Form #11

(Section 16.2(a)- Customary Election Regulations of the Peerless Trout First Nation)

Notice of Appeal

I Clifford William Starr of Peerless Lake, Alberta, PO Box 98, Peerless Lake, Alberta T0G 2W0 appeal the results of the Election dated **October 29, 2026** and the election of **Gilbert Okemow**.

Reasonable doubt is casted on Peerless Trout First Nation's 2026 General Election to warrant a new election that will be transparent and fair.

My appeal is based on the following (check the relevant statements):

- □ **SELECTED** The Electoral Officer made an error in the interpretation or **application** of the Election Regulations which affected the outcome of the Election;
- □ A Candidate who ran the Election was ineligible to run and provided false information;
- □ A Candidate who ran in the Election failed to disclose information relevant to the validity of their Nomination;
- □ A person voted in the Election who was ineligible to vote;
- □ A Candidate was guilty to a Corrupt Election Practice or benefited from and consented to a Corrupt Election Practice;
- □ **SELECTED** Improper activity by the Electoral Officer or Polling Clerk;
- □ **SELECTED** Other reasons.

The facts which I rely on to support my appeal are as follows:

Dear Arbitrator, I have selected three categories highlighted above on the basis of my forwarding this NOTICE OF APPEAL to your office.

I believe ultimately that the outcome of the final election results conducted at PTFN Administration on October 29th where influenced by few factors resulting in biased results that favored Gilbert Okemow as being the legitimate winner at the election poles from both communities of Trout lake, Peerless Lake and from the Red Earth polling stations.

Foremost, I SELECTED "<u>The Electoral Officer made an error in the interpretation or **application** of the Election Regulations which affected the outcome of the Election</u>" based on the poor execution of the PTFN Customary Election Code as directed by its clauses and provisions as outlined on the five page attachment that I have affixed to this Notice of Appeal (see attachment titles "Form #11 Notice of Appeal dated November 3, 2026" which are excerpts from the PTFN Customary Election Regulations of the Peerless Trout First Nation" which high those clauses and/or provisions that Electoral Officer Darcy Gurski performed poorly on as evidence given and witnessed through personal written

testimonies from the community's electoral voting members, see attachment (s) affixed from Alice Okemow, Duane Cardinal, Brad Okemow and Norma Starr.

Secondly, I have also SELECTED the "Improper activity by the Electoral Officer or Polling Clerk" based from personal testimonies demonstration and illustrating the poor execution of the PTFN Customary Election Code as directed by its clauses and provisions as outlined on the same Election Code that shewed the election results thus influencing and effecting the final outcome of ballot tally towards the community candidates for the Council seats for each community. Testimonies from Duane Cardinal and Norma Starr clearly state these errors made by respective polling stations mentioned in the written statements.

Thirdly, I have SELECTED the "Other reasons" category based on the following arguments brought on by numerous electors brought forward from both communities who were concerned on why the PTFN General Elections process did not provide or offer the Off-Reserve Elector the opportunity to vote via online voting, thus again influencing and effecting the final outcome of ballot tally towards the community candidates for the Chief and Council seats. There are unwritten testimonies from few cases where entire family's from the Off-Reserve List did forego to participate in the PTFN General Election due to transportation barriers and possibly other overriding factors that restricted or prohibited eligible voting electors to take part in its process, such are cases from those elector residing in nearby towns such as from Slave Lake and High Prairie, not to mention other towns and cities.

Other unwritten testimonies attributed the then the Current Sitting Chief & Council gave in chambers the purposeful instructions to omit the On-line voting feature to be provided for the Off-Reserve Voting Electors thus again shewed the election results influencing and effecting the final outcome of possible casted ballots and their tally towards the community candidates for the Chief and the Council seats for each community.

I intend to call the following witnesses at the hearing of this appeal:

(Witnesses who are not disclosed may not give evidence at an appeal hearing)

(State none if no witnesses will be called)

All personal testimonies affixed to this Notice of Appeal are aware and are willing to participate in the upcoming hearing to provide personal confirmation and the reiteration of their written testimonies as provided.

I intend to use the following documents at a hearing of this appeal:

(Documents which are not disclosed may not be used at an appeal hearing)

(State none if no documents will be used)

All personal testimonies affixed to this Notice of Appeal and their authors are aware their written statements will be used in the upcoming hearing and forward them as written affidavits.

_____

Signature of Elector

ALL APPEALS MUST BE RECEIVED WITH A NON-REFUNDABLE FEE OF $100

PTFN Election October 29, 2026

Definition of terms:

Corrupt Election Practices includes threats, forgery, briber, coercion, and intimidation of any Elector, Electoral Officer, Polling Clerk, Interpreter or friend of an Elector

Poling Clerk: not from the community to assist on the election day at the poles

Voting for Councilors: An Elector shall vote for a maximum of one (1) Candidate for Councilor (error made by poling clerk)

8.2 At least fifty-five days prior to Election Day, the Council shall, by Resolution in the prescribed Form set the date of the Election, set the locations of the polling stations, appoint an Electoril Officer an and Election Appeal Arbitrator for the purpose of conducting the Election pursuant to the Customary Election regulations of the PTFN.

8.4 The Election Appeal Arbitrator shall be a retired Judge or a layer who is not or has not been retained by the PTFN or any Member of the PTFN, other than as an Election Appeal Arbitrator.

8.5 Duties (for Electoral Officer) See Schedule A

Section 3. Seven day prior to Election Day, the Electoral Officer shall appoint such Poling Clerks and Interpreters, as he or she deems necessary for the proper conduct of the Election. The interpreters appointed by the Electoral Officer shall not be Members of the Nation an shall be fluent in the Cree language. (Misconduct by Poling Clerk giving improper ballots to Electors)

Section 5: The Electoral Officer shall supervise and ensure that all Elections are conducted in accordance with the customary Election Regulations. He or she shall do all other things necessary to ensure the proper conduct of an Election. (Error made to hiring incompetent Poling Clerks and Interpreter (Note: Interpreter should not be handing ballots)

8.6 Renumeration of Electoral Officer and Election Appeal Arbitrator

The amount and terms of the remuneration to be paid to an Electoral Officer and Election Appeal Arbitrator shall be fixed by the Council a the time of his or her appointment and reported in the annual audit. The amount of remuneration paid to both Elector Officer and Election Appeal Arbitrator for the First General 2010 Elect shall be similar to the amounts paid by similar band for their Electoral Officer and Election Appeal Arbitrator.

11.1 (c) The Notices of Election referred to in Subsection 11.1 (a) and 11.1 (b) shall set out the following information:

(iii) that adequate identification must be shown at the polling station, and (error on road signage, no signs on road turn to building only door was labelled as confirmed by Darcy)

11.2 Administrative Preparations

(a) The Electroal Officer shall ensure that all necessary preparations are undertaken for the the proper conduct of the Election including arranging for polling stations, construction of proper Election facilities and voting compartment, preparation of ballots, arranging for the ballots boxes which can be sealed (poorly sealed), preparing voting instruction in writing, ensuring Polling clerks and interpreters are available at each polling station (interpreter left prematurely to closing of polling station), and any other administrative functions are properly completed (error performance by polling clerk on ballots distribution and insertion into ballot box and allowing interpreter handle or distribute ballots)

(g) Before the opening of the polling station, the Electoral Officer or other person presiding at the polling station shall cause the printed instructions for the Electors to be posted within each voting compartment and at a conspicuous location within the polling stating and shall ensure that they remain posted there until the close of the poling station. (Error made by interpreter leaving polling station prior to close of polling station leaving polling Clerk to man station alone)

11.6 Incapacitated Elector at Polling Station

(b) The Electoral Officer shall not permit an Elector to vote under subsection 11.6(a)(ii) until the Elector's friend has made the statement on the prescribed Form. (Confirm Norma signed form to assist Ringo)

11.7 Mannor of voting

(b) All ballots given to Electors shall first be initialed by the Electoral Officer (confirm this has been done)

(h) After marking a ballot, the Elector shall fold the ballot so as to conceal the name of the Candidates and the marks on the face of the ballot, and to expose the initials of the Electoral Officer issuing the ballot as the polling station, and immediately after leaving the voting compartment shall, without delay and without showing the front to anyone, deliver the ballot so folder to the Electoral Officer who is supervising at the ballot box.

(i) The Electoral Officer supervising at the allot box shall, without unfolding a ballot or in any way disclosing the marks made by the Elector on the ballot, verity the initials on

the ballot and depost the ballot at once in the ballot box. (Error seen on the ballots were distributed without initializing the ballots nor Clerk make point to see the initial of Officer on ballot)

12.2 Void Ballots

(a) The Electoral Officer or his designate shall examine the ballots and nay ballot:

(i) that does not bear the initials of the Electoral Officer or Polling Clerk

Election Appeal

16.1 Within five (5) consecutive days of the Election Day, or the date on which a Candidate is Acclaimed pursuant to section 10, any Elector may appeal the results of an Election, or an Acclamation, on the following grounds:

(a) An error was made in the interpretation or APPLICATION of the Regulations that materially and directly affected the CONDUCT and outcome of the Election: or

(e) Falsification of an Electoral Report or any other actions by the Electoral Officer or Polling Clerk that materially affected the outcome, or (error by consequence in inserting spoiled ballots Ex non-community resident voting for wrong community)

(f) Any other circumstances, event or action which improperly, and directly affected the conduct and outcome of the Election (Error made by Poling Clerk in distributing excess ballots and early departure of Interpreter leaving Clerk short-handed to adequately monitor all movements of Electors)

16.2 Notice of Appeal

A Notice of Appeal in writing and signed by the Appellant shall be forwarded to the Electoral Officer outlining the grounds for the Appeal and with a cash deposit or certified cheque payable to the PTFN of One Hundred Dollars ($100.00) delivered to the Electoral Officer. The Nation of Appeal shall state:

(ii) the grounds upon which the appeal is made including reference to the relevant sections of these regulations (See Form #11 My appeal is based on the following (check the relevant statement: SELECTED Improper activity by the Electoral Officer or Polling Clerk

See 16.1 (e) Falsification of an Electoral Report or any other action by the Electoral Officer or Polling Clerk that materially affected the outcome; or

16.2 Notice of Appeal

Appellant to submit Notice of Appeal Form #11

A Notice of Appeal in writing (FORM 11) and signed by the Appellant shall be forwarded to the Electoral Officer outlining the gounds for the Appeal and with a cash deposit or certified cheque payable to the PTFN of One Hundred Dollars (#100.00) delivered to the Electoral Officer. The Notice of Appeal shall state:

(ii) the grounds upon which the appeal is made including reference to the relevant sections to these Regulations.

(iii) the material facts on which the appellant relies; (written statements from Electoral witnesses)

(iv) the names of any witnesses the appellant intends to call or a statement that the appellant does not intend to call any witness, and (List name of witnesses to call to testify here)

The Notice of Appeal must be received in the prescribed Form by the Electoral Officer within five (5) days of the Election Day

The Notice of Appeal shall be forwarded by the Electoral Officer to all Candidates, posted in public place in each of Trout Lake and Peerless Lake and in other public places and locations select by the Appeal Arbitrator.

(d) The Electoral Officer shall reject and retrn any appeal documents that:

(i) are not received within 5days of the Acclamation, Election, By-Election, or Run-off Election as the case may be;

(ii) are not received with the required filing fee, or

(iii) do not contain all the information required by section 16.2 (a) Which is a COMPLETED FORM 11

16.3 Election Appeal Arbitrator

(a) Within three (3) days of receiving the Election Record, the Election Appeal Arbitrator shall set the date of the hearing of the Election Appeal

(b) Notices of the hearing of the Election of Appeal shall be posted in public places in each of Trout Lake and Peerless Lake and in other public places and locations the Election Appeal Arbitrator designates and mailed or delivered to the appellant and all Candidates.

16.4 Arbitration Procedures

(b) The appellant, or other Electors, or their representatives, shall be entitled to make verbal or written submissions to the Election Appeal Arbitrator and be subject to cross-examination by the parties or the Arbitrator.

16.5 Election Appeal Arbitrator Powers

The Election Appeal Arbitrator has the following powers;

(e) to order production of documents which are material and relevant to the appeal;

(f) To determine the procedure to be followed having regard for fairness and equality between the parties to the hearing

(g) To determine the manner in which evidence is to be admitted, and

(h) The Arbitrator is not bound by rules of evidence and has the owe rot determine and admissibility, relevance and weight of any evidence.

16.6 No Powers

The Election Appeal Arbitrator does not have the power:

(a) To subpoena any witness or compel any person to give evidence at an appeal hearing excepting that the Electoral Officer is a compellable witness; or

(b) To order any relief not specifically permitted by these Regulations

16.7 Thes Regulations set out all the powers of he Election Appeal Arbitrator and neither the Arbitration Act of Alberta or the Commercial Arbitration Act of Canada or any other like legislation applies to the Election Appeal Arbitrator or the appeal hearing under these Regulations.

16.8 Withing 5 days of the conclusion of the Hearing, the Election Appeal Arbitrator shall promptly make one of the following decisions:

(b) To uphold the grounds for an Appeal but allow the results of the Election to stand, as the infraction did not materially affect the result of the Election, or (make case it's the transparency and the legitimacy of this election that is at stake, not necessarily the tally of ballots or winner of candidate)

(c) To uphold the Appeal and call for a new Election or Run-off Election

16.9 (a) The decision of the Election Appeal Arbitrator shall be in writing and reasons for the decision shall be stated

(b) The interested parties shall be immediately notified in writing by the Electoral Officer of the decision of the Election Appeal Arbitrator and the decisions posted in public places in Trout Lake an Peerless Lake and in other public places and location selected by the Council.

16.11 Notwithstanding paragraph 16.10 above if the Election Appeal Arbitrator determines that an appeal was so lacking in merit as to constitute an abuse of the Appeal process he may order the appellant to pay all or a portion of the cost of the appeal hearing, including fees an disbursement of the Election Appeal Arbitrator, or the costs of the affected candidate or both.

16.14 If the Appeal is upheld and a new Election or Run0off is called, the Election Appeal Arbitrator shall set the date for the Elections and direct the current Election Officer or other suitable person to conduct a new Election or Run-off Election in accordance with these Regulations.

16.15 The cost of the Election Appeal Arbitrator including fees and disbursements and associated hearing costs, shall be paid by the PTFN. These do not include any cost of the appellant or interveners.

PTFN October 29, 2026 Personal Statement

Before arriving at the Red Earth community hall, we first had to ask for directions to locate this place since there were no signs posted anywhere. Arrived there with family members who were also there to vote,my mother ,brother, and son.Once inside we showed our I.D's..Sally (found out her name that morning) handed my brother three ballot slips, and she handed me three ballot slips.We than went and cast our votes at the polling station. Sally helped my mother with her ballots slips..My brother and I than made our way back to the table where the three boxes were located and slipped the ballots in the boxes according to the colors..The other lady Lynn (found out her name later) asked me how many ballots slips did each of us get, i told her three..she than informed me we were only suppose to have received two each, but than it was already too late. So I said to her ' than what? '.Her reply back to me 'well we'll just take them out once we start counting the votes! Nothing else was said ...Once we got back home , it was than my mother informed me that she too signed three ballots slips with the help from Sally was with her at that voting booth ..thank you.

Norma Starr

PTFN October 29, 2026 - Election Letter - Red Earth AB.

No Voting sign on the entrance of the community Hall about 9:35 am, So I called M.D. office, Receptionist Sayed Hall should be open, PTFN had booked it for the Elections. Then I went back to check the Door, it was open. they were just finishing setting up.

I asked them if I was on the off reserve List. Ive been living in Red Earth Creek AB For 5 years But I wasint on the Off Reserve List. So they put a chair for me, to wait, while they call Peerless Lake Hall. Lynn told me I was on the On Reserve list - Then I had to drive to Peerless Lake to vote. (Membership List need to be updated.)

As I was [redacted] waiting Duane Cardinal walked in to vote, 3 ballots was handed to him by Lynn i Kind of think Something wasnt right:

And at about 8:09 pm - I went to the Hall with my friend Gladys Bigstar. to be there for Counting ~~ballots~~. Terry Okemow and Lynn were Counting But the other Helper [redacted] (Sally Noskey) Left early. Before elections were done, Its important to know the vote results, for Red Earth Creek.
Chief - 87 - [redacted] Council - 85 - 9 spoiled ballots.

I Alice Okemow PTFN member
Sign Alice Okemow

PTFN ELECTION LETTER
OCTOBER 29, 2026.

I, Bradley Curtis Okemow got to the Peerless Lake hall but didnt see any sign or post of a polling station anywhere. I drove to the PTFN administration office assuming thats where it was, only for reception there to confirm that it was at the hall.

I finally walked into the hall at 9:25 AM, Only Doreen Curski, Judy Krupa and Sandra Okemow were there. I provided my ID as requested, Curski initialled my ballots and told me to give her back my ballots when I'm done. Now unless the rules have changed since the last election but I've always physically put my ballots in the box myself. Was strange why she asked me to give her my ballots back. I finished with my ballots, cast them in to the boxes myself as I am supposed to and walked out.

B

[redacted]

November 3, 2026

On October 29th, 2026, I went to Red Earth Hall to go cast my votes. at around: 9:50am I peeked in because there was no signs outside. When I went in, I gave my ID to Sally P. and after that Lynn handed me 3 ballots. When I was walking to the booth to ~~start my vote~~ select my votes, she called me back and she said she had to put her initials on the ballots, so she did and gave me back the 3 ballots. She said I was the first voter so she asked me to check the boxes which I did. After I filled out the ballots, she showed me which box to put the 3 ballots in. So I did and left.

Duane Cardinal
PTFN Member

[redacted]