

**COMMUNITY DECISION-MAKING PROCESS**  
**MOHAWK COUNCIL OF KAHNAWÀ:KE ELECTION LAW**  
**FIRST HEARING**  
**GOLDEN AGE CLUB**  
30, Tsothohrkó:wa/January 2018  
6:00 PM – 8:30 PM

**RECORD OF DISCUSSION**

**FACILITATORS**

Joe Delaronde (Lead)  
Leslie Skye (Co-Facilitator/CDMP)

**RESOURCE PEOPLE:**

(Technical Drafting Committee (TDC))  
Alana Goodleaf-Rice (Lead)  
Trina C. Diabo (Technician)

**RECORDER(S):**

Brandi Meloche  
Katsistohkwí:io Jacco

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- ❖ **Opening Address** – Katsistohkwí:io Jacco
  - ❖ **Welcome/Respectful Behaviors/Process & Community Representatives** – Leslie Skye
  - ❖ **Proposed Amendments to the Mohawk Council of Kahnawà:ke Election Law** – Alana Goodleaf-Rice and Trina C. Diabo
    - Approval of Development of Preamble and Jurisdiction Statements;
    - Setting a Definite Date for the Election
    - Appointment of Electoral Officer by the Kahnawà:ke Justice Commission;
    - Clarification of, and if need be, Removal of the Eligibility Requirement that a Nominee Must Declare All of His/Her Private Business Holdings;
    - Identification of Provisions Suitable for Transfer into a Regulation; and
    - Establishment of a Body to Review Decisions of the Electoral Officer in an Expedient Manner
  - ❖ **Next Steps** – Leslie Skye and Joe Delaronde
  - ❖ **Closing** – Katsistohkwí:io Jacco

**LEGEND:**

**A:** Answer

**S:** Statement (by community member)

**Q:** Question

## Approval of the Development of Preamble and Jurisdiction Statements

### Discussion:

Q: Is it supposed to read "...we have the right to govern ourselves in relation to matters that are integral to our unique culture, identities, traditional, languages and institutions..." in the Preamble?

A (TDC): No, that was a drafting error. It should read "...our unique culture, identities, *traditions*, languages and institutions..." This sentence is in the fourth paragraph of the Preamble. The error was noted and will be redrafted to reflect this change.

Q: Should the reference to the 1982 Constitution Act be included in this preamble?

A (TDC): We will look into this.

### Outcome:

Once the Preamble and the Jurisdiction statements were fully read, the community agreed to approve both of these statements.

### **CONSENSUS REACHED**

## Setting a Definite Date for the Election

It was proposed by the Technical Drafting Committee (TDC) that a permanent date for Election Day be set. This date would be the first Saturday in the month of July; every three years beginning in 2018 should these amendments be passed. In addition, setting a definite date allows for proper preparation and planning for both the MCK administration and community members.

### Discussion:

Q: What is the significance of holding Election Day on the first Saturday of July?

A (TDC): In the past, the Election Day was held on the first Saturday of July because this is when many Kahnawà:kehrónon who were working away, such as Ironworkers, returned home for the weekend.

A (TDC): While maintaining this tradition, it is also important to have a permanent Election Day not only for consistency, but to also have a set start date for the position of the Electoral Officer.

Q: Why does there have to be special circumstances to participate in an advanced poll?

A (TDC): It takes a lot of preparation and money to coordinate an Election Day. The Electoral Officer needs to prepare and plan. When having an advance poll, they also have to provide a location for it. The advance poll should not be bigger than the actual Election Day.

Q: When did the term to hold office as a Council Chief become three years instead of two and how was this decided?

A (TDC): It has been several years since the term for Chiefs in Council increased from two to three years. It was decided by the Elected Council at the time and this was prior to the existence of the CDMP.

**Outcome:**

It was agreed by the community that there is a definite need to set a permanent date for the Election Day. The first Saturday of July was accepted as the permanent date for Election Day.

**CONSENSUS REACHED**

**Appointment of Electoral Officer by the Kahnawà:ke Justice Commission**

The Proponent explained the reason the TDC proposed the appointment by the Kahnawà:ke Justice Commission (KJC) was because the position of Electoral Officer is like a job. However, during the 30-Day Community Feedback Period, the TDC received a letter from the Kahnawà:ke Justice Commission stating that they felt the appointment of the Electoral Officer by their Commission was a conflict of interest. The KJC responded back with a hybrid proposal whereby the KJC would screen applicants and those meeting the requirements would then go forward to a vote.

**Discussion:**

S: I agree with having this position be appointed by the KJC, because it can be quite a difficult job.

Q: In the past, the Electoral Officer did not always have much support. Would the KJC be able to provide the Electoral Officer with some support?

A (TDC): After appointment there is no further involvement by the Justice Commission with the Electoral Officer, however, they will have ample support available from Legal Services or the Executive Office.

Q: Is there any training available for an Electoral Officer?

A (TDC): No there is not, however, previous job experience is taken into consideration and managerial experience is a definite asset.

S: Providing training for Electoral Officers will help to prepare the successful candidate for the job.

A (TDC): We will take this into consideration.

S: I do not agree with having the Justice Department appoint the Electoral Officer because they are a part of the Mohawk Council of Kahnawà:ke (MCK), and that is a conflict of interest.

A (TDC): The Justice Department is different from the KJC. The KJC is considered to be independent from MCK, which is why it was recommended that it be the body to appoint the Electoral Officer.

Q: Is the KJC still technically associated with the MCK? Yes or no?

A (TDC): Yes.

S: I also believe that the KJC should not appoint the Electoral Officer. It is important that the community be aware of the potential candidates for this position and also have an input on who is going to be hired.

A (TDC): The TDC is willing to hear suggestions. For instance, in the KJC's letter, it was recommended that the position of the Electoral Officer remain an elected one, while the KJC could screen applicants for the position, and a higher set of criteria for credentials be set.

Q: What would these credentials entail?

A (TDC): Due to the fact that the position of the Electoral Officer is a paid job, it would be necessary for the applicants to have some past managerial experience, good administrative and written skills, and any other experience that may help this individual to do the job to the best of their ability.

S: I think it is important to have credentials set for this position, however, do not raise the bar too high. We cannot expect this individual to have a Master's Degree or PhD. We want the Electoral Officer to be from Kahnawà:ke.

A (TDC): Yes, that will be taken into consideration when posting the qualifications for the applicants.

Q: What would prevent someone from being eligible to become the Electoral Officer or from voting in the elections?

A (TDC): Having their benefits suspended.

Q: How does a person get their benefits suspended? Can we have an example?

A (TDC): Being in contravention of the Kahnawà:ke Membership Law. An example would be living with a non-Native person.

Q: How do you monitor if a voter is in contravention of the Kahnawà:ke Membership Law?

A (TDC): The staff from the Membership Department is present at the voting station on Election Day. They monitor the voters and determine eligibility to vote.

**Outcome:**

The Community collectively decided that the Electoral Officer should remain an elected position. However, it was agreed that individuals must apply for this position, and a higher set of credentials would be in effect in order to be considered as a candidate for the position.

Applicants would then be screened through the KJC, who would decide which candidates could be elected by the community.

The Law will be redrafted to reflect this decision and presented for approval at the next meeting - First Hearing (Meeting #2) for the MCK Election Law.

**CONSENSUS REACHED**

**Clarification of, and if need be, Removal of the Eligibility Requirement that a Nominee Must Declare All of His/Her Private Business Holdings**

**Discussion:**

S: I was present at the Hearings for the previous amendment to this Law, and the community decided at this time that it was important for the Chiefs to have to declare their private business holdings. I am not in favor of removing this requirement for a Chief to hold office.

A (TDC): Yes, it was the decision at the time for the Chiefs to have to declare all of their private business holdings, and this is reflected in the current Law. However, in the current Law it states, *“must declare all their private business holdings the purpose of which is to verify conflicts of interest if elected and/or respond to public inquiry of Chiefs”* (Section 12.1g). Therefore, there is no real significance for a Chief to declare their private business holdings in accordance with the Law.

S: I believe that the requirement for a Chief to declare their private business holdings should remain. I also believe that this information should be publicized and available to the community.

S: I agree the community should be aware of the Chief’s private business holdings in the event that there is a conflict of interest. It is possible that a Chief could hold a portfolio or obtain certain knowledge while in office that will allow them to advance their own private business, without the community being aware. This is why it is important that the community is privy to their private business holdings.

S: The Chiefs should be required to declare their private business holdings to the Electoral Officer who will make this information public during the Election Process. This may influence

the amount of votes they receive, but it is necessary that the community know this information before the voting takes place.

A/Q (TDC): So you believe that the potential candidates who are running for Office should be required to declare this information to the community?

S: Yes.

### Outcome:

The community members agreed that the declaration of private business holdings should be a requirement in order to run for Office. However, this information will now be made public to the community during the Election Process and prior to Election Day. The MCK Election Law will be redrafted in order to reflect this decision and it will state under Section 12.1g:

*“must declare all their private business holdings the purpose of which is to verify conflicts of interest if elected and/or respond to public inquiry of candidates”.*

### **CONSENSUS REACHED**

#### **Identification of Provisions Suitable for Transfer into a Regulation**

The provisions of the Law suitable for transfer into a Regulation were identified as the Nomination Process, Verification Process, preparation of the Polls, Voting Processes, the counting of Votes and all of the application forms that are required for a potential candidate to complete.

### Discussion:

Q: What is the significance of transferring these provisions into a Regulations document?

A (TDC): It is for simplicity purposes for the Electoral Officer. For instance, should the Electoral Officer want to edit or change one of the application forms in a timely manner, it will be easier for him or her to do so rather than being required to make the changes through the CDMP.

S: I am suggesting that on Election Day, the ballot box should not be left unattended and should be monitored by a minimum of two people. This is not stated in the current Law.

A (TDC): This can be added to the *Counting of Votes* section in the Regulations document.

Q: If there is going to be an MCK Election Regulation that is separate from the Law itself, I am suggesting that the amendment process be the same for both. In the Law it states, *“This Law may be amended in accordance with the procedure set forth in the Community Decision Making Process”* (Section 37.2). Is it possible that this same sentence be written in the MCK Election Law Regulation document?

A (TDC): As of now, the process for amending Regulations is done by Chief and Council, not the CDMP.

Q: If we can amend Laws through the CDMP, why not Regulations? I think it is important that the community be able to do so.

A (CDMP): The KLCC was mandated by Chief and Council to come up with a process for creating and amending Regulations. It is in the works and will be completed in the next few months.

Q: For the time being, can we add to the MCK Election Law Regulation document that once the new process for creating and amending Regulations is complete, this will be the procedure to follow?

A (TDC): No, we cannot reference a process that is not yet complete.

Q: Is it possible for the MCK Election Law Regulation document to read, “This Law may be amended in accordance with the current procedure in place?”

A (TDC): Yes.

### Outcome:

The provisions of the Law that were transferred into the MCK Election Law Regulation document were accepted by the community members. In addition, under the *Counting of Votes* section, the TDC will draft a statement indicating that the ballot box shall never be left unattended and be monitored at all times by at least two individuals. Lastly, it was agreed that an *Amendments* section be added into the MCK Election Law Regulation document, and shall state, “This Law may be amended in accordance with the current procedure in place”.

### **CONSENSUS REACHED**

#### **Establishment of a Body to Review Decisions of the Electoral Officer in an Expeditious Manner**

### Discussion:

Q: What type of decisions would this body be responsible for reviewing? Can you provide examples?

A (TDC): Sure. Examples of decisions made by the Electoral Officer that this body can review are: candidates for Chief and Council who are said to be living or in a relationship with a non-native, the status of their membership, their criminal background status, if they left the office in good standing (if previously in office), nominations procedures, etc.

S: As a previous Electoral Officer, I believe that it is a good idea to have a body to help review decisions because it is a form of support in the job. At the time of being the Electoral Officer, I did not feel like I had support or anyone to turn to.

S: I am suggesting that perhaps this body can be comprised of previous Electoral Officers, since they have ample knowledge and experience in this position.

A (TDC): That is a good idea. We can certainly see if any of the previous Electoral Officers would be interested in sitting on this committee.

**Outcome:**

It was decided that there is a definite need for a body to review the decisions of the Electoral Officer in an expeditious manner. The suggestion of inviting previous Electoral Officers to participate in sitting on this committee will be taken into consideration.

**CONSENSUS REACHED**

The Community Representatives for the Amendments to the Mohawk Council of Kahnawà:ke Election Law will be chosen at the next Hearing on February 15, 2018.

**Parking Lot Item(s):**

The issue to reduce the number of Chiefs from 12 to 9 was raised.

It was explained that this was not possible for the following reasons: 1) The late hour and number of community members that left the meeting; 2) This was not on tonight's agenda, and the community would be displeased if they were not present when an import decision like this was made. Guaranteed, if this subject were advertised prior to this meeting, we would pack the house; 3) The Scope was already approved by the TDC and the time for additional feedback has since passed (30-Day Community Feedback period prior to Community Stakeholders Consultation of December 19, 2017).

The community member was then advised to submit their request to KLCC for future amendments to the MCK Election Law. The community member was satisfied with this response.

**FINAL OUTCOME:** All six agenda items were addressed. Items 1, 2, 4, 5 and 6 all passed via consensus. For item 3, there was a desire to maintain the selection of the Electoral Officer via election. However, there was consensus that applicants for the position of the Electoral Officer must have certain qualifications in order to be considered, as well as be screened through the Kahnawà:ke Justice Commission.

**FINAL MINUTES**

**Mohawk Council of Kahnawà:ke Election Law – First Hearing.**

**Approved by:**

\_\_\_\_\_  
Alana Goodleaf-Rice, Proponent

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Date

\_\_\_\_\_  
Trina C. Diabo, Technician

\_\_\_\_\_  
Date

**LEGEND:**

**A:** Answer

**S:** Statement (by community member)

**Q:** Question