

# THEMES

## Mohawk Council of Kahnawà:ke Election Law

The 1<sup>st</sup> Hearing was held on February 28, 2012, at the Knights of Columbus. Below is the feedback received, and condensed into four areas or themes. They are General Criteria, Accountability, Composition and Election Procedures/Processes

The current Election Law has identified the following to be an elected Council Chief.

14.1 The term of office of the Grand Chief and each Council Chief will be three (3) years.

[amended MCR #11/2005-2006]

14.2 There is no limitation on the number of terms of office a Grand Chief or Council Chief may serve.

### 15. WHO CAN HOLD OFFICE

15.1 To be eligible to hold the office of Grand Chief or Council Chief, a person:

- (a) must be on the Mohawk Registry;
- (b) must be fifty (50 %) percent or more Mohawk Blood quantum
- (c) must not be married to or living common-law with a non-Native person;
- (d) must be a minimum of twenty-one (21) years of age;
- (e) must be ordinarily resident of Kahnawà:ke;
- (f) must not have been, within the previous six (6) years, convicted and sentenced for a criminal offense. The six (6) year ban commences only after sentence has been served in full;
- (g) if he or she has previously served on Council, must have ended his or her term of office in good standing; and
- (h) must be willing to submit to and pass a physical test for illegal drugs, after being elected to the position of Grand Chief or Council Chief.

At the 1<sup>st</sup> Hearing it was agreed that there should be modified and or additional criteria to hold an elected Grand Chief or Council Chief position for the Community of Kahnawake. Identified below are areas presented by the participants.

### GENERAL CRITERIA

- Work and Life experience
- Volunteer experience (internal and external to the community)
- Political - Community knowledge
- Education (not defined)
- Age requirement (not defined-current criteria is 21 years old)
- Unlimited or limited terms of office
- Knowledge of Kanien'kehaka language and culture, Traditional values
- Be in good health

- Psychological Assessments (new-not defined)
- Should the Mohawk Council of Kahnawà:ke Election Law coincide with the Membership Law, which means that a candidate would have to meet the four great grandparents rule?
- Should it remain 50% to be a Chief, as it states in the existing Law?

#### ACCOUNTABILITY

- Demonstration of good leadership skills
- No criminal record or convictions (currently in law)
- Mandatory for a Chief to sign Declaration of Office and Confidentiality Agreement,
- Must agree to sign and abide by the declaration of Office and Confidentiality agreement before being allowed on the ballot.
- Code of Conduct
- Roles and responsibilities
- Should the Disciplinary Measures be attached to the MCK Election Law? Chief should disclose any personal interests / conflicts of interest (Business, family etc.)
- Possible removal process for Chiefs not getting the job done
- Review of current disciplinary measures and regulations
- Chiefs should not be able to drop a portfolio because they do not like it
- A section on removal of office needs to be addressed

#### COMPOSITION

- Council members be reduced from 12 Chiefs to 9
- Composition of Council would require a representation of 3 females. This could lead to a future structure that would eventually include a clan-mother like delegation? (Traditional structure)
- Are we limiting ourselves by having individuals run for the position of Chief or Grand Chief. We may be losing a good candidate by using this system of selection.

**MEMBERSHIP:** The issue of Membership has come up at virtually every MCK Election. The membership criteria needs to be defined clearly in relation to all areas that refer to Membership in the MCK Election Law – who can be an electoral officer to oversee the MCK Election, who can run for Council Chief, who can vote in the MCK Election.

**PROCESS:** Recommendations in this area were found to be “process and procedural based,” which may be considered Regulatory. This would address areas within the responsibility of the Electoral Officer for conducting the Elections (setup, counting ballots, location, advance polls, etc.)

- Should the MCK Election Law be condensed – separate the Process/Internal Processes and develop separate Regulations for procedures?
- The Electoral officer should have an office and have access to MCK Resources while running the MCK Elections.

More procedural steps should be drafted for discussion