

FEEDBACK REPORT

MCK Elections Law

DATE RECEIVED	FEEDBACK	RESPONSE & DATE OF RESPONSE
May 2, 2023,	Question/ Discussion on why the recommended change was to change all references of the words council and chiefs from English to the Kanien'keha:ka terminology that was chosen. "The translation does not accurately describe what the Chiefs do. A lot of people do not like Kanien'kéha terminology used in a band council system because it is a traditional system and people are being elected to do a specific job to represent the people – not to mind fires. That belongs in a different house. These people are here for a specific purpose."	It was explained that these wording choices came directly from the governance project. The Language and Cultural department would be contacted to ensure the correct term was being used. This response was issued at the same meeting on May 2, 2023.
May 2, 2023,	<p>There was discussion around the suggested change to the definition of Criminal Offence. "It is recommended that this definition be reviewed, and a determination made as to whether the Electoral Officer should consider situations where a nominee has pled guilty to an offence but received a discharge and, as such, no conviction is registered against them. Presently, guilty pleas would not be considered in determining eligibility to run for Council if there was subsequently a discharge."</p> <p>Part of the issue is that sometimes agreements can be made with the Crown. People may be pleading guilty, but if they receive a discharge, then it's like that record no longer exists. Even if they have committed a crime, it is not necessarily taken into consideration for the purposes of running for an election. The recommendation is for us to reconsider, even if there was a subsequent discharge.</p>	<p>An indictable offence is a more serious (homicide, attempted homicide etc.), summary conviction (some are dual). The Crown will decide. The six (6) year ban from holding office will commence after the last summary conviction offense sentence has been served in full.</p> <p>The Feedback group discussed with the following as the response to this feedback:</p> <ul style="list-style-type: none"> — General consensus acknowledges that presently, guilty pleas would not be considered in determining eligibility to run for Council if there was subsequently a discharge. Changes would have to be drafted.

	<p>This can fly under the radar. It has happened in a few instances. Sometimes a judge will consider it to be in the best interest and not contrary to the public interest, he may agree to do a discharge instead of a conviction. Mostly happens with minor convictions. Convictions show up when the background check is done – but it can't be taken into consideration because it is not the same.</p> <p>Additional feedback: The recommendation should not be supported. If you are running for Council, you should be coming in relatively clean. Any potential nominee/candidate should not have guilty anything.</p> <p>Could there be a list of how a nominee has integrated into the community, some sort of measure. Hoping that the six (6) year ban has allotted a good amount of time for this to happen.</p>	<ul style="list-style-type: none"> — Consider the guilty plea even if there was a discharge. The Electoral Officer should consider situations where a nominee has pled guilty to an offence but received a discharge and, as such, no conviction is registered against them. - The definition of Criminal Office will also apply to the Electoral Officer. <p>The Responses were given at the focus group meeting on May 2, 2023.</p>
<p>May 2, 2023,</p>	<p>Feedback on the definition of Ordinarily Resident”.</p> <p>The proposed change to the term is to have it be consistent with the definition in the KKL and the KRL. The feed back that was given at the focus group was: :</p> <p>A) Who determines the individuals housing shortage? What if they choose to live off reserve?</p> <p>B) What happens if a person is eligible but cannot find housing?</p> <p>C)How would this be determined</p>	<p>A) It would become sort of a grey area. It is not considered the same thing and it would be up to the Electoral Officer.</p> <p>B) If it is due to the housing shortage, they will not be penalized. We need to trust the electorate.</p> <p>C) The six-month period would be in both sections. We are trying to get the definition itself consistent but still have it as a requirement.</p> <p>The responses were given at the focus group meeting on May 2, 2023.</p>
<p>May 2, 2023</p>	<p>Feedback on the Duties of the Electoral Officer:</p> <p>A) It was mentioned that the electoral officer should be limited to two terms.</p>	<p>A) It was explained that in recent elections it has been difficult to find individuals to run for the electoral officer position, by limiting the number of terms we could be delaying the election.</p>

May 16, 2023	It was recommended at the focus group to expand on the number of special polls to accommodate those community members who work weekends or during the day.	The explanation given was that this is possible and within the authority of the Electoral Officer. Feedback given on May 16, 2023, at the focus group meeting.
May 16, 2023	Feedback given on eligibility to vote. A question on what the term “entitled to be listed” meant.	The explanation given was that “entitled to be listed” meant, a person who had already gone through the KKL process or applying and, meeting the criteria to be recognized but had not yet signed their documents. The documents will be brought on election day and should a person who is “entitled to be listed” attends to vote, they will be able to sign their documents at the ends.
May 23, 2023	<p>Feedback on vacancies in council (Grand Chief):</p> <p>A) It was suggested that it could be done by selection amongst the sitting Chiefs to make the selection based on the person’s strengths. There could be a process in place to identify who is most suitable for the position to identify who can be second to the Grand Chief.</p> <p>B) There should not be a by-election, there should be a process to select and not appoint.</p> <p>C) In the orientation process, perhaps there could be a process to identify who would be willing or don’t want to be a grand Chief.</p> <p>D) If a person is already a Chief, they cannot also run as the Grand Chief.</p>	<p>Responses to feedback</p> <p>A) This is a process that could be designed should the community agree to it at the CDMP hearing.</p> <p>B) This feedback would be added to the process mentioned in answer A</p> <p>C) This feedback would be added to the [process in answer A</p> <p>D) It was explained that currently a sitting chief would have to give up their seat to run in a by-election for the Grand Chief. It was recommended that this part be removed to encourage someone to run for that position in the case of a by-election.</p> <p>This feedback was answered at the focus group on May 23, 2023.</p>

<p>May 26, 2023</p>	<p>Feedback on vacancy in council (electoral officer) A question was asked about if the electoral officer is mandated for the full term in the case of a by election?</p>	<p>The electoral officer will be asked if they want to continue the role, should they refuse, it would fall on MCK Justice to find a replacement. Feedback answered on May 26, 2023.</p>
<p>Jan 18, 2024</p>	<p>Feedback on language change to Kanien'kéha: The question was asked as to why this law doesn't follow the 1999 Language Law that dictates that a draft of this law must be in Kanien'kéha.</p>	<p>Feedback response: It was agreed that the 1999 Language Law does have that provision in it, and having all documents translated to Kanien'kéha is the goal, there is a lack of compacity to be able to do so at this time.</p>
<p>Jan 18 2024,</p>	<p>Feedback was given on the recommended change of "who can hold office" section of the law, as it would need to be changed to remain consistent with the KKL. Much discussion was had over the reasoning for 50% blood quantum being removed for wording more suited to the current KKL.</p>	<p>Feedback answer: The recommendation was to remove the 50% percent blood quantum, is to maintain consistency with the KKL which doesn't mention blood quantum. There had been much discussion over this topic at the focus group and technical drafting committee. The process of how a person is put on the KKR via the KKL application process was explained. Feedback given on January 18, 2023.</p>
<p>Feb 19, 2024</p>	<p>Feedback on the eligibility criteria: The Office of the KKR supports the removal of 50% blood quantum and supports the criteria be changed to reflect the criteria required to be recognized as the Kanien'kehá:ka of Kahnawà:ke</p>	<p>Explained that this will be noted and mentioned when this section if brought to the community at the hearing. Feedback was answered on Feb 19, 2024</p>

<p>Feb 19, 2024</p>	<p>Feedback on suggested amendments to definitions of the Law:</p> <p>Definition: Representative: Needs to be chosen in advance of the election so the individual can be verified for their recognition on KKR.</p> <p>6.1 e indicate Main council office and any other satellite buildings where copies of the Election Law and Regulations will be available.</p> <p>6.3 Remove “undue delay” and add “immediately”. Also, if an election for the Electoral Officer had been held with more than one candidate, the runner(s) up should be on call.</p> <p>8.1b/12.1a Criteria for Electoral Officer should be worded the same.</p> <p>12e Must be a minimum of 21 years of age on the date of election.</p> <p>21.3 Electoral Officer is not able to make a correction, only the General Manager of OKKR.</p> <p>34.5 Must be clear that the Chief has resigned if elected to Grand Chief</p>	<p>Explained that these suggested amendments would be added and brought to the community at the hearing.</p> <p>Feedback answer on Feb 19, 2024</p>
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