

**Mohawk Council of Kahnawà:ke (MCK) ELECTION LAW  
COMMUNITY CONSULTATION  
GOLDEN AGE CLUB  
September 19, 2023  
6:00 PM – 8:30 PM**

FINAL RECORD OF DISCUSSION

**FACILITATORS:**

Leslie Skye

**RESOURCE PEOPLE:**

Alan John Rice  
Andrea Montour

**TDC/KLC**

Kevin Fleischer  
Angus Montour  
Melanie Gilbert  
Chris Bush  
Alexis Shackleton

**RECORDER:**

Binnie Barnes

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**AGENDA:**

- ❖ **Opening Address (Ohén:ton Karihwatéhkwén) – Leslie Skye**
- ❖ **Introduction/Meeting Guidelines – Leslie Skye**
- ❖ **General Overview Proposed Amendments to the MCK Election Law – Alan John Ruce**
  - 1) **Do we have the Mandate, Purpose & Scope?**
  - 2) **Selection of three (3) CDMP Community Representatives**
- ❖ **Next Steps – Leslie Skye**
- ❖ **Closing Address (Ohén:ton Karihwatéhkwén) – Leslie Skye**

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**Introduction (CDMP Background) & Meeting Guidelines**

A brief outline was given of the background and meeting guidelines asking people to be respectful towards one another.

The request no longer follows the Multiple Request Process. The KLC decided to remove the first submission to amend the MCK Election Law, based on the proponent's failure to submit the required legislation request form by the scheduled deadline.

There are approximately 37 proposed recommendations. It was also noted that this is the first official meeting in over three years. There was a meeting scheduled in July 2023 which did not proceed due to the low attendance.

The purpose of tonight's meeting is to obtain the Mandate for this Law to move forward through the CDMP, to receive approval for Scope and Purpose, then to select three community representatives to sit on the Technical Drafting Committee (TDC). There will be no discussion on the recommendations tonight; that will occur in Phase II - Hearings.

A PowerPoint was provided that outlined the MCK Election Law is at the 2<sup>nd</sup> step in Phase I within the Type I Process flowchart. Also noted was that there is an Observer Section for those in attendance that are not on the Kanien'kehá:ka of Kahnawà:ke Registry (KKR), or who choose not to participate, and are permitted to observe the proceedings. Normally, a Portfolio Chief is assigned to all Laws going through the CDMP, however, due to the nature of this Law, it is a conflict of interest to have a Portfolio Chief on the TDC.

### General Overview of Proposed Amendments to MCK Election Law

The Kahnawà:ke Legislative Commission is seeking the following;

1. A mandate to amend the Mohawk Council of Kahnawà:ke (MCK) Election Law through the CDMRP.
2. Approval of the purpose & scope of the MCK Election Law.
3. Selection of three (3) community representatives to sit on the Technical Drafting Committee.

The purpose of the law is intended to provide the criteria and procedures for the nomination and the selection of a twelve (12) member council composed of eleven (11) Ratitsénhaiens and one (1) Ohén:ton í:iente ne Ratitsénhaiens.

The scope of provisions is to assist with managing the election process as efficiently and effectively as possible, maintaining the election law to reflect a change to other impacting laws, and to also address issues brought forward based on experiential knowledge. Provided the mandate is obtained, the community will be notified of the first hearing to move the Law through the Community Decision-Making and Review Process.

- Question: What other laws would be impacted by the MCK Election Law?

It was confirmed that the Kanien'kehá:ka of Kahnawà:ke Law (KKL) would be impacted depending on the determined eligibility criteria required to run for office, and the verification required.

### **QUESTION:**

**Does the community give the Mandate and approve the Purpose and Scope to move the proposed amendments to the Mohawk Council of Kahnawà:ke Election Law through the Community Decision Making Process?**

### **DISCUSSION:**

- A brief historical overview was given on the purpose and scope of the MCK Election Law, which is a result of the proposed changes received from focus groups, feedback from different units, the electoral officer, and feedback obtained from the Kahnawà:ke Governance Project 'Kitchen Table' discussions conducted by Gerald Taiaiake Alfred. There were no Chiefs consulted, ensuring no conflict of interest in the proposed recommendations for amendment. The recommendations will be reviewed in the next phase. This evening the focus is to obtain the Mandate, and to approve the Purpose and Scope.
- Question: Is it possible to review the recommendation after the purpose, and scope was approved?  
It was noted that there would not be any decisions made tonight regarding the proposed recommendations as the purpose of this meeting is to obtain the Mandate and receive approval of the Purpose and Scope. It is then the proposed amendments will flow through the CDMRP.
- Question: What is Gerald Taiaiake Alfred's role?  
Gerald Taiaiake Alfred is a consultant working on the Kahnawà:ke Governance Project.
- Comment: One section is incomplete.  
It was explained the Focus Group left incomplete sections, so a larger segment of the community could provide recommendations and direction. The Focus Groups meetings took place prior to this meeting, and in preparation for the CDMRP. These sections can be discussed in Phase II - Hearings.

### **PURPOSE:**

Do we have approval for the Purpose of the MCK Election Law based on providing the criteria and procedures for the nomination and the selection of a twelve (12) member council composed of eleven (11) Ratitsénhaiens and one (1) Ohén:ton í:iente ne Ratitsénhaiens?

- Question: Who determines the right Kanien'kéha language included?  
It was noted that it was the Council of Chiefs with feedback from the focus groups as a part of the Governance Project.
- Question: What is the translation of Ohén:ton í:iente ne Ratitsénhaiens?

It was noted that it meant “those who council around the fire”.

Comment: A community member advised that it is not accurate, it should state they should be called elected Chiefs, and added that they are not Chiefs.

- Suggestion: To reword as “elected officials” or “elected councilors”.

It was noted that there was enough support from the focus groups for changes to the Law, and if there are any additional amendments it would be discussed during Phase II – Hearings (Deliberation).

- The same community member then suggested a change in terminology.

It was further noted that proposed terminology changes could be addressed during Phase II - Hearings.

**DECISION: The Purpose was approved by those in attendance.**

**SCOPE:**

Do we have approval for the Scope, in order to review the proposed amendments? It was noted that the criteria will need to be further discussed during the process. The proposed amendments were recommended based on the experiences during the process of elections.

**DECISION: The Scope was approved by those in attendance.**

**MANDATE:**

Do you give the Mandate to move this Law through the CDMRP?

**DECISION: The Mandate was approved by those in attendance.**

## Selection of three Community Representatives

### **DISCUSSION:**

The community members present were asked to select three community representatives to sit on the TDC. It was suggested that an explanation of their responsibilities be given. It was then noted that they would assist the TDC with the recommended amendments and ensure what the community decides (through consensus) at the Hearings in Phase II is inserted into the Law.

- Question: Does the TDC have to take their own notes, since it was noted that the people must validate?

It's the TDC that will approve their TDC minutes, but all minutes from the Hearings (Record of Discussion (ROD)) for the CDMP Hearings are posted online ([www.kahnawakemakingdecisions.com](http://www.kahnawakemakingdecisions.com)).

- Question: What is the length of time the community representative's role lasts on the TDC?

The role will last until the Law is enacted.

- Question: Can the community representative get out voted during a TDC meeting?

It was noted that if an issue cannot be resolved then it would go back to the community. The minutes would reflect the discussion.

- Question: What is the timeline/frequency of meetings?

It was noted that it could be every two weeks for close to 6 weeks.

- Question: Is the community representative permitted to go public if a person is not in support of an item?

It was noted that it would not be professional, but there is nothing disallowing it, although as a community representative on the TDC, you will be taking any of these disagreements to the community members present at the hearings.

Another suggested that the place to address the issue is at the table, and if there is a disagreement, it should be brought to the community since that is who you are representing. There is no disclosure clause.

There is nothing to stop a person, but the TDC is the place to address it and to be transparent.

The suggested names were as follows; Dale Dione Dell, Doug Lahache, Heather Jacobs Whyte, Jeremiah Johnson, and Miles McComber. A discussion ensued and both Dale Dione Dell and Jeremiah Johnson opted out.

**OUTCOME:** The following are the three Mohawk Council of Kahnawà:ke Election Law community representatives:

- Myles McComber
- Douglas Lahache
- Heather Jacobs Whyte

**NEXT STEPS:**

Everyone was reminded that the TDC lawyer on the file, would be inserting all proposed amendments into the Draft MCK Election Law in track change format, after which the Law would be posted on the CDMRP website ([www.kahnawakemakingdecisions.com](http://www.kahnawakemakingdecisions.com)) for the 30-day feedback period. All the proposed amendments will be reviewed during Phase II – Hearings

The final minutes (Record of Discussion) of tonight’s meeting will also be posted on the CDMRP website.

**FINAL OUTCOME:**

The Community Consultation (Phase 1) concluded with the community approving the Mandate, Purpose, and Scope to move the proposed amendments to the Mohawk Council of Kahnawà:ke Election Law through the Community Decision Making Process. Three Community Representatives were selected who are Myles McComber, Douglas Lahache, and Heather Jacobs Whyte.

**PARKING LOT:**

COMMENT: A community member advised that after 5 years, a full review of the Law is required and not just amendments.

It was noted that it's mandatory for a review, which could be partial or a full review. This Law has been amended every three years, with the recent exception of Covid that prevented any public meetings.

A Closing Address (Ohén:ton Karihwatéhkwén) of the meeting was done.

Approved by:

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Alan John Rice

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Date