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COMMUNITY NOTICE

Cancelled Election: Update on federal court case

May 12, 2026

Shé:kon,

We wish to provide the summary of the status of the Federal Court case regarding the cancelled election.

As you know, on August 1, 2025, the then-Chief Electoral Officer Graeme Drew decided to cancel the polls scheduled for the next day. The CEO informed Council of his decision only a few hours before he announced it to the rest of the community. Following the CEO's decision, there was significant uncertainty in the community around the governance situation and how we should proceed to organize a new election. For this reason, on August 26, 2025, Council filed an application for judicial review with the Federal Court, seeking to clarify the governance situation and to get guidance on how to move forward in light of the CEO's decision. The respondents to this application are the CEO responsible for cancelling the election and all persons who were candidates in the election that were not already on Council.

Milestones

When Council filed its judicial review, it included with the filing a letter to the Federal Court to express the urgency of the situation and asking for special case management, so that it could be moved forward as quicky as possible. The Court granted this request and appointed a case management judge.

Following the appointment of the case management judge, Council wrote to the Court to request a dispute resolution conference during the week of September 22, to assist the parties in finding a solution quickly. Unfortunately, the Court was not able to provide a judge to assist in dispute resolution, which forced them to continue in the litigation process.

On October 7, a court hearing was held regarding Council's application for an order that the outgoing Council members may continue to act in their roles until a final judgment is rendered. This request was necessary to ensure that there was still governance in place, since the outgoing Council members had had their access to Council offices and their work tools removed following the cancellation of the election.

On October 16, the Court rendered a judgment granting Council's request and confirming that the five outgoing Chiefs would continue to act as the Council in a caretaker role. The Court also ordered the parties to prepare the case for expedited hearing so that it could be heard as soon as possible; the parties prepared their evidence and conducted their examinations in accordance with the schedule set down by the Court.

The last step, which was completed on January 16, 2026, was for all parties to indicate to the Court that the file was complete and that they were ready to proceed to a hearing in the next 90 days.

Current Situation

Unfortunately, despite the parties indicating that they are ready to go to a hearing, the Court has yet to assign hearing dates. Council's lawyers have written to the Court on

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several occasions requesting that the file be moved forward as a priority, even going as far as writing to the Chief Justice, but as of today, no hearing dates have been set.

In the meantime, Council continues to be open to discussing with the other parties to find solutions that would allow new elections to take place on a solid legal footing without waiting for the court hearing to take place.

Regarding the election

During the October 7 hearing, the judge expressed her view that a caretaker Council does not have the authority to call a new election. This means that without an agreement between the parties, a new election will only be possible after the Federal Court renders its judgment and confirms the proper approach to organizing a new election.

We continue to work hard to move this file forward as quickly as possible and will provide you with updates as soon as they become available.

Niá:wen tánon senhniseriióhsten,

Caretaker Council - Mohawk Council of Kanehsatà:ke