

IN THE MÉTIS NATION BRITISH COLUMBIA'S SENATE

Appeal Name: *Goulet v. Chief Electoral Officer*
File: 198

Date: August 8, 2024, 2024
Senate Clerk: Bill Bresser
Location: Conference Call

Between:

Laurence Goulet

Applicant

And:

Chief Electoral

Respondent

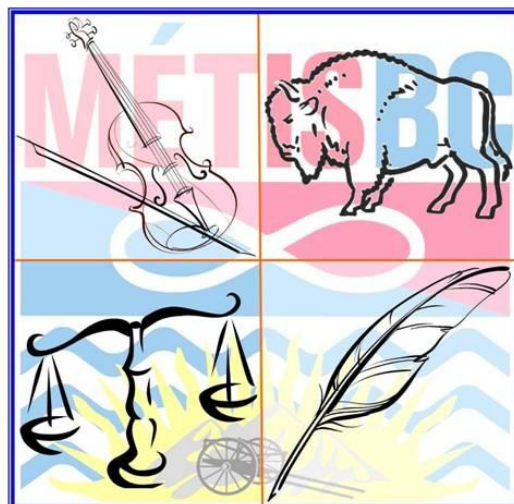
Reasons for Decision

Presiding Senators:

Senator Alan Edkins

Senator John Sayers

Senator Gerald Pope



MNBC Senate

Introduction

[1] On July 31, 2024 the Senate Clerk electronically received a number of documents from Laurence Goulet which prominently included a Dispute Notice of Appeal dated July 30, 2024 requesting that the Senate accept an Electoral Act appeal. This request related to the fact that the Chief Electoral Officer had rejected Lawrence Goulet's nomination particulars for the position of Region 7 Director for the upcoming MNBC election.

[2] Also included along the electronically information from Laurence Goulet was an incomplete Dispute Applicant's Submission form and a Canada Post Form indicating a document was Epressposted from Fort St John, BC on July 23, 2024 but not delivered to Victoria, BC until July 26, 2024.

[3] Following review of the information provided by Laurence Goulet the Senate Clerk inquired with the Chief Electoral Officer who confirmed that the nomination package had been received at his office on July 26, 2024, but this was two days beyond the nomination cutoff which was end of business on July 26, 2024.

[4] On further review of the Canada Post Expressport tracking document it was determined that the nomination documents were mistakenly processed via Edmonton instead of overnight delivery to Victoria as was Lawrence Goulet's intention. As such the Senate Clerk accepted Laurence Goulet's request for an appeal hearing before the Senate, and related documents were forwarded to Laurence Goulet and the Chief Electoral Officer for completion and return.

MNBC Legislation

[5] Article 5 of the Electoral Act states as follows:

The Chief Electoral Officer shall be appointed by the MNGA to hold office for each Election. This individual shall manage and conduct an Election. The Chief Electoral Officer shall also have the responsibility of conducting any necessary By-Elections while their appointment remains in effect. The Chief Electoral Officer shall:

- 5.1 Provide guidance and supervision respecting the conduct of the Election:
- a. Create all electoral notifications, forms, ballots and documents as may be required;
 - b. Decide the eligibility of all Candidates seeking office in an Election;
 - c. Prepare the List of Electors; Appoint Returning Officers and Poll Clerks;
 - d. Ensure that all Election Officers are in compliance with this Electoral Act and use the guiding principles of fairness and impartiality when conducting an Election;
 - e. Issue to Election Officers any information and guidance they consider necessary for the administration of the Electoral Act;
 - f. Reconcile all ballots and prepare an official Election report for the Métis Communities and Métis Nation British Columbia Board of Directors; and
 - g. Perform all duties assigned pursuant to this Electoral Act.

[6] Article 8.5 of the Electoral Act states, in part, as follows:

All nominations for Regional Directors, Regional Youth Representative of the Métis Youth of British Columbia, and Regional Women's Representative of the Métis Women of British Columbia shall include the following:

- a. Written acceptance of the nomination by the Candidate;
- b. A minimum of ten (10) signatures of Electors who reside in the region for which the Candidate seeks to be nominated, who are not signatories of another Candidate's Nomination papers for the same position and who are eligible to vote in the Election at which the Candidate for Regional Director seeks to be nominated;

[7] Article 42.1 of the Electoral Act states as follows:

Decisions of the Chief Electoral Officer during an Election may be appealed to the Métis Nation British Columbia Senate.

- a. The Chief Electoral Officer will have the authority to refuse Candidates and voters who do not meet the required eligibility pre-requisites and deadlines set out in the MNBC Electoral Act.
- b. All Candidates or electors refused will have the option to file a written Election appeal before the Métis Nation British Columbia Senate.

Senate Policies and Procedure

[8] Policy 981 – Election Appeals states as follows:

Candidate Refusal Appeal

In accordance with Article 42 of the MNBC Electoral Act pertaining to refusal by a Chief Electoral Officer to accept the eligibility of a candidate or voter, the MNBC Senate will render a decision within seven (7) days of the acceptance of the Candidate/Voter Refusal Appeal application. The composition of the Candidate/Voter Refusal Appeal committee is as specified. The Candidate Refusal Appeal will be based on the record supplied to the Chief Electoral Officer at the time of their decision.

FACTS – Laurence Goulet

[9] On July 24, 2024 Laurence Goulet attended a Canada Post Office in Fort St John where he arranged for Expresspost of his nomination documents to the Chief Electoral Officer in Victoria.

[10] The nomination documents posted by Laurence Goulet did not arrive in Victoria for delivery to the Chief Electoral Officer until July 26, 2024. This was two days past the deadline for submission of candidate nomination documents.

[11] Canada Post documentation submitted by Laurence Goulet confirms that the Expresspost material he mailed on July 23, 2024 was routed in error through Edmonton,

Alberta resulting in the package arriving in Victoria on July 26, 20024 instead of “within 24 hours” as expected with he used Epresspost.

[12] Laurence Goulet asserts an exception should be made by the Senate concerning the late receipt of his nomination documents since he mailed the documents in sufficient time for them to be received by the Chief Electoral Officer by end of business on July 24, 2024

FACTS – Chief Electoral Officer

[14] MNBC called a General Election for September 7, 2024.

[15] Lawrence Lewis (OneFeather) appointed as the Chief Electoral Officer (CEO).

[16] All aspects, requirements and expectations in the conduct of the 2024 General Election to be conducted pursuant to and in accordance with the MNBC Electoral Act - including notices, documentation, instructions and other resources.

[17] The CEO developed and made available a Nomination and Candidates Kit with all relevant information, timelines, requirements, forms and other information essential to all interested parties.

[18] All information and resources related to the 2024 MNBC General Election was made available from multiple sources including, both MNBC and OneFeather websites, Notices, and postings.

[19] On July 26th the Candidate Nomination packaged for Laurence Goulet was received at OneFeather Offices. The package was received well after the deadline of July 24th.

[20] At no point did Laurence Goulet contact or advise the CEO that his Candidates Nomination package was enroute or to advise of his intent or actions.

[21] The CEO advised Laurence Goulet via email that his Candidate Nomination package was received late and that his name would not be on the Ballot. He was also advised his right to appeal the decision to the Senate.

[22] Review of Laurence Goulet's Candidate Nomination package following receipt of the Notice of Appeal by the CEO determined that the submission was incomplete. Regional Director nominations require at least 10 electors nominations (in this case from Region 7) which can be validated by the CEO. Only 7 electors were determined to be validated which is insufficient.

[23] Laurence Goulet did not meet the prescribed requirements for this Candidacy for two reasons, namely:

1. Late Submission - 2 days, and
2. Incomplete Submission - did not have enough nominators...7 instead of the required 10.

The Standard of Review

[24] The Senate's role is to ensure that all legislation, policies, and administrative standards and practices were adhered to, and that applicant, Laurence Goulet, has received a fair and equitable consideration by the Senate.

[25] The Senate has based this decision on the evidence supplied by the applicant and respondent and weighs this to the summary at the time of the hearing.

Analysis

MNBC Legislation, Policies and Procedure Adherence

[26] The applicant, Laurence Goulet, did not request that a review of related policies and procedures be conducted, however, these are outlined above as is related MNBC legislation. All were determined to conform with the spirit and intent of action taken by the Chief Electoral Officer, and Senators in their consideration of this matter.

Decision

[27] The MNBC Senate finds unanimously in favour of the Chief Electoral Officer.

BEFORE...

Senator Alan Edkins

Senator John Sayers

Senator Gerald Pope