

## MEMORANDUM

File: 129288-1

July 16<sup>th</sup>, 2025

**TO:** Sucker Creek First Nation Membership  
**FROM:** Chief and Council  
**RE:** Update: Cunningham Election Challenge

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### ***Update:***

On April 15<sup>th</sup>, 2025 SCFN's legal counsel appeared before Justice Strickland in the Federal Court to argue that section 25 of the *Charter of Rights and Freedoms* (the "Charter") protects our right to establish our Customary Election Regulations, including the requirement that candidates for Chief and Council reside on SCFN's reserve lands for 6 months prior to the election (the "Residency Requirement").

We argued that any changes made to our Customary Election Regulations need to come from SCFN membership. It is not for a single member of SCFN or the courts to decide on behalf of SCFN members what should be included in our Election Regulation, which was passed by SCFN members in 1996.

On July 15, 2025 Justice Strickland issued her written decision (*Cunningham v Sucker Creek First Nation* 150 A 2025 FC 1174). The Justice fully dismissed Mr. Cunningham's challenge to our Election Regulation and upheld the Residency Requirement.

Key findings made by Justice Strickland include:

- The Election Regulation represents a broad consensus of SCFN community members and is an expression of our inherent right to self-government
- Our reserve lands hold special legal, cultural, and spiritual status. It is important for SCFN leaders to be connected to and have an understanding of our reserves and the "nucleus" of our community
- Changes to the Election Regulation can only be made by SCFN members—not the Court

We are pursuing reimbursement of SCFN's legal fees from Mr. Cunningham.

We note that Mr. Cunningham has the right to file an appeal with the Federal Court of Appeal. We will inform membership if an appeal is filed.