appointed, that Committee will take steps to select and appoint three (3) persons to serve on the Election Appeal Tribunal.

The Appeal Tribunal itself, which is independent of the Beaver Lake Cree Nation, will determine the process by which it will make its decision on Mr. Gladue's appeal, keeping in mind the provisions of the Election Law and the decision of the Court.

In the meantime, Mr. Gladue is seeking to have some or all of his legal costs reimbursed by the Nation. The leadership is currently considering that request. If the parties cannot agree on the issue of costs, the Court will hear submissions and make a determination as to whether Mr. Gladue is entitled to be reimbursed, and if so, in what amount.

The Beaver Lake Cree Nation will continue to keep members informed as to this process as it moves forward.