



Confidentiality: REGULAR BUSINESS IN-CAMERA

Subject:	Report of 2023 General Election Campaign Finance Regulation Non-Compliance
From:	Del Graff – Chief Electoral Officer
Date Written:	July 29, 2024
Classification:	<input checked="" type="checkbox"/> DECISION <input type="checkbox"/> INFORMATION <input type="checkbox"/> LEGISLATION

Motion:

Be it resolved by the Citizens' Council that the Report of 2023 General Election Campaign Finance Regulation Non-Compliance be accepted for information as presented and that Administration be directed to make the report of non-compliance publicly available Aug. 12, 2024.

Background:

Under section 15 of the *Campaign Finance Regulation*, all declared candidates in an Otipemisiwak Métis Government election must file a disclosure statement with the Chief Electoral Officer within 60 days after the election. This disclosure statement includes a variety of information on the candidate's campaign finances and contributes to the fair, transparent conduct of elections.

Under section 21 of the regulation, if a declared candidate fails to file a disclosure statement within 180 days of the filing deadline, the Chief Electoral Officer must:

- Make a report of that fact to Citizens' Council to be made public; and
- Issue an order and provide notice to the candidate that they will be prohibited from holding office within the Otipemisiwak Métis Government for a period of up to 10 years.

Current Status:

Three candidates in the September 2023 General Election failed to file a disclosure statement within this combined 240-day period, being:

- Jerry Ladouceur
- Dwayne Roth
- Tanya Shaw

Following the September 2023 General Election, the Office of the Chief Electoral Officer made several attempts to acquire campaign disclosure statements from the declared candidates named in this report, including offers to assist in the process of creating said statements.

As of May 28, 2024, the 180 day grace period has now passed, and the named candidates in this report have received notice that they will be prohibited from holding office within the Otipemisiwak Métis Government for five years from Aug. 9, 2024.

Pursuant to section 21(2)-21(4) of the *Campaign Finance Regulation*, candidates may make written application to the Chief Electoral Officer no later than 4:30pm on Oct. 13, 2024 for relief in respect to this order, to be referred to the Judicial Tribunal for decision.

Appendix:

Appendix 1 – Letter to Jerry Ladouceur regarding Campaign Finance Regulation Non-Compliance

Appendix 2 – Letter to Dwayne Roth regarding Campaign Finance Regulation Non-Compliance

Appendix 3 – Letter to Tanya Shaw regarding Campaign Finance Regulation Non-Compliance



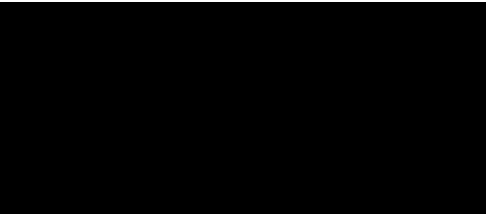
Otipemisiwak Métis Government of the Métis Nation within Alberta

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Chief Electoral Office

August 9, 2024

Jerry Ladouceur



**RE: COMPLIANCE DECISION & ORDER RESPECTING CAMPAIGN FINANCIAL DISCLOSURE(S) of
JERRY LADOUCEUR IN YOUR CANDIDACY FOR CITIZENS'S REPRESENTATIVE of the
OTIPEMISIWAK MÉTIS GOVERNMENT**

Dear Mr. Ladouceur,

In my capacity as the Chief Electoral Officer (“CEO”) for the Otipemisiwak Métis Government serving the Métis Nation within Alberta (“MNA”), I have been authorized to oversee and deliver the 2023 General Election of the Otipemisiwak Métis Government (“General Election”), in compliance with all applicable laws, regulations, and rules set out which govern such election. In keeping with my obligations as set out in the Otipemisiwak Métis Government Elections & Referenda Act (the “Act”) and the associated Campaign Finance Regulation (the “Regulation”), I have reviewed all documents provided by you, Jerry Ladouceur, (hereafter “the Candidate”), in respect to your nomination and candidacy for election to the position of Citizens’ Representative, *District 19 - Lac La Biche* and compared them to the filing requirements set out therein for compliance. I note that following the election, my office reached out to you about completing your finance compliance documents on at least 8 occasions and each time we offered assistance to you. I provide the following Compliance Decision & Order based on this compliance review.

Where an Order is issued by the Chief Electoral Officer in respect to subsection 21(1) of the Regulation, the Candidate is entitled to make written application to the Chief Electoral Officer for relief in respect to the Order, and such application must be received by the Chief Electoral Officer no later than 4:30PM on October 13, 2024.

Upon receipt of an application for relief in respect to the Order, the Chief Electoral Officer shall refer the matter to the Judicial Tribunal for decision.

Applications for relief may be submitted to:

Office of the Chief Electoral Officer
Applications for Relief
12304 – 111 Avenue NW
Edmonton, AB
T5M 2N4

BACKGROUND & AUTHORITIES

The obligations of Candidates seeking office in the General Election as they relate to financial record keeping and reporting requirements are summarized in the following instruments and documents:

“Records of contributions and campaign expenses must be retained for no less than three years following the last day of the Election.

...

Every declared candidate must file disclosure statements with the Chief Electoral Officer within 60 days after the election. These statements must be in the prescribed form, and include all items required by the Campaign Finance Regulation.”

- General Election Candidate Guide, at p.10 of 16

“10 (1) A declared candidate shall ensure that:

(f) records are kept of contributions and campaign expenses and are retained by the declared candidate for a period of not less than 3 years following the last day of the Election year...

15 (1) Within 60 days after any election, a declared candidate shall file with the Chief Electoral Officer a disclosure statement in the prescribed form, which must include:

(a) the total amount of all contributions received during the election year that did not exceed \$100 in the aggregate from any single contributor,

(b) the total amount contributed, together with the contributor’s name and address, for each contributor whose contributions during the election year exceeded \$100 in the aggregate,

(c) the total amount from fund-raising functions,

(d) the total amount of other revenue,

(e) the total amount of campaign expenses,

(f) an itemized campaign expense report setting out the campaign expenses incurred by the declared candidate,

(g) the total amount paid by the declared candidate out of the declared candidate's own funds not reimbursed from the declared candidate's campaign fund,

(h) the total amount of any campaign surplus, including any surplus from previous campaigns, and

(i) the amount of any deficit.

(2) This section applies to any declared candidate who withdraws as a declared candidate at any time during the Election year."

- Campaign Finance Regulation (2023) at ss. 10(1), 15(1) and (2).

"140 The Cabinet may make regulations it considers necessary or advisable for the purposes of this Act, including but not limited to:

(a) the prescribed forms for the purposes of this Act;

...

(d) the contributions that may be made to candidates, political organizations, persons, or groups of persons campaigning for or against a candidate or a referendum result;

...

(g) the eligible expenses that may be incurred for the purposes of holding an election..."

- Election & Referenda Act at ss. 140(a),(d), and (g)

The duties of the Chief Electoral Officer in respect to reviewing and making determinations related to the financial record keeping and reporting requirements of Candidates in the General Election are summarized in the following instruments and documents:

"21 (1) The Chief Electoral Officer must:

(a) provide guidance and supervision respecting the management and conduct of an election or a referendum...

...

(d) review any forms or documents required under this Act;

...

(f) perform all duties assigned to them by Otipemisiwak Métis Government Law.

...

(3) The Chief Electoral Officer has all the powers necessary to perform their duties under this Act.”

- Election and Referenda Act, at ss. 21(1) a, d, and f; and 21(3)

“21 (1) Where a declared candidate fails to file a disclosure statement as required by this Regulation within 180 days of the filing deadline; on the first business day immediately thereafter:

(a) the Chief Electoral Officer shall transmit a report to that effect to the Citizens Council, which shall on its receipt make the report public; and

...

(b) the Chief Electoral Officer shall issue an order and provide notice to the declared candidate which sets out that they shall be prohibited from holding office in any position within the Otipemisiwak Métis Government for a period of up to ten (10) years from the date of the order.”

- Campaign Finance Regulation, at ss. (21)1

COMPLIANCE DECISION

Following a considered review of all submissions from the Candidate, and in consideration of the obligations placed upon both the Candidate and in fulfilment of the duties imposed upon me as the Chief Electoral Officer, I have made the following determination:

It is my opinion, that the Candidate, whose nomination for the candidacy to the elected office of Citizens' Representative, was properly submitted and subsequently confirmed by the Chief Electoral Officer on August 4, 2023, has failed to comply with the minimum financial reporting requirement(s) set out in subsection 15(1) of the Regulation.

Specifically, I find that the Candidate did not file with the Chief Electoral Officer, a disclosure statement in the prescribed form, which constitutes a failure by the Candidate to file a disclosure statement for the purposes of s. 21 of the Campaign Finance Regulation.

ORDER

In accordance with the Compliance Decision, and as required by the authorities and obligations of the Chief Electoral Officer of the Otipemisiwak Métis Government, I hereby make the following Order, which shall take effect on August 14, 2024:

- 1.) As required by Subsection 21(1)(a) of the Campaign Finance Regulation, that Jerry Ladouceur be named in a report,
 - a. which shall set out as follows:
 - i. the named individual was properly nominated and declared a Candidate for election to the office of Citizens' Representative in the Otipemisiwak Métis Government, and
 - ii. the name individual failed to comply with the financial reporting conditions set out in the Campaign Finance Regulation.
 - b. That such report be transmitted to the Citizens' Council of the Otipemisiwak Métis Government no later than August 9, 2024.
 - c. That the Citizens' Council be directed to make public and available to all Citizens of the Métis Nation within Alberta, the contents of such report as required by the Regulation no later than August 14, 2024.
- 2.) As required by Subsection 21(1)(b) of the Campaign Finance Regulation, that, Jerry Ladouceur, having failed to file a disclosure statement as required by the Regulation within 180 days of the filing deadline, which expired on May 28, 2024:
 - a. Shall be prohibited from holding office in any position within the Otipemisiwak Métis Government for a period of five (5) years from the date of this Order; and

- b. that notice of such prohibition be provided to the named individual, by way of delivery of a copy of this Order via registered mail, to the mailing address indicated on the Candidate Nomination Form, or the last known address of the named individual.

Dated August 9, 2024,

at Edmonton, Alberta



Del Graff – Chief Electoral Officer

Otipemisiwak Métis Government



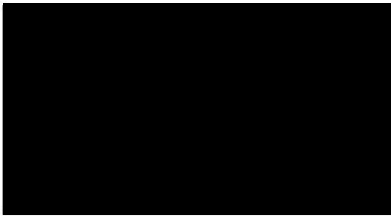
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Chief Electoral Office

August 9 2024

Dwayne Roth



**RE: COMPLIANCE DECISION & ORDER RESPECTING CAMPAIGN FINANCIAL DISCLOSURE(S) of
DWAYNE ROTH IN YOUR CANDIDACY FOR CITIZENS' REPRESENTATIVE of the OTIPEMISIWAK
MÉTIS GOVERNMENT**

Dear Mr. Roth,

In my capacity as the Chief Electoral Officer (“CEO”) for the Otipemisiwak Métis Government serving the Métis Nation within Alberta (“MNA”), I have been authorized to oversee and deliver the 2023 General Election of the Otipemisiwak Métis Government (“General Election”), in compliance with all applicable laws, regulations, and rules set out which govern such election. In keeping with my obligations as set out in the Otipemisiwak Métis Government Elections & Referenda Act (the “Act”) and the associated Campaign Finance Regulation (the “Regulation”), I have reviewed all documents provided by you, Dwayne Roth, (hereafter “the Candidate”), in respect to your nomination and candidacy for election to the position of Citizens’ Representative, District 19 - Lac La Biche Métis District, and compared them to the filing requirements set out therein for compliance. I note that following the election, my office reached out to you about completing your finance compliance documents on at least 6 occasions and each time we offered assistance to you. I provide the following Compliance Decision & Order based on this compliance review.

Where an Order is issued by the Chief Electoral Officer in respect to subsection 21(1) of the Regulation, the Candidate is entitled to make written application to the Chief Electoral Officer for relief in respect to the Order, and such application must be received by the Chief Electoral Officer no later than 4:30PM on October 13, 2024. Upon receipt of an application for relief in respect to the Order, the Chief Electoral Officer shall refer the matter to the Judicial Tribunal for decision.

Applications for relief may be submitted to:

Office of the Chief Electoral Officer
Applications for Relief
12304 – 111 Avenue NW
Edmonton, AB
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BACKGROUND & AUTHORITIES

The obligations of Candidates seeking office in the General Election as they relate to financial record keeping and reporting requirements are summarized in the following instruments and documents:

“Records of contributions and campaign expenses must be retained for no less than three years following the last day of the Election.

...

Every declared candidate must file disclosure statements with the Chief Electoral Officer within 60 days after the election. These statements must be in the prescribed form, and include all items required by the Campaign Finance Regulation.”

- General Election Candidate Guide, at p.10 of 16

“10 (1) A declared candidate shall ensure that:

(f) records are kept of contributions and campaign expenses and are retained by the declared candidate for a period of not less than 3 years following the last day of the Election year...

15 (1) Within 60 days after any election, a declared candidate shall file with the Chief Electoral Officer a disclosure statement in the prescribed form, which must include:

(a) the total amount of all contributions received during the election year that did not exceed \$100 in the aggregate from any single contributor,

(b) the total amount contributed, together with the contributor’s name and address, for each contributor whose contributions during the election year exceeded \$100 in the aggregate,

(c) the total amount from fund-raising functions,

(d) the total amount of other revenue,

(e) the total amount of campaign expenses,

(f) an itemized campaign expense report setting out the campaign expenses incurred by the declared candidate,

(g) the total amount paid by the declared candidate out of the declared candidate's own funds not reimbursed from the declared candidate's campaign fund,

(h) the total amount of any campaign surplus, including any surplus from previous campaigns, and

(i) the amount of any deficit.

(2) This section applies to any declared candidate who withdraws as a declared candidate at any time during the Election year."

- Campaign Finance Regulation (2023) at ss. 10(1), 15(1) and (2).

"140 The Cabinet may make regulations it considers necessary or advisable for the purposes of this Act, including but not limited to:

(a) the prescribed forms for the purposes of this Act;

...

(d) the contributions that may be made to candidates, political organizations, persons, or groups of persons campaigning for or against a candidate or a referendum result;

...

(g) the eligible expenses that may be incurred for the purposes of holding an election..."

- Election & Referenda Act at ss. 140(a),(d), and (g)

The duties of the Chief Electoral Officer in respect to reviewing and making determinations related to the financial record keeping and reporting requirements of Candidates in the General Election are summarized in the following instruments and documents:

"21 (1) The Chief Electoral Officer must:

(a) provide guidance and supervision respecting the management and conduct of an election or a referendum...

...

(d) review any forms or documents required under this Act;

...

(f) perform all duties assigned to them by Otipemisiwak Métis Government Law.

...

(3) The Chief Electoral Officer has all the powers necessary to perform their duties under this Act.”

- Election and Referenda Act, at ss. 21(1) a, d, and f; and 21(3)

“21 (1) Where a declared candidate fails to file a disclosure statement as required by this Regulation within 180 days of the filing deadline; on the first business day immediately thereafter:

(a) the Chief Electoral Officer shall transmit a report to that effect to the Citizens Council, which shall on its receipt make the report public; and

...

(b) the Chief Electoral Officer shall issue an order and provide notice to the declared candidate which sets out that they shall be prohibited from holding office in any position within the Otipemisiwak Métis Government for a period of up to ten (10) years from the date of the order.”

- Campaign Finance Regulation, at ss. (21)1

COMPLIANCE DECISION

Following a considered review of all submissions from the Candidate, and in consideration of the obligations placed upon both the Candidate and in fulfilment of the duties imposed upon me as the Chief Electoral Officer, I have made the following determination:

It is my opinion, that the Candidate, whose nomination for the candidacy to the elected office of Citizens' Representative was properly submitted and subsequently confirmed by the Chief Electoral Officer on August 4, 2023, has failed to comply with the minimum financial reporting requirement(s) set out in subsection 15(1) of the Regulation.

Specifically, I find that the Candidate did not file with the Chief Electoral Officer, a disclosure statement in the prescribed form, which constitutes a failure by the Candidate to file a disclosure statement for the purposes of s. 21 of the Campaign Finance Regulation.

ORDER

In accordance with the Compliance Decision, and as required by the authorities and obligations of the Chief Electoral Officer of the Otipemisiwak Métis Government, I hereby make the following Order, which shall take effect on August 14, 2024:

- 1.) As required by Subsection 21(1)(a) of the Campaign Finance Regulation, that Dwayne Roth, be named in a report,
 - a. which shall set out as follows:
 - i. the named individual was properly nominated and declared a Candidate for election to the office of Citizens' Representative in the Otipemisiwak Métis Government, and
 - ii. the name individual failed to comply with the financial reporting conditions set out in the Campaign Finance Regulation.
 - b. That such report be transmitted to the Citizens' Council of the Otipemisiwak Métis Government no later than August 9, 2024.
 - c. That the Citizens' Council be directed to make public and available to all Citizens of the Métis Nation within Alberta, the contents of such report as required by the Regulation no later than August 14, 2024.
- 2.) As required by Subsection 21(1)(b) of the Campaign Finance Regulation, that, Dwane Roth, having failed to file a disclosure statement as required by the Regulation within 180 days of the filing deadline, which expired on May 28, 2024:
 - a. Shall be prohibited from prohibited from holding office in any position within the Otipemisiwak Métis Government for a period of five (5) years from the date of this Order; and

- b. that notice of such prohibition be provided to the named individual, by way of delivery of a copy of this Order via registered mail, to the mailing address indicated on the Candidate Nomination Form, or the last known address of the named individual.

Dated August 9, 2024,
at Edmonton, Alberta



Del Graff – Chief Electoral Officer
Otipemisiwak Métis Government



Otipemisiwak Métis Government of the Métis Nation within Alberta

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Chief Electoral Office

August 9, 2024

Tanya Shaw



**RE: COMPLIANCE DECISION & ORDER RESPECTING CAMPAIGN FINANCIAL DISCLOSURE(S) of
TANYA VANESSA ROSE SHAW IN YOUR CANDIDACY FOR CITIZENS' REPRESENTATIVE, DISTRICT
12 – ST. PAUL-COLD LAKE MÉTIS DISTRICT of the OTIPEMISIWAK MÉTIS GOVERNMENT**

Dear Ms. Shaw,

In my capacity as the Chief Electoral Officer (“CEO”) for the Otipemisiwak Métis Government serving the Métis Nation within Alberta (“MNA”), I have been authorized to oversee and deliver the 2023 General Election of the Otipemisiwak Métis Government (“General Election”), in compliance with all applicable laws, regulations, and rules set out which govern such election. In keeping with my obligations as set out in the Otipemisiwak Métis Government Elections & Referenda Act (the “Act”) and the associated Campaign Finance Regulation (the “Regulation”), I have reviewed all documents provided by you, Tanya Vanessa Rose Shaw, (hereafter “the Candidate”), in respect to your nomination and candidacy for election to the position of Citizens’ Representative for District 12 – St. Paul-Cold Lake Métis District and compared them to the filing requirements set out therein for compliance. I note that following the election, my office reached out to you about completing your finance compliance documents on at least 7 occasions and each time we offered assistance to you. I provide the following Compliance Decision & Order based on this compliance review.

Where an Order is issued by the Chief Electoral Officer in respect to subsection 21(1) of the Regulation, the Candidate is entitled to make written application to the Chief Electoral Officer for relief in respect to the Order, and such application must be received by the Chief Electoral Officer no later than 4:30PM on October 13, 2024. Upon receipt of an application for relief in respect to the Order, the Chief Electoral Officer shall refer the matter to the Judicial Tribunal for decision.

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(b) the total amount contributed, together with the contributor’s name and address, for each contributor whose contributions during the election year exceeded \$100 in the aggregate,

(c) the total amount from fund-raising functions,

(d) the total amount of other revenue,

- (e) the total amount of campaign expenses,*
- (f) an itemized campaign expense report setting out the campaign expenses incurred by the declared candidate,*
- (g) the total amount paid by the declared candidate out of the declared candidate's own funds not reimbursed from the declared candidate's campaign fund,*
- (h) the total amount of any campaign surplus, including any surplus from previous campaigns, and*
- (i) the amount of any deficit.*

(2) This section applies to any declared candidate who withdraws as a declared candidate at any time during the Election year."

- Campaign Finance Regulation (2023) at ss. 10(1), 15(1) and (2).

"140 The Cabinet may make regulations it considers necessary or advisable for the purposes of this Act, including but not limited to:

- (a) the prescribed forms for the purposes of this Act;*
- ...
- (d) the contributions that may be made to candidates, political organizations, persons, or groups of persons campaigning for or against a candidate or a referendum result;*
- ...
- (g) the eligible expenses that may be incurred for the purposes of holding an election..."*

- Election & Referenda Act at ss. 140(a),(d), and (g)

The duties of the Chief Electoral Officer in respect to reviewing and making determinations related to the financial record keeping and reporting requirements of Candidates in the General Election are summarized in the following instruments and documents:

"21 (1) The Chief Electoral Officer must:

- (a) provide guidance and supervision respecting the management and conduct of an election or a referendum...*
- ...
- (d) review any forms or documents required under this Act;*
- ...
- (f) perform all duties assigned to them by Otipemisiwak Métis Government Law.*
- ...

(3) The Chief Electoral Officer has all the powers necessary to perform their duties under this Act.”

- Election and Referenda Act, at ss. 21(1) a, d, and f; and 21(3)

“21 (1) Where a declared candidate fails to file a disclosure statement as required by this Regulation within 180 days of the filing deadline; on the first business day immediately thereafter:

(a) the Chief Electoral Officer shall transmit a report to that effect to the Citizens Council, which shall on its receipt make the report public; and

...

(b) the Chief Electoral Officer shall issue an order and provide notice to the declared candidate which sets out that they shall be prohibited from holding office in any position within the Otipemisiwak Métis Government for a period of up to ten (10) years from the date of the order.”

- Campaign Finance Regulation, at ss. (21)1

COMPLIANCE DECISION

Following a considered review of all submissions from the Candidate, and in consideration of the obligations placed upon both the Candidate and in fulfilment of the duties imposed upon me as the Chief Electoral Officer, I have made the following determination:

It is my opinion, that the Candidate, whose nomination for the candidacy to the elected office of Citizens' Representative was properly submitted and subsequently confirmed by the Chief Electoral Officer on August 4, 2023, has failed to comply with the minimum financial reporting requirement(s) set out in subsection 15(1) of the Regulation.

Specifically, I find that the Candidate did not file with the Chief Electoral Officer, a disclosure statement in the prescribed form, which constitutes a failure by the Candidate to file a disclosure statement for the purposes of s. 21 of the Campaign Finance Regulation.

ORDER

In accordance with the Compliance Decision, and as required by the authorities and obligations of the Chief Electoral Officer of the Otipemisiwak Métis Government, I hereby make the following Order, which shall take effect on August 14, 2024:

- 1.) As required by Subsection 21(1)(a) of the Campaign Finance Regulation, that Tanya Vanessa Rose Shaw, be named in a report,
 - a. which shall set out as follows:
 - i. the named individual was properly nominated and declared a Candidate for election to the office of Citizens' Representative in the Otipemisiwak Métis Government, and
 - ii. the name individual failed to comply with the financial reporting conditions set out in the Campaign Finance Regulation.
 - b. That such report be transmitted to the Citizens' Council of the Otipemisiwak Métis Government no later than August 9, 2024.
 - c. That the Citizens' Council be directed to make public and available to all Citizens of the Métis Nation within Alberta, the contents of such report as required by the Regulation no later than August 14, 2024.
- 2.) As required by Subsection 21(1)(b) of the Campaign Finance Regulation, that, Tanya Vanessa Rose Shaw having failed to file a disclosure statement as required by the Regulation within 180 days of the filing deadline, which expired on May 28, 2024:
 - a. Shall be prohibited from prohibited from holding office in any position within the Otipemisiwak Métis Government for a period of five (5) years from the date of this Order; and

- b. that notice of such prohibition be provided to the named individual, by way of delivery of a copy of this Order via registered mail, to the mailing address indicated on the Candidate Nomination Form, or the last known address of the named individual.

Dated August 9, 2024,

at Edmonton, Alberta

A handwritten signature in blue ink, appearing to be 'Del Graff', is written over a horizontal line.

Del Graff – Chief Electoral Officer

Otipemisiwak Métis Government