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Appeal Committee Determination

August 27, 2026

Re: Submission from Jessica Erickson regarding Appeal of the Acclamation of Youth Councillor Candidate, Mr. Corbin Tom

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I. Election Code References

Unless otherwise expressly stated, all references to Sections and Parts in this Appeal Committee Determination are references to Sections and Parts of the Binche Whut'en Election Code, which came into force on December 3, 2019 (the "**Election Code**").

II. Background

Jessica Erickson submitted an Appeal of the Acclamation of Youth Councillor Candidate, Mr. Corbin Tom dated April 1, 2026, along with the required application fee by way of a cheque dated April 4, 2026 and an affidavit signed on April 30, 2026 (collectively, the "**Submission**").

The Submission is described as an appeal, and has therefore been considered by the Appeal Committee pursuant to Section 13 (election appeals). Concurrently, given the requested remedy of setting aside the acclamation of Corbin Tom, the Appeal Committee has in good faith also considered the Submission pursuant to Section 15 (removal of Council members).

III. Determination

(a) Part 13 Appeal

The Submission alleges that Mr. Tom is ineligible to continue to hold office on the grounds of residency ineligibility, misrepresentation of residency status, and inconsistent application / unequal treatment of candidates. While not specified in the Submission, these are matters that most likely fall within the following grounds for appeal:

i. Section 79(a) (i.e., that the person declared elected was not qualified to be a Candidate); and/or
ii. Section 79 (b) (i.e., that there was a violation of the Code in the conduct of the Election that might have affected the result of the Election).

With regards to residency eligibility, the Submission states that "*The Binche Whut'en Custom Election Code requires that candidates for Council positions must reside on reserve at the time of nomination*."

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The Election Code does not specifically require on-reserve residency of all Candidates; instead, Section 28 provides that to be eligible to stand for election, a Candidate must, amongst other requirements, complete, sign and file with the Electoral Officer a form prepared by the Electoral Officer that includes: "*The individual's full name and ordinary residential address (NOTE: whether the Candidate lives 'on-Reserve' or 'off-Reserve' must be included on the electronic, paper or mail-in ballot beside the Candidates name)*".

Further, several of the allegations made in the Submission, including those concerning prior off-reserve residency, member complaints to Council, post-election conduct, and residency representations connected to the Binche Keyoh Bu Society, rely on indirect or hearsay-style information that does not meet the evidentiary standard required to establish the specific grounds for removal set out in Section 96(c). While the Submission raises concerns that may be sincerely held, the evidence presented does not establish a sufficient factual basis to support a finding that Mr. Tom failed to uphold the integrity of Binche Whut'en governance through blatant disregard for the Oath of Office and/or the Code of Conduct.

The Appeal Committee notes that if Mr. Tom's alleged off-reserve residency was widely known within the community, it would reasonably be expected that at least some corroborating sworn statements or supporting documentation could have been provided. The absence of such corroboration weakens the evidentiary foundation of the Submission.

Accordingly, after careful review, the Appeal Committee determined that the Submission was insufficient in that it lacked direct and reliable evidence supporting the allegations set out therein. Much of the Submission was based on belief, asserted community understanding, or awareness of allegations, rather than documentary proof. The most serious claims, including alleged intentional misrepresentation of residency status, were not supported by independent records, corroborating affidavits, or other objective evidence.

Pursuant to Section 82(b), where an appeal has not been submitted in accordance with Section 80 (in particular, supporting documentation for the facts demonstrating the grounds for appeal, per Section 80(b)), the Appeal Committee may request additional information or documentation to be submitted in the form and within the time as stipulated by the Appeal Committee.

On August 19, 2026, the Appeal Committee therefore wrote to Ms. Erickson requesting additional information or documentation be submitted in the form and within the time stipulated by the Appeal Committee (i.e., within 5 days: by end of business on August 24, 2026). No response was provided by Ms. Erickson within this timeline.

In the afternoon of August 25, 2026, Ms. Erickson wrote to the Appeal Committee, stating that she would provide the additional documentary evidence supporting her appeal within

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the time directed by the Committee; that timeline had, however, already passed. Further, in her August 25th correspondence, no additional supporting documentation was provided – instead, various concerns and questions were raised regarding the establishment of the Appeal Committee (discussed further below in Part IV of this Determination).

As Ms. Erickson has not provided any supporting information to her Submission, notwithstanding the Appeal Committee's request for same and Ms. Erickson's acknowledgment of that request and timeline for providing it, the Appeal Committee has proceeded with its consideration of the Submission based on the information before it.

Concurrently, given this lack of supporting documentation, the Appeal Committee conferred with the Electoral Officer engaged by the Nation for the recent 2026 election. Such Electoral Officer has confirmed that Corbin Tom met all the requirements specified in Section 30, and was thus eligible to become a Candidate in the March 31, 2026 election.

Given the above, including the evidence of the Electoral Officer coupled with lack of supporting documentation provided by Ms. Erickson following the Appeal Committee's request for same, the Appeal Committee has determined that the Submission is dismissed as an appeal, pursuant to Section 85(b).

(b) Part 15 Removal of Councillor

Part 15 sets a high standard for the removal of a Council member – requiring (i) conviction of an Indictable Offence or an offence under the *Controlled Drugs and Substances Act*, (ii) frequent unauthorized absence from Council meetings, or (iii) failure to uphold the integrity of Binche Whut'en governance through blatant disregard for the Oath of Office and/or the Code of Conduct (Section 96).

Section 98(a) in turn sets out the affidavit requirements for this ground of Council member removal under Part 15, which include the requirement to set out in said affidavit the specific grounds for removal of a Chief or Councillor (in accordance with section 96, per above) and, if applicable, accompanying supporting documentation.

The Submission does not set out the specific ground for removal under Section 96, and the Appeal Committee has thus been compelled to consider it in consideration of those grounds. The sole potential ground applicable based on the information set out in the Submission is Section 96(c) (*failure to uphold the integrity of Binche Whut'en governance through blatant disregard for the Oath of Office and/or the Code of Conduct*).

Similar to the comments provided in respect to a Part 13 appeal, above, there is not sufficient evidence provided in, or in support of, the Submission to support this high standard

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associated with the serious and exceptional remedy of removal of an elected official, especially given the information shared by the Electoral Officer (as also noted above).

Accordingly, pursuant to Section 100, the Appeal Committee has determined that the Submission does not comply with the requirements of Section 98(a). Further, while the Submission raises concerns and reflects ongoing tensions in the community, the evidence does not establish a factual basis to justify the removal of Corban Tom from office. As such, even if the specific ground for removal under Section 96 had been sufficiently set out in the Submission, such ground was not sufficiently substantiated, and, in accordance with Section 100(a), the Appeal Committee hereby also dismisses this submission under Part 15.

IV. Procedural Concerns

In her correspondence sent on August 25, 2026, Ms. Erickson raised a number of procedural concerns regarding the formation of the Appeal Committee. Importantly, these concerns:

a) were not raised in her previous April Submission; and
b) did not comply with the terms of the request for supporting documentation provided by the Appeal Committee to Ms. Erickson on August 19, 2026 (which required that any supporting documentation be comprised of factual, concrete evidence directly relevant to the grounds of her appeal, as set out in the Submission).

As Ms. Erickson's procedural concerns were submitted well after the appeal submission deadline of 30 days under Section 78, they do not comply with the corresponding requirements of the Election Code, and the Appeal Committee is unable to consider them.

V. Conclusion

While the Submission raises serious concerns regarding governance, election conduct, and tensions within the community following the March 31, 2026 Binche Whut'en Custom Election, it fails to establish a sufficient evidentiary foundation to uphold the appeal under Part 13 or warrant removal from office under Part 15. The Submission is therefore dismissed pursuant to both Sections 85(b) and 100(a).

This written determination will be published, posted and e-mailed in accordance with Sections 86 and 101.

On behalf of the Appeal Committee,

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Hopeton Louden
Appeal Committee Chair