

**COMMUNITY DECISION-MAKING PROCESS
PHASE 1 - COMMUNITY CONSULTATION (1ST HEARING)**

**REQUEST FOR LEGISLATION: Kahnawà:ke Election Law
KNIGHTS OF COLUMBUS HALL
28, Enniska/February 2012
6:00 – 8:00 PM**

RECORD OF DISCUSSION

FACILITATORS:

Shakoshennakéhte Ron Skye (Lead -CDMP)
Kahente Horn-Miller (Group 1)
KellyAnn Meloche (Group 2)
Tekahnetóntie Joe Delaronde (Group 3)

RESOURCE PEOPLE:

Trina C. Diabo (Lead – Resource Person)
Lori Jacobs (Group 1)
Angus Montour (Group 2)
Darlene Alfred (Group 3)
Shari Lahache - Membership Questions

RECORDERS:

Kennikaronia:a Leslie Skye (Lead/Logistics)
Trina Diabo-Jacobs (Group 1)
Brandi Meloche (Group 2)
Caroline McComber (Group 3)

6:00 P.M. OPENING

Kanento Patton opened with the Ohén:ton Karihwatéhkwén.

6:15 P.M. INTRODUCTION/MEETING GUIDELINES

Ron Skye welcomed and thanked everyone for attending and gave a brief introduction on the CDMP and the roles of each group's facilitator, resource person, group speaker and recorder.

**6:20 P.M. OVERVIEW OF PROPOSED AMENDMENTS TO KAHNAWÀ:KE
ELECTION LAW**

Trina gave an overview of the history of the Election Law.

6:45 P.M. 15 MINUTE GROUP DISCUSSIONS

**15 MINUTE DISCUSSIONS
“SHOULD THE MOHAWK COUNCIL OF
KAHNAWÀ:KE ELECTION LAW BE AMENDED?”**

GROUP 1

Yes, they unanimously agreed that they want to make changes/amendments to the Kahnawà:ke Election Law

GROUP 2

Yes, we want to make changes/amendments to the Kahnawà:ke Election Law

GROUP 3

Concurred with Group 1 & 2 to make changes/amendments to the Kahnawà:ke Election Law

Question 1: Should the Mohawk Council of Kahnawà:ke Election Law be amended?

Group 1

Facilitator: Kahente Horn-Miller
Resource Person: Lori Jacobs & Shari Lahache
Group Speaker: Orenda Boucher-Curotte
Recorder: Trina Diabo-Jacobs

15 MINUTE GROUP DISCUSSIONS

- 2007 did a briefing note working in the elections. Over the years there are now many recommendations for the law.
- Change term to 3 years, and when talking to the Council at the time, they felt 2 years not long enough and the suggestion was taken into consideration, and was implemented.
- There are so many recommendations from different people.
- If a person runs for 2 positions (Grand Chief and Chief)? We are thinking we may lose some good people. A possible consideration is to have an election for chiefs only?

QUESTIONS:

- Are these proposed amendments part of the community?
Response: Yes.
- Some recommendation questions: Who can vote? Who can run? (need to be discussed further) How did the recommendations get cut down?
Response: The recommendations were weeded through and the ones that were duplicated were taken out. Trina C. Diabo has the original if anyone wants to view and compare.

OUTCOME:

YES. Group 1 agrees that the law needs to be amended, based on the number of recommendations. The working group now has to work at the amendments to the law. All agreed that the law needs to be amended, with recommendations.

Question 1: Should the Mohawk Council of Kahnawà:ke Election Law be amended?

Group 2

Facilitator: Katsi'stenha:wi KellyAnn Meloche
Resource Person: Angus Montour
Group Speaker: Heather Jacobs-Whyte
Recorder: Kahentinehshon Brandi Meloche

15 MINUTE GROUP DISCUSSIONS

- Many problems with the Election Law.
- No Support for the Electoral Officer.
- Problems with Membership questions.
- Other Nations shouldn't be eligible to run for Chief.
- Should stay with the 50% blood requirement to be eligible to run for Chief.
- Possible committee in place to support the Electoral Officer.
- The Electoral Officer needs a place to work. Must have access to resources at the MCK.

RESPONSE/POSITION:

Committee of Community Members should be formed to revise Regulations

- Community members should not be put into the position to be writers. There shouldn't be a committee of community members at all.
- Skill is required to write and not all have the capacity.
- There should be review of regulations for feedback. Regulations should be approved by the governing body.
- A regulation is similar to a law; it is a "small" law. Community members should be allowed to review and approve.
 - ➔ **Recommendation to amend the law. This is being done now.**
 - ➔ **Creating regulations should be considered.**
 - ➔ **Have a committee of community members to review the regulations.**

To have an office for the Electoral Officer within the MCK building. To avoid confusion of who is responsible to what task.

- If the Electoral Officer had a location to work out of, community members could have a place to go to ask questions or express concerns.
- Suggestion to have a year-round Election office for all elections that are held throughout the year.
 - ➔ **Recommendation to have an office for the Electoral Officer doesn't have to be located at the main MCK building.**
- Candidates should name a representative to count ballots. Once they name their representative, the Electoral Officer will meet with that person.
- Have 24 to 48 hours to name a representative to count ballots.
- Electoral Officer will need more than 24-48 hours to meet and screen the representative.
- A lot of these procedures which are steps should be transferred into regulations and the law should become smaller.
- Should be a transition period for exiting and entering of new Chiefs. Exiting Chief should be guiding and updating new Chief on files.

OUTCOME:

Yes, the Kahnawake Election Law should be amended.

Question 1: Should the Mohawk Council of Kahnawà:ke Election Law be amended?

Group 3

Facilitator: Tekahnetóntie Joe Delaronde
Resource Person: Darlene Alfred
Group Speaker: Ka'nahsohon Kevin Deer
Recorder: Caroline McComber

15 MINUTE GROUP DISCUSSIONS

Group Three discussed to clarify whether the disseminated *recommendations for amendments* handouts were comprised from past Electoral Officers. The Group deferred to Darlene Alfred (former Electoral Officer) who confirmed that the recommendations are a compilation from the prior year's Electoral Officers experiences.

DISCUSSION/CONCERNS: Priorities

- The criterion for candidates needs to be explored further to determine amendments along with the deliberation of the many recommendations presented.
- The question arose as to whether consecutive terms of office are allowable or abolished.
- Chiefs' portfolio **achievements** need to be measured to reflect accountability benchmarks for Chief and Council to consecutively run for office.

QUESTIONS:

- Will fewer Chiefs in office improve the overall **efficacy** for Council to better service the community of Kahnawake?
- Should the current criterion be amended to examine candidates working experience/political-community knowledge (i.e., SSSL, international affairs), levels of education obtained, age requirement between 30-40 years and recommendation that the candidate be abstemious to qualify?
- Should that Elections Law be amended to mirror that traditional Longhouse structure whereby candidates are proficient in language, ceremonies, history of traditions/culture?
- Should there be unlimited terms of office?

RESPONSE/POSITION:

- The consensus is that the three year term is acceptable, however in relation to the question of consecutive terms of office, it was agreed by the team that terms of office can be without limitations based on the candidate's knowledge and experience.
- Portfolio accomplishments need to be examined closely to ensure Chief and Council are meeting a set **accountability** framework.
- The team recommended that candidates meet minimum qualifications in areas concerning knowledge of Council/Community issues, leadership demonstration, traditional values, peace building and volunteer activities.
- Lastly, the team recommended mandatory accountability requirements to include a Chief's thorough introduction/orientation to Council issues, signing a confidentiality agreement upon declaration of office, and follow a code of conduct/behavior.

OUTCOME

The consensus of Group 3 was to proceed further with a mandate to amend the **Mohawk Council of Kahnawà:ke Election Law**.

Question 2: If yes, which proposed recommendations should be given priority?

Group 1

Facilitator: Kahente Horn-Miller
Resource Person: Lori Jacobs & Shari Lahache
Group Speaker: Orenda Boucher-Curotte
Recorder: Trina Diabo-Jacobs

DISCUSSION/CONCERNS:

- Do not see one more important than the other, we need consistency, if we change the process, does not disagree.
- Whatever has to be done has to be consistent.

Strategy:

- What are the top 10 issues that each Electoral officer had to deal with and compare??
- Recommendation: Group by issue (ex: membership, etc.)
- Until you know what is wrong, then you can fix it.
- Things that were lacking are there. Better clarity on the process.
- Are you able to come to a consensus on a scope?
- Need clarity once it is grouped: a gradual basis and group the top 10 issues.
- Need to take into account the community suggestions, from the polls.
- What were some of the major changes? Criteria to be a chief, age, education, how you were living.
- Most were 35 and over. Reducing the amount of council members. 9 were mentioned.
- If you had to categorize the issues, it would direct the changes. All the recommendations should be grouped.

Election Law recommendations: 1 to 10 (going through the recommendations)

1 -1

2 - 1

3 – 1

4-10 already in the process

5-10 only determined during the election process

6-1 Electoral officer is independent. Outside as we cannot talk for other buildings

7-10 Election appeals

8-10 (wording needs to reflect the membership law, changes)

****9- 10 political matter (if you are running for chief and convicted as a cigarette smuggler) outside of the issue. Ask legal to define.** Might be recognized, you are arrested and charged and always on your record. Is it considered a crime? Is it a conviction?

10- 5 already in the law can't be working out of Council. Need a clear definition of "nominator" in the list of definitions this needs to be clear.

****11-10 it is what happens, and asked to be put into the law it is eligibility**

All eligibility/membership issues be grouped – More clarity on eligibility issues!!

12 - 24.7 & 8 do not exist, but needs to be clarified from the original documents.

13-10 (but under regulations) witness means: sometimes people (challenged or cannot see) will come in and ask to go in with someone to help? Should it be in the law to have someone go in along with the electoral officer. It is important, but is more a regulation than a law.

There needs to be a law and regulations to support it.

Is there an oath that each electrical officer has to take? Yes.

14 - 0 already in the process. There needs to be a Manual for the electoral officer

15 – 10 (goes under eligibility)

16 - Clarification needed age requirement. Numbers may correspond to past document.

17 – (Already done) As soon as electoral officer announces the results they start on the Monday, it already in the law.

18 – 10 addressed under membership

19- 10 eligibility

20 -10 eligibility once this all answered

21- 10 membership/eligibility

22- membership/eligibility

23- 10 eligibility - page 19, schedule C declaration of eligibility (ban in law 6.1D + 15.1F)

24- 1 remove the word "impeachment" this is process but goes into own category, part structure/process – disciplinary measures – belongs in the law only because you are removing an elected person. Is it a priority to look at the disciplinary measures? Need something in place.

25 -1

26-1

27-1

28 -1 - process for eligibility and for an appeal process. Accountability for the electoral officer.
Part of the law but belongs in the appeal process

29- Outside of what the law says, regulations. A section on removal of office needs to be addressed. Disciplinary measures need to be attached to the law. And can be recommended to annex to the law. A number of components needs to be addressed.

Eligibility of who can vote

Looked at the entire structural section; they were rated or prioritized as 1 = low & 10 = high:

2- priorities of eligibility

Laws & regulations need to be defined

Top 10 on the list – we prioritized ourselves.

Separate entity needs to be addressed.

QUESTIONS:

- What do structural changes mean? More important it would change the law itself. Changes the entire structure.

Question 2: If yes, which proposed recommendations should be given priority?

Group 2

Facilitator: Katsi'stenha:wi KellyAnn Meloche
Resource Person: Angus Montour
Group Speaker: Heather Jacobs-Whyte
Recorder: Kahentinehshon Brandi Meloche

DISCUSSION/CONCERNS:

- 50% Blood requirement should stay in place to run for Chief. Both parents of eligible candidate must be Mohawk (even 50% Mohawk).
- Cannot hold office if you are of another nation. Candidate should be Mohawk.
- Duty of a Chief, roles and responsibility. Global duties, a person elected should know their role.
- Chiefs should not be able to drop a portfolio because they do not like it.
- Concern with Chiefs not wanting to sign the declaration of office and or confidentiality.
- Roles and responsibilities should be part of the law but under regulations, developed by community members.
- Review of the criteria and the eligibility of who can run.
- Education should be a requirement.
- Academics is only one part, life experience is also a large part of education.
- Responsibility to engage with the community. Not just media.
- Review of disciplinary measures and regulations.
- Community members making a complaint against a Chief should sign a declaration that they are making a true complaint and not because they do not like that Chief.
- Psychological evaluations should be done on candidates.
- Chief should disclose any personal interests / conflicts of interest (Business, family etc.)
- Review of Term of Office.
- People may not want to run if they have a limit as to how many consecutive years they can run. Why would they want to leave a career to possibly be unemployed shortly after?
- Chiefs who run and are elected for many years have a lot to offer. They grow and develop in that position. They make for a good choice of Grand Chiefs.
- Number of Chiefs should be cut down.
- Possible removal process for Chiefs not getting the job done.
- More procedural steps should be drafted for discussion group to review. We can look at the body of law.

QUESTIONS:

- Documents that were given out today are not the same documents that are on the website
- Kahnawa:ke is missing the proper accent.
- Is a three year election term sufficient?

Question 2: If yes, which proposed recommendations should be given priority?

Group 3

Facilitator: Tekahnetóntie Joe Delaronde
Resource Person: Darlene Alfred
Group Speaker: Timmy Norton
Recorder: Caroline McComber

DISCUSSION/CONCERNS:

- To date, the Membership and Elections Laws are inconsistent and conflicting.

QUESTIONS:

- Should the MCK's involvement be prohibited in elections process?
- Is there the need for an Independent electoral board creation with guidelines/rules outside of MCK?
- Which law supersedes, the Membership vs. Electoral?

RESPONSE/POSITION:

- The team agreed that amendments to both laws are essential for harmonization. Eligibility requirements are better defined/clarified with specific reference to blood quantum versus the Law.
- The criterion may include investigation of criminal/offences record and/or convictions and candidates must be in good health.
- Lastly, the team agreed that Chief and Council be reduced from twelve (12) to nine (9) delegates with the recommendation to analyze portfolio numbers in comparison to Chief's workload certifying feasibility for the reduction proposing greater numbers of female delegates/representation (3 minimum).
- Also proposed for future development was the electoral process emulating the traditional structure that would eventually include clan-mother like delegation.

CONCLUSION:

The mandate was received to make amendments to the Kahnawà:ke Election Law by the Working Group. The 2nd question was presented by Groups 2 & 3, whereas Group 1 presented but needed more time to review all of the recommendations. Therefore no decisions were made regarding the scope of the amendments to the law other than giving the working group the mandate to make the amendments. The next meeting will address the current recommendations for amendment and will ask if there are any further or additional amendments they feel should be made.

Each facilitator & resource person were told that the information collected was to be used as a guide and to explain any questions or recommendations that came up from the consultations held by Trina C. Diabo and the Working Group. They were also asked to focus on facilitating discussions on more global issues with the law. During the break, all 3 groups were asked to look at the big picture and not to focus on the administrative issues, *i.e. having proper lighting in the parking lot.*

NEXT SESSION:

The Technician (Trina C. Diabo) will start grouping information into themes. All of the information from tonight's session will be publicized to the community. When we reconvene on March 20, 2012, the community will be asked if there are any other changes that need to be added.

NEXT MEETING:

Kahnawà:ke Election Law - 2nd Community Consultation Hearing

Tuesday, March 20, 2012
Knights of Columbus Hall
6:00 – 8:00 p.m.

Chiefs Advisory

Date

Chief

Date

Chief

Date

Technician

Date