

October 16, 2025

Gwen LaFond
Chief Electoral Officer
Métis Nation – Saskathcewan

Re: **Complaints Officer - Final Report**

Dear Ms. LaFond

Clauses 100(2)(c) and (g) of the *Saskatchewan Métis Elections Act 2007* require the Chief Electoral Officer (CEO) to submit an Election Report to the General Assembly containing:

- a) a summary of any complaints made in respect of the election and their disposition; and
- b) recommendations to improve this Act and the election process.

To aid in the furtherance of this reporting requirement, below is my final report summarizing the complaints that were received by the Complaints Officer during the 2025 Métis Nation – Saskatchewan general election held on May 24 and my suggestions as to how the Act may be amended to improve the administration of future elections.

There were 25 formal complaints received during the election period from the day the election was declared on April 22, 2025 up to August 22, 2025, which was the final day for persons to make an election complaint. Most of these complaints were submitted on the Complaints Officer (reporting) Form and forwarded to me by the Chief Electoral Officer but several were also sent directly to my MN-S Complaints Officer email address. Most of the complaints were made by persons running as candidates in the election making complaint allegations about the wrongdoing of other candidates. Most of the allegations, even if proven, would not have been offences under the Act since there were no provisions in the legislation prohibiting the acts or behaviour about which most the complaints were being made. Even though most complaints did not involve breaches of the Act, it was not surprising that such complaints were made. Many of the activities complained about should have been prohibited in the Act or restricted through some other means.

In the course of dealing with each complaint, an acknowledgement was sent to each complainant shortly after the complaint was received. Depending on the nature of the complaint and whether the matter would have been considered a possible offence under the Act, investigations were conducted through contact with the complainant, any witnesses identified and the

subject(s) of the complaint and/or the Chief Electoral Officer, if necessary. At the conclusion of the investigation, all complainants received a final response letter explaining why the matter which was being complained about was not considered to be an offence under the Act. No complaints needed to be referred to an Adjudicator for a decision as to whether any person was guilty of an offence. This was fortunate since there was no Adjudicator appointed for this election. If there had been a complaint which required a decision of guilt or innocence I planned to so inform the complainant and the subject of the complaint and refer the matter to the Provincial Métis Council and the Métis Nation Legislative Assembly so that they may take whatever further action they may have determined to be appropriate.

None of the complaints received presented a conflict of interest for the Complaints Officer.

Below is a list of the types of issues covered by the complaints. Attached to this report are the response letters sent to the complainants at the conclusion of these matters. These letters will provide considerably more detail as to the nature of the specific complaints and the issues considered by the Complaints Officer.

1. CEO's decision to advertise and organize campaign forums
2. Ineligibility of candidate based on residence x 2
3. Incumbent candidate attendance at official function during campaign period
4. MN-S staff member engaging in partisan activities during election period x 2
5. Candidate communications during campaign period
6. Choice of voting location by CEO
7. Voting in wrong region x 2
8. Candidate campaign video released before election declared
9. Candidate use of MN-S logo in campaign material x 2
10. Photograph and public display of marked ballot
11. Candidate use of regional Facebook page to advertise candidacy x 2
12. Improper influence of voters x 3
13. Source of candidate campaign funding
14. Choice of legal counsel by CEO
15. CEO involvement and influence over Adjudicator appointment
16. Inconsistent application of voter ID requirements
17. Attendance of MN-S Registry Office officials at polling station
18. Procedural irregularities at polling station

Recommendations for Legislative Change

In the course of responding to the complaints from the 2025 general election, it became clear that there were several deficiencies in the enforcement regime within the *Saskatchewan Métis Elections Act* 2007.

1. **Penalties** - The candidate nomination provisions state that a person can be disqualified from becoming a candidate if they have committed an offence in relation to elections within the previous 10 years or an indictable offence within the previous 5 years. This would seem to be a reasonable disqualification provision for a candidate who has committed a serious offence. It is also consistent with Provincial legislation.

The punishment section of the Act states that a person who is found guilty of committing an offence under this Act by a court or the Adjudicator is ineligible to hold any appointed office in the Métis Nation - Saskatchewan for a period of 10 years from the date the offence was committed. This is the only other punishment that can be meted out, and it could be quite severe for what might be a minor breach of the Act.

There should be a range of penalties at the disposal of the Adjudicator for both minor offences and more serious offences which are usually referred to as corrupt practices. The types of sanctions could range from a letter of caution, a reprimand, the requirement for an apology to be made to other Métis candidates or citizens, public disclosure of the offence on the MN-S Election website, MN-S community service, payment of an administrative monetary penalty, disqualification from appointed office, or disqualification from receiving MN-S contracts.

2. **Defamation and Disinformation** – Most election legislation in Canadian provinces and territories contains provisions prohibiting the making of defamatory remarks about a candidate or prospective candidate. These provisions can prohibit false statements about their citizenship, place of birth, education, professional qualifications or membership in a group or association. Federal election legislation and the statutes of several provinces also contain provisions prohibiting the deliberate making of false statements concerning an election official, election administration tools, voter eligibility, voter registration procedures, election counting procedures or election results. The Legislative Assembly should consider amending the Act to include provisions prohibiting these kinds of false statements.

3. **Misuse of Métis Government Resources** – Every election there are complaints about the appropriate use of MN-S resources during election campaigns by staff and candidates, particularly incumbent candidates. MN-S currently has a policy on the use of its resources during an election and

outlines the activities its staff are prohibited from engaging in. The content of some of this policy should be considered for incorporation into the legislation governing elections.

The provisions of the Act would have to balance the need for freedom of expression and assembly of candidates but ensure that no candidate is provided with an unfair advantage. The provisions should also recognize that elected representatives are holders of their office until the end of their term and should not prevent them from continuing to fulfill their responsibilities as members of the Provincial Métis Council. Nothing in legislation should preclude incumbent candidates from performing their duty as an elected official, nor inhibit them from representing the interests of their constituents.

The legislative provisions should cover candidate campaign signage and other promotional materials, use of MN-S infrastructure, facilities, equipment, supplies, communication materials, regionally funded websites, social media sites, corporate identifiers/logos and the services of MN-S staff. The Chief Electoral Officer and her Regional Returning Officers should be given explicit authority to be able to remove non-compliant campaign signage from public property and the Complaints Officer should have the authority to order candidates to remove offending material from private property.

The election legislation should also prohibit the making of funding announcements by incumbent candidates and MN-S staff during the election period.

4. Prohibited Displays Near Polling Stations - Section 127(3)(a) makes it an offence for any person to place or display campaign material in or on any premises used as a polling station. This provision does not cover candidate campaign advertising outside of a polling station that might unduly influence voters on their way to cast their ballot. The Act should contain restrictions on the display of campaign material similar to what appears in the provincial *Election Act, 1996*:

On polling day, no person shall post or display any campaign literature, emblem, ensign, badge, label, ribbon, flag, banner, card, bill, poster or device that could be taken as an indication of support of or for a candidate:

- (a) on his or her person within any polling place;*
- (b) in or within 50 feet of a polling place; or*
- (c) in or on a hall, window or door of a polling place or of the building in which a polling place is situated.*

5. **Authority for Candidate Forums** - There are limited opportunities with the Métis Nation – Saskatchewan elections for voters to get to know the candidates that are running for office. Larger media organizations do not give Métis elections the same attention they pay to provincial, federal, or even municipal elections. Furthermore, the candidates in Métis elections are typically not very well resourced to be able to conduct the kinds of paid advertising that would get them better known. This limitation has been recognized by the Chief Electoral Officer, and she has taken it upon herself to dedicate space on the election website for candidates to profile their backgrounds, accomplishments and vision for the future. She has also organized candidate informational forums in the various regions to let all candidates introduce themselves and respond to questions from the electorate in their regions.

I view this as a positive step in educating voters about the people they are being asked to represent them. Unfortunately, not all voters see it the same way and some believe that the Chief Electoral Officer's involvement in such activities and events is an overreach of her responsibilities and authority. To avoid such unwarranted criticism in the future, there should be explicit authority within the Act for the Chief Electoral Officer to provide nonpartisan opportunities for voters to receive additional information about the candidates that are seeking public office. This authority could be similar to the administrative power conferred upon the Chief Electoral Officer in S. 93(2)(g) of the Act to implement public education and information programs about the election process.

6. **Voter Inducement** – Section 126 of the Act deals with the offence of voter inducement:

126. (1) Any person who, personally or through another person, during an election, directly or indirectly offers, procures, provides or promises to procure or provide money, office, employment, food, drink, gifts or other valuable consideration to induce a person to vote or refrain from voting is guilty of an offence.

Such provisions are quite common in election legislation, and they are designed to prevent such illegal activities as vote buying. My concern is that the wording of this inducement provision is quite broad and could lead some to interpret this provision in such a way as to consider campaign promises as a form of voter inducement. Consider, for example, a campaign promise commonly made by candidates to increase funding or services. Such a promise could involve financial gain for all, or a limited segment of the voting population targeted with additional funds. It could also be an appealing influence on voting for those who are more economically disadvantaged. If the law concerning illegal voter inducement were to be so

widely interpreted, such common campaign promises could be viewed as offences. This could potentially have a chilling effect on political discourse.

The distinction between corrupt inducement and campaign promises is that the latter typically aim to deliver *public goods* or policies that apply to all or large groups of people whereas corrupt inducements involve personal, material benefit offered in exchange for a vote. Campaign promises are generally protected under free speech laws and considered a core part of democratic accountability. They allow voters to make informed choices and hold politicians accountable to their platforms. Vote buying, in contrast, undermines democratic equality, because it treats votes as commodities to be bought and sold. I think that s. 126 could be worded differently to ensure that it does not encompass the aspirational campaign promises of candidates seeking election.

7. **Campaign Finances** – As MN-S becomes better resourced, the financial and other rewards of gaining elected office have become quite attractive for successful candidates. It is now worth the investment to begin spending one's own funds and seeking the contributions of supporters to promote one's candidacy. Currently there are no campaign finance provisions in the Act – no spending limits, no limits on the source or amount of contributions a candidate can receive and no requirements for the reporting of campaign spending. The source and amount of candidate funding is beginning to be questioned by voters and other candidates alike and there should be some transparency around this aspect of Métis elections. The Act should also be amended to add some basic campaign finance reporting requirements.

8. **Voter ID Requirements** – Voter ID requirements should be reviewed and reconsidered. The requirement for voters to present a current Saskatchewan Health Card as per s. 12(2)(e) is superfluous. It is my understanding that this provision was included in the legislation in an effort to prevent persons with Indian status from voting in Métis elections. At the time it was introduced, the Saskatchewan Health Card identified Indian status but this is no longer the case. In addition, the application process for Métis citizenship also requires applicants to present a current Saskatchewan Health Card. Therefore, it would appear to be an unnecessary and disenfranchising requirement to expect voters to present a current Health Card, in addition to a Métis Citizenship Card and other ID proving identity and address.

9. **Who Can Attend a Polling Place** - In addition to voters, section 34 of the Act identifies the election officers that may be present at a polling station to be the deputy returning officer, the poll clerk, the registration

officer, a supervisory deputy returning officer and an officer to regulate the entry of people. Section 11 also empowers the Chief Electoral Officer and the Regional Returning Officer to appoint registration clerks and registration clerks are required to be present in a polling station according to s. 33. The offices of the Regional Returning Officers are sometimes used as polling stations, so the Regional Returning Officers and assistant regional returning officers are obviously permitted to be present in a polling station. Section 51 also permits the candidate and his or her authorized representative to be present in a polling station.

While the Act refers to the people and positions that must be present and may to be present in a polling station, it does not prohibit or exclude other people or positions from being present. Take note that the Act does not even identify the Chief Electoral Officer as one of the positions or people that may be present at a polling station. In past elections, the Chief Electoral Officer has used her authority to exercise general direction and supervision over the administrative conduct of an election under s. 93(1)(b) to permit herself and other individuals and groups to be present at a polling station. For example, members of the media, election observers and staff members have in the past been authorized to attend polling stations.

The authority of the Chief Electoral Officer to permit Registry Office personnel to attend select polling places to facilitate the identification of Métis voters who were on the Métis Citizenship list and, therefore, eligible to vote was questioned in the 2025 election. The Act should be amended to give explicit authority for the Chief Electoral Officer to identify the individuals and groups that may be permitted to attend a polling place, in addition to those positions currently identified in the legislation.

10. Regional Returning Officer and Assistant Regional Returning Officers (RRO) Acting as Deputy Returning Officers (ARRO) and Poll Clerks - Section 110(3) of the Act states that "No Regional Returning Officer or assistant regional returning officer shall act as deputy returning officer or poll clerk at a polling station." This is a very curious provision since RROs and ARROs are required to set up offices during the election period and permit voter registration and voting in their offices during the week prior to advance voting. In order to strictly comply with this provision of the legislation, the RRO and ARRO would be required to hire and train a separate deputy returning officer and poll clerk for the duration of the time that voting occurs in the RRO office. This is unnecessary since the volume of voters who vote in any of the RRO offices does not justify the cost of having two additional personnel on staff and in the office for 7 days of in office voting. The Act should be amended to repeal s. 110(3).