

**FEEDBACK REPORT**  
MCK Election 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’kéha 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>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</p>	<p>An indictable offence is a more serious (homicide, attempted homicide etc.), summary conviction (some are duel). 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"> <li>— 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.</li> <li>— 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.</li> <li>— The definition of “Criminal Offense” will also apply to the Electoral Officer.</li> </ul>

	<p>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>	<p>The Responses were given at a 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 a 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 2, 2023	<p>Feedback on an educational requirement to hold office:</p> <p>It was a recommendation in the suggested amendments to include an educational requirement of at least a high school level education for a person to hold office. Can this be done?</p>	<p>The explanation given was that it wouldn't be advisable as it could lead to legal challenges. Also, it was explained that the people making their selection should have the right to select whomever they see fit regardless of their educational background.</p> <p>Feedback given on May 2, 2023.</p>
May 9, 2023	<p>Feedback on nomination procedure:</p> <p>Clarify who can nominate and second eligible candidates for Grand Chief, or Council Chief – is it one person able to nominate for both or only one time nominating and seconding?</p> <p>Clearly indicating for which position a candidate intends to run – recommend a revision to the Regulation Respecting Forms and Declarations to create a dual-indicator form prepared and included in the nomination package</p>	<p>The section is considered clear, so no suggested amendment be made</p> <p>Timeline already exists in the law and therefore leave as is in the law. Any regulations will be handled separately.</p>
May 9, 2023	<p>Feedback on verification procedure:</p> <p>Requirement of submitting a duly completed form within 3 days at the close of nomination – suggest timeline be extended – since need to determine eligibility</p> <p>Requirement of submitting acceptance of refusal of nomination from 7 days to 9 days</p> <p>In regard to “potential ineligibility” suggestion for responsibility to be with the OKKR not the Electoral Officer</p>	<p>This may change based on the community's decision regarding the eligibility section</p> <p>This may change based on the community's decision regarding the eligibility section – may change up to 14-17 days, or 9 days if no changes regarding eligibility</p> <p>Recommendation – remains responsibility of the Electoral Officer and not add a new section</p>
May 9, 2023	<p>Feedback on polling location:</p> <p>Recommend availability for a designated place Justice to hear and decide requests for pre-election reviews</p>	<p>Suggest putting this in a regulation, or electoral officer Terms of Reference</p>

May 9, 2023	Feedback on fundraising at a polling location: Recommended to reconsider fundraising activities	Recommended to not allow fundraising to keep polling location neutral, unobtrusive environment
May 9, 2023	Feedback on Election Procedure: Polling clerk believes person falsely representing themselves – should they be referred to the OKKR instead of electoral officer	Recommend that the decision remain with the electoral officer and not include OKKR
May 9, 2023	Feedback on voters list: The Membership Registrar will prepare the voter list not less than 1 month before election day – suggest modify to General Manager of OKKR and change to 1 week	Recommend change to 1 week before elections – and name change due to new title for registrar to general manager
May 16, 2023	Feedback on Voting: If an elector’s name has been inadvertently omitted as a perceived error – elector can apply to the electoral officer to make necessary corrections – suggestion have discussion with the general manager of OKKR  If a person’s name is not included on the Voters list – the electoral officer and assistant electoral officer will inquire if person eligible - refer them then to the Membership Department – this title is inaccurate	Recommend that it be addressed with the electoral officer who would then have discussion with the general manager of OKKR  Recommend changing to reflect proper titles
May 16, 2023	Feedback on Special Polls: It was recommended at a 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. Electoral officer already has capacity can hold special polls under the law  Feedback given on May 16, 2023, at the focus group meeting.
May 16, 2023	Feedback on Criteria for Voting in Special Poll: It is set at 48 hours currently – suggest increasing to 72 hours	Recommend increasing to 72 hours
May 16, 2023	Feedback on Special Poll Ballots and Special Poll Lists: Electoral Officer maintains a list of electors who participated in special polls – those names will be “crossed off” – suggest updating technology to reflect Election database	Recommend updating to new technology

May 16, 2023	Feedback given on eligibility to vote. A question on what the term “entitled to be listed” meant.	<p>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 available on election day and should a person who is “entitled to be listed” attend to vote, they will be able to sign their documents at the polling station.</p> <p>Feedback response given on May 16, 2023.</p>
May 16, 2023	Feedback on Counting the Votes: Candidates having representatives to attend the counting of votes – what is definition of “representative”	Recommend using the definition that the “representative” must be eligible to vote in the election
May 16, 2023	Feedback on Declaration of Poll Results: Term of incumbent Council end immediately after election results are made public – should it be after swearing oath of office	Recommend it be after swearing in oath of office - within 1 week of the election
May 16, 2023	<p>Feedback on Pre-Election reviews: Requests to the court for review of electoral officer’s decision(s) in pre-election matters – should there a form and title change regarding the “court”</p> <p>The Justice who reviews electoral officer’s decision has discretion on the procedure...and will not “inhibit” the election proceedings – should the word “inhibit” be changed to “hinder”</p>	<p>Recommend using a standardized form that is to be submitted to the Court of Kahnawake, not simply “court” – addition to methods for submitting of form(s)</p> <p>Recommend changing the term from “inhibit” to “hinder”</p>
May 23, 2023	Feedback on Post-Election appeals: Appeals must be submitted in writing and sent via mail, email, or fax, or bailiff...not more than 7 days after election day - Should it be mandatory for appeals to be using a form established by Justice Services and content of form be set by regulation – should methods of submission be the same as pre-election reviews for consistency.	Recommend using the form suggested along with suggested methods of submission for consistency.

	Should change the time limit for submitting appeals from 7 days to 10 days .	Recommend changing from 7 days to 10 days .
May 23, 2023	<p>Feedback on vacancies in Council (Grand Chief):</p> <p>It was recommended that if the position of Grand Chief was vacant for any reason in the term, a by-election would be called.</p> <p>There was a lot of discussion that included the following:</p> <p>A) One suggestion was that a process could be developed, and the selection may be 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, can they run as the Grand Chief.</p>	<p>Responses to feedback</p> <p>It was recommended that if the vacancy for Grand Chief occurs 6 months or more before the next scheduled election, a by-election will be held for the position of Grand Chief.</p> <p>It was recommended that if there is a by-election for Grand Chief, a current sitting Chief would not have to give up their position in order to run for the position of Grand Chief.</p> <p>If there are less that 6 months before the next election, a process could be determined internally where an individual would resume the responsibilities of Grand Chief until the election. That person would not hold the title of Grand Chief though.</p> <p>This feedback was answered at the focus group on May 23, 2023.</p>
May 26, 2023	<p>Feedback on vacancy in council (electoral officer)</p> <p>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 will fall on MCK Justice Services to find a replacement. There is wording drafted to reflect the feedback.</p> <p>There was approval to change the period for calling of nominations from 1 week to 2 weeks in the law.</p> <p>Feedback answered on May 26, 2023.</p>
Jan 18, 2024	<p>Feedback on language change to Kanien’kéha:</p> <p>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:</p> <p>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>

Jan 18, 2024	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>Feedback answer:</p> <p>The recommendation was to remove the 50% percent blood quantum, was done 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. This explanation was given at a Technical Drafting Committee meeting, where it was decided that we would use the criteria of “is recognized on the KKR” for the purposes of this draft law, however it would be the decision of the community at the community hearing to determine what the recognition criteria will be.</p> <p>Feedback given on January 18, 2023.</p>
Feb 19, 2024	<p>Feedback on the eligibility criteria:</p> <p>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 is brought to the community at the hearing.</p> <p>Feedback was answered on Feb 19, 2024</p>
Feb 19, 2024	<p>Feedback on suggested amendments to definitions of the Law:</p> <p><u>Definition</u>: Representative: Needs to be chosen in advance of the election so the individual can be verified for their recognition on KKR.</p> <p><u>6.1 e</u> indicate Main council office and any other satellite buildings where copies of the Election Law and Regulations will be available.</p> <p><u>6.3</u> 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>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>

	<p><u>8.1 b/12.1 a</u> Criteria for Electoral Officer should be worded the same.</p> <p><u>12 e</u> Must be a minimum of 21 years of age on the date of election.</p> <p><u>21.3</u> Electoral Officer is not able to make a correction, only the General Manager of OKKR.</p> <p><u>34.5</u> Must be clear that the Chief has resigned if elected to Grand Chief</p>	
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