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COMMUNITY NOTICE

Update Following the September 23 Hearing

September 25, 2026

Shé:kon,

Council wishes to provide an update following the Federal Court hearing that took place on September 23, 2026. As a reminder, this hearing concerned the ongoing situation surrounding the cancelled 2025 election, which left the community in an extended period of uncertainty regarding the election process, the role of the CEO, and the status and authority of Council.

The following questions were the focus of the hearing:

- Is the office of the Chief Electoral Officer (CEO) currently vacant?
- Was the decision to cancel the voting event unreasonable?

At the beginning of the proceedings, legal counsel for Council argued that the decision by CEO Graeme Drew to cancel the voting event was unreasonable and that the decision prevented community members from exercising their right to self-govern. Legal counsel argued that after the voting event was cancelled, the community was left without a clear path to complete the election and explained that it sought clarification about the governance situation to ensure that basic governance and administration could continue while the community remained in what had become a prolonged election period. Council's lawyer explained that after the cancellation, Council passed a Band Council Resolution (BCR) that limited its role to basic administration until a new election could be organized. Legal counsel for the respondents later brought up what they presented as an issue with the date of the BCR, but the Court was firm in indicating that the question of Council's status had already been addressed in the Ngo decision, and that Council would continue to act as a caretaker Council.

Legal counsel also pointed out that Mr. Drew described his action as having postponed the poll rather than cancelled the election. However, advance ballots had already been cast, and Mr. Drew had also publicly stated that there were potentially ineligible candidates on the ballot, while acknowledging that he had made the decision not to remove those candidates at that time. Legal counsel explained that Council does not believe it currently has the authority under a caretaker mandate to terminate the office of the CEO. The Court also heard discussion about whether a community meeting should be held to extend Council's mandate for six months with the purpose to allow time to review and revise the election code and then organize a new election, or whether to proceed with a new election as soon as possible, with legal counsel asking the Court for guidance on the appropriate way forward.

Arguments from respondents

Lawyers for other Kanehsatakehrónon then made brief presentations during which they indicated that they had concerns with what had taken place but that they agreed that the decision of Mr. Drew was unreasonable.

Mr. Drew then addressed the Court directly, stating that in his view, he did not cancel the election itself but cancelled the voting event, and that he made the decision in good faith because he believed that the safeguards necessary for a credible election were no longer in place. He stated that his decision was made because he believed the circumstances had



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made the voting event unworkable, noting in particular that he had been unable to find enough band members willing to sit on the Appeal Board required under the Electoral Code. He acknowledged that the recommendation to cancel the voting event was extremely difficult but maintained that he believed he had no other choice, and that he provided an update to the community the following morning which recommended that the community determine the next steps.

Mr. Drew also addressed claims concerning whether members of Council had been aware in advance or included in the decision-making process that led to the cancellation, and was clear on the fact that this was a simple misunderstanding and that none of the chiefs had been aware of or included in this decision. Mr. Drew told the Court that he had conducted more than 100 elections and that, in only two previous situations, elections had been cancelled and followed by amendments to the code for a subsequent vote, and that he offered to remain involved in the process or step away, depending on Council's decision. Mr. Drew maintained that the Electoral Code needs amendments because, in his view, its problems could continue to create misunderstandings and potentially lead to other cancellations in the future.

The Court directly asked Mr. Drew whether he considers himself to still be the CEO responsible for the election, to which he answered "yes". He also stated that, in his view, there is no clear legal authority allowing his position to simply be terminated, and described himself as the only neutral party involved in the election process and said that other parties have interests in the outcome. Mr. Drew further informed the Court that he continues to hold the election documents and ballots in a secure location, as required under the Code, stated that he is ensuring their secure storage and intends to continue storing them unless the Court provides other instructions.

After Mr. Drew's statement, the hearing concluded and the Judge stated that he would now consider the arguments and render a decision shortly. This decision is anticipated to take several weeks to several months, and will provide clarity on how to move forward. We recognize that this situation has created significant uncertainty and frustration for community members, and want to reassure the community that the Court's decision will be respected and communicated to the community as soon as it is received. Until then, Council's priority remains to maintain essential governance and administration while working toward a clear and legitimate path to a new election.

Niá:wen for your continued support and patience,

Communications Office | Bureau des Communications
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