



DECISION OF THE OTIPEMISIWAK MÉTIS GOVERNMENT JUDICIAL TRIBUNAL
RE: ELECTION APPEAL 2025-04

Overview

1. On July 4th, 2025, the Otipemisiwak Judicial Tribunal received a filing from the Appellant, Dave Trotter, and several other citizens, raising concerns with the 2025 Spring District Election held in the Medicine Hat District. The Tribunal was presented with five primary allegations regarding the conduct and integrity of the election process. They are as follows:
 - a. First, it was alleged that nepotism played a role in the election, providing an unfair advantage to one of the candidates, Heather Seale. It was requested that the election be declared invalid.
 - b. Second, the appellants asserted that the election was inadequately advertised, thereby limiting participation.
 - c. Third, concerns were raised that Heather Seale had directly contacted voters, potentially influencing the outcome.
 - d. Fourth, it was claimed that the online voting platform did not function properly, affecting voter access.
 - e. Finally, there was an overarching concern expressed about a candidate being appointed rather than duly elected.
2. The Judicial Tribunal requested and received a submission from the Chief Electoral Officer in relation to the 2025 Spring District election.
3. For the reasons discussed below, the Tribunal will not be interfering with the election result.

Jurisdiction and Authority

4. Chapter 17.1 of the *Otipemisiwak Métis Government Constitution* establishes the Judicial Branch, and Chapter 18 requires a law governing the conduct of elections.
5. Pursuant to section 6 of the *Judicial Branch Act*, the Judicial Branch is comprised of the Judicial Tribunal and any other impartial body of the Judicial Branch



Judicial Tribunal

established in accordance with the *Constitution*. Currently, the Judicial Tribunal is the only existing body within the Judicial Branch.

6. The authority of the Judicial Branch relating to elections is found in the *Elections and Referenda Act (ERA)*, specifically under Part XIII — Appeals.
7. *ERA* Section 112 states the Grounds for Appeal:
 - a. Section 112: A voter, candidate, or an Election Officer may file an appeal with the Judicial Branch alleging that an election or a referendum is void if the person has reasonable grounds for believing that there was an irregularity, failure, non-compliance or mistake in the conduct of the election or referendum that materially affected the result.
8. *ERA* Section 115 requires that, within five days of receiving a notice of appeal, the Judicial Branch must decide whether the appeal will be determined by oral or written submissions. On July 9th, 2025, the available members of the Judicial Tribunal decided that the matter would be determined by written submissions. The Judicial Tribunal also requested that the Chief Electoral Officer provide a written response to the allegations.
9. *ERA* Section 116 requires the Judicial Branch to determine, within 30 days of the filing of the notice of appeal, whether an election subject to appeal is invalid pursuant to Section 112.
10. Additionally, the Judicial Tribunal looks to Section 137 of the *ERA* which reads:

The Judicial Branch has exclusive jurisdiction to adjudicate contraventions of this Act, including this Code of conduct, and any regulations enacted pursuant to this Act.

Allegations Relating to the 2025 Spring District Election

11. The Otipemisiwak Judicial Tribunal received written submissions from the following individuals:
 - a. Dave Trotter;
 - b. Laurie Rae Oulette;
 - c. Isabelle Adams-Modien;
 - d. Valina Phillion;
 - e. Del Graff (Chief Electoral Officer).



Judicial Tribunal

12. The Otipemisiwak Judicial Tribunal reviewed the submissions in relation to the five specific allegations.

13. Dave Trotter provided a written document indicating the following:

- a. *"We the concerned citizens declare of District # 2 Medicine Hat /Battle River declare the election that was held from June 16-23/2025 (online) and in person voting June 21,22;23 to be void due to Heather Seale's breach of the Otipemisiwak Government ethic rules and code of conduct statements enclosed"*
- b. This written document was signed by all the appellants.

14. Laurie Rae Oulette provided a written statement indicating the following:

- a. That Cathy Schnell, a Citizens' Representative, was promoting her daughter Heather Seale for District Captain of Medicine Hat during the election.
- b. She has a concern that it is a conflict of interest for a mother and daughter to run in government.
- c. She is concerned that the position for Citizens' Representative was not advertised in Métis Local 8, and that the Citizens' Representative was appointed.
- d. That Heather Seale called her on June 20th, 2025, and asked for a family member's number.
- e. She was concerned as to how Heather Seale got her number and why Heather Seale called directly instead of a volunteer.

15. Isabelle Adams-Modien provided a written statement indicating the following:

- a. There were issues with the online voting process; the online voting was inaccessible on June 14th, 2025. She was only able to gain access to online voting on June 16th, 2025.
- b. On June 20th, 2025, she received a phone call from District Captain Candidate Heather Seale. They had a lengthy discussion.
- c. Isabelle Adams-Modien indicated that she *"is not supportive of District 2 Captain candidate Heather Seale. The relationship the candidate has with the Métis Citizens Representative for Medicine Hat is an example of long-standing alleged nepotism within Métis Nation of Alberta. Catherine*



Judicial Tribunal

Schnell, District 2 Métis Citizen's Representative for Medicine Hat is the District 2 Captain candidate Heather Seale's parent/mother."

- d. During the phone call with Heather Seale, Ms. Seale told Isabelle that she knew that Isabelle had voted for Dave Trotter and was aware that Isabelle did not support her.
 - e. Isabelle was concerned how Heather knew who she voted for and how she obtained her contact information. Isabelle believed this constituted interference, particularly relating to obtaining information as to how the voter is about to vote or has voted.
16. Valina Phillion provided a written statement indicating the following:
- a. She was concerned that Heather Seale contacted her on June 21st, 2025, and tried to persuade her to vote for her.
 - b. She was concerned that Cathy Schnell was appointed as the Citizens' Representative.
 - c. She was concerned that District 2 is being run by a mother and daughter, with Catherine Schnell as the Citizens' Representative and her daughter as the District Captain.
 - d. She was also concerned about Pat Aaker and April Aaker, who are also mother and daughter, being two of the three District Council members.
17. Del Graff, the Chief Electoral Officer, provided written submissions which addressed the five areas of concerns raised by the appellants. He broke down each concern, and they are summarized as follows:
1. Part IV of the *Code of Ethics Act* outlines conflict of interest rules for Public Officials, including family interests, but it does not prohibit family members of Elected Officials from running for office. Additionally, under Part XVII of the *ERA*, no evidence was found that the candidate's mother—who is not a Cabinet member—engaged in conduct that would constitute nepotism.
 2. Section 26 of the *ERA* outlines public notice requirements for elections, and supporting documents show that the Office of the Chief Electoral Officer (OCEO) used various methods to inform citizens about the Medicine Hat Métis District Captain and Council Election, with 42% to 56% of citizens opening Voyageur Voice communications.



Judicial Tribunal

3. Section 47 of the *ERA* defines campaigning as any organized effort by a candidate or their supporters to promote or oppose a candidate or referendum result. Part VII outlines candidates' responsibilities regarding the use of the Voter's List, and the Candidate Guide ensures all candidates are informed that they are permitted to contact voters listed for campaigning purposes.
 4. Although a citizen attempted to vote online on June 14th, online voting was not available until June 16th as clearly and repeatedly communicated through the Notice of Vote and Electronic Voting Instructions, which confirmed the voting period as June 16th to 23rd, 2025.
 5. The Citizens' Representative was not appointed but was acclaimed as the sole candidate in the 2023 General Election for Medicine Hat, in accordance with Section 44 of the *ERA*.
18. Del Graff also provided email correspondence, election reports, declaration of election certification, notice of vote, certified election results, online voting instructions, and the 2023 election report as evidence towards this matter.
19. The Judicial Tribunal was informed by the Clerk of the Judicial Branch that Heather Seale was made aware of this complaint against her. Heather Seale did not provide any information or evidence in relation to the complaint made, and she was not required to do so.

Analysis and Findings

20. The Judicial Tribunal has reviewed the submissions of the Appellant and the citizens and the Chief Electoral Officer. The Tribunal determinations, starting with complaint number one which alleges nepotism, are as follows:
- a. One of the complaints alleged that Cathy Schnell, in her capacity as Citizens' Representative, improperly assisted her daughter Heather Seale in obtaining an elected position. Upon review, Section 18 of the *Code of Ethics Act* expressly prohibits public officials from using their positions to obtain employment or benefits for their family members. However, the *Code of Ethics Act* does not prohibit family members from serving in elected positions within the Otipemisiwak Métis Government. Instead, Section 18(2) and Section 21 provide clear procedural safeguards.
 - b. Furthermore, the submissions failed to identify any direct action or conduct by Cathy Schnell or Heather Seale that would constitute a breach of either the *Code of Ethics Act* or the *Elections and Referenda Act*.



Judicial Tribunal

- c. This was a publicly contested and democratic election. The decision to hold the election of the District Captain was made by Cabinet. The submission of the Chief Electoral Officer states Cathy Schnell was not a Cabinet member. The list of who was on Cabinet was provided and reviewed by the Judicial Tribunal. No conflict of interest or act of nepotism can be substantiated.
21. Regarding the second complaint that the election was not properly advertised:
- a. Section 26 of the *Elections and Referenda Act* sets out the framework for how election notices are to be publicly communicated. Upon review of the Communication for Election Reports, it was confirmed that the Notice of Vote was published on Facebook, Instagram, the Otipemisiwak Métis Government website, and the Office of the Chief Electoral Officer website on April 7th, 2025. In addition, the Call for Nominations was posted on Facebook, Instagram, X (formerly Twitter), and LinkedIn on April 26th, 2025.
 - b. Furthermore, a series of three “Get Ready to Vote” notices were issued on Facebook and Instagram on June 2nd, June 6th, and June 9th, 2025. While one complainant expressed concern over the absence of billboard advertising, it is important to note that Section 26 of the *ERA* does not require or reference billboard advertising as a mandatory method of notice. Based on the submissions provided, the advertising conducted met the legislative requirements under the *ERA*.
22. The third complaint is that the candidate Heather Seale contacted voters directly and engaged in behavior that breached the *Code of Conduct Act* and *Elections and Referenda Act*:
- a. Part VI and Part VII of the *ERA* outlines the framework under which candidates may campaign, including the right to contact voters. Candidates are also provided access to the list of voters within their district to support campaign activities. One complainant, Isabelle Adams-Modien, stated that Heather Seale said to her that she “knew [she] had already cast a vote for Dave Trotter,” and alleged this was a breach of Section 130(e) of the *ERA*, which states: *A person must not, either directly or through another person on their behalf, by interference do or attempt to do any of the following: (e) obtain information as to how the voter is about to vote or has voted.* Isabelle Adam-Modien interpreted the comment as inappropriate and potentially in violation of this *Act*.



Judicial Tribunal

- b. While this allegation raises a serious concern, the evidence presented does not substantiate that a violation occurred. The complainant's written statement may reflect a comment made by a candidate but that does not demonstrate a clear attempt to obtain information.
23. Regarding the fourth complaint that online voting was inaccessible on June 14th, 2025:
- a. The evidence presented by Chief Electoral Officer Del Graff clearly laid out that citizens could receive their PIN for online voting on June 14th, 2025, but the online vote did not start until June 16th, 2025.
 - b. Isabelle Adams-Modien, in her written statement, indicated that the online voting system was functioning on June 16th, 2025. The Judicial Tribunal finds that there were no issues with the online voting system.
24. Regarding the fifth complaint that a Citizens' Representative was appointed without letting the membership know they could run for Citizens' Representative:
- a. This issue is out of jurisdiction as the election of Cathy Schnell took place in 2023 and the timeframe to dispute her election has passed. The Judicial Tribunal acknowledges the importance of transparency in all election processes and notes that there is evidence showing a "Notice of Vote". The Tribunal also notes that Cathy Schnell was not appointed, she won the election. It is important, as in all elections, that any member who may feel aggrieved take action quickly, as it can become administratively cumbersome to potentially undo decisions made with the participation of officials whose appointments are nullified.

Conclusion

25. The Judicial Tribunal is mindful that, pursuant to Section 117 of the *ERA*, its decision under Section 116 of the *ERA* is binding, final, without appeal, and is not subject to judicial review. The Tribunal is mindful that overturning an election is quite an exceptional remedy. Interfering with the democratic process in such a manner must not be undertaken lightly. The legitimacy of electoral outcomes is foundational to public confidence in governance, and as such, any decision to void an election must rest on clear evidence of irregularity, failure, non-compliance or mistake in the conduct of the election that materially affected the result.



Judicial Tribunal

26. Based on the submissions received, the Otipemisiwak Judicial Tribunal finds that allegations one, two, three and four are unsubstantiated. Allegation five is no longer within the jurisdiction of the Judicial Tribunal. The submissions do not support finding the election invalid. This decision was unanimous amongst all the Judicial Tribunal members.

Dated this _____ day of _____, 2025

A blue ink signature of Lionel Chartrand is written over a horizontal line.

Lionel Chartrand, Chairperson

On behalf of the unanimous Judicial Tribunal