

COMMUNITY DECISION-MAKING PROCESS
MOHAWK COUNCIL OF KAHNAWÀ:KE ELECTION LAW
FIRST HEARING (Mtg. #2)/FORMAL READING
GOLDEN AGE CLUB
15, Enniska/January 2018
6:00 – 8:30 PM

RECORD OF DISCUSSION

FACILITATORS:

Ron Skye (Lead)
Leslie Beauvais-Skye (CDMP)

RESOURCE PEOPLE:

Alana Goodleaf-Rice (Lead)
Trina C. Diabo (Technician)

RECORDER:

Brandi Meloche

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- ❖ **Opening Address** – Leslie Beauvais-Skye
 - ❖ **Welcome/Respectful Behaviors/Process to Include Formal Reading** – Leslie Beauvais-Skye
 - ❖ **Proposed Amendments to the Mohawk Council of Kahnawà:ke Election Law** – Alana Goodleaf-Rice
 - Review agreed changes made at the previous meeting of 30, Tsothohrkó:wa/January 2018;
 - Declaration of a candidate’s business interests to be made public information;
 - Review the proposal to establish a Pre-Election Review Board and request decision.
 - ❖ **Declaration of Conclusion** – Leslie Beauvais-Skye, Joe Delaronde & Ron Skye
 - ❖ **Formal Reading – Community Ratify Law, Certification of the Process signed** – Joe Delaronde
 - ❖ **Recap & Next Steps** – Alana Goodleaf-Rice, Leslie Beauvais-Skye & Ron Skye
 - ❖ **Closing** – Leslie Beauvais-Skye

Legend:

Q: Question
A: Answer (by TDC)
S: Suggestion

Review and Request Decision on the Criteria Developed from previous meeting (30, Tsothohrkó:wa/January 2018) Regarding Selection of the Electoral Officer

Discussion:

- It was noted that any changes that were agreed to from the last meeting have been implemented.
- The Election will be held on the first Saturday of July.
- The Kahnawà:ke Justice Commission (KJC) will screen the applicants for the position of the Electoral Officer.
- The community will elect the Electoral Officer once the applicants have been vetted through the KJC.
- Additions were made to the job description under the criteria for the Electoral Officer.
- The job description was put through a system to determine the competency level.

Outcome:

- **CONSENSUS REACHED.**

Declaration of a Candidate's Business Interests to be made Public Information

Discussion:

- It was decided at the previous Hearing on January 30, 2018 that candidates should be obliged to declare their business holdings. This is to ensure that an elected person show transparency and may have to declare a conflict of interest if they are involved in a file where a real or perceived conflict of interest is present.

Outcome:

- **CONSENSUS REACHED.**

Review the Proposal to Establish a Pre-Election Review Board

Discussion:

- Pre-election appeals will be decided by a Justice of the Peace (Judge).

Q: Is that the way it is going to be for any matter?

A: Could be primarily what is outlined in section 32.3a) to e).

Q: What happens if the decision is appealed?

A: The decision of the Justice of the Peace is final. The pre-election review ends there.

Q: What is the timeframe to make an appeal?

A: As soon as possible. As much as 2 days before the polling closes.

- 2-5 days to make an appeal.
- The Justice of the Peace would have two days to render a decision.
- The details will be worked out.
- The process is meant to be quick so there is a fast turnaround.

**Correction made: Section 32.3 a) - e) → There are two “d)s” listed.*

Q: What if a Justice of the Peace is not available? There are only two in the community.

A: That should not be a problem. One of the two should be available but if that does happen, there is a back-up Justice of the Peace in Akwesasne.

Q: Should this be in the law?

A: No. It does not need to be in the law. This is only a back-up for Kahnawà:ke.

**Correction made to section 26.1*

- Before going to Chief and Council as well as publication, this draft of the Law will be edited and formatted tonight. Content will not be changed. There will only be clerical edits.

Q: Will the Electoral Officer be required to do a background check? Is it in the Law?

A: Yes. Anyone who applies for employment with the Mohawk Council of Kahnawà:ke has to have a background check done. It is noted in the Election Law under section 8.1d).

Outcome:

- **CONSENSUS REACHED.**
- **KLCC now declares a conclusion to the First Hearing.*
- Community Member, Joseph Delaronde then read the entire Law into the record.

**Correction made to Section 33.3 c) → “no” longer meets the criteria.*

- Joseph Delaronde then proceeded to read the entire Regulations into the record.

**Correction made to the Voting Process Section under 5.1, 5.2 & 5.3 → He or “She”.*

** Correction made to Section 6.1.3 → “The” removed in front of “counting station”.*

FINAL OUTCOME:

- Reading of the Law and Regulations into the record completed.
- Next Step: Signing of document. Bring Law to Chief and Council for enactment.
- March 25th is the last date to call for an Electoral Officer.

Q: If someone appeals a decision made by the Justice of the Peace, will they be required to sign a document stating that they will respect the decision? This will prevent the individual from bringing it to an outside court.

A: When entering an appeal process it is expected in court that you will respect the decision. It is also noted in the law that the decision of the Justice of the Peace is final. It would not look good if an individual decided to then bring this to an outside court.

S: Create a document for an individual to sign to prevent them from appealing the decision at an outside court.

A: This is something that can be looked into.

Q: Are candidates running for Council required to have four Kanien'kehá:ka Great Grandparents?

A: Yes, they are required to have Four Great Grandparents and a 50% or higher blood quantum.

FINAL CONCLUSION:

The Certification of the Process was read aloud by Leslie Skye. A discussion ensued on the validity of the Scope that was given in the document. After further discussion it was agreed to maintain the Scope as worded since it was the original Scope that was determined by the Technical Drafting Committee at the Community Stakeholders Consultation held on December 19, 2017. There was no discussion about any problem with the Scope on December 19, 2017, therefore the Scope should remain as originally written.

The 'Certification of the Process' document was then signed by all parties.

Approved by:

Alana Goodleaf-Rice

Date

Trina C. Diabo, Technician

Date