



The Mohawk Council of Kahnawà:ke Election Law Amendments Synopsis

July 25, 2013

The Draft MCK Election Law (2013) is now available to review online at www.kahnawakemakingdecisions.com and can also be picked up at the main MCK building at reception.

The amendments made to the Law were received throughout the Information Dissemination Phase, in October to December of 2011, and the Hearings at the Community Decision Making Process, which were held in February and March of 2012.

Some of the more structural amendments are listed in this synopsis.

- The definition for “Ordinarily Resident” has been changed to read: Means having lived in Kahnawà:ke for not less than six (6) consecutive months prior to the election in question and includes persons who return to Kahnawà:ke on a regular basis from their place of employment, training or schooling, as well as persons who do not reside in Kahnawà:ke due to housing shortages.
- The eligibility criteria for all aspects of the Law will now coincide with the Kahnawà:ke Membership Law. The Law will no longer make reference to blood quantum.
 - Who can be an Electoral Officer
 - Who can nominate and second candidates
 - Who can be nominated as candidate
 - Who can vote in the MCK Election
- The Electoral Officer will not be able to appoint his/her spouse or immediate family member as their Assistant Electoral Officer, and/or scrutineer.
- The Electoral Officer now will have to maintain and record in a log book all problematic events or issues, which occur, and decisions taken from the time he or she is appointed until the time of the official announcement of elected candidates.
- The Council Composition has been changed to a nine (9) member Council composed of eight (8) Council Chiefs and one (1) Grand Chief.



- The added criteria to hold office is that a Council Member must declare all their private business holdings and cease to hold any decision making authority with respect to said business holding during the term of their office; and if he or she has served on Council in the term immediately before the current election, must not have been removed from office.
- The term “criminal offense” contained in subsection (g) includes any conviction for an indictable offense or three (3) summary conviction offenses committed within a period of five (5) years and in this case the six (6) year ban from holding office will commence after the last of the summary conviction offense sentence has been served in full. Criminal conviction for a tobacco charge (possession, manufacture or transport) will not be considered as a criminal offense for the purpose of this Law.
- All ballots cast at in a special poll will be retained in a locked ballot box and remain in a secure- location and in the legal possession of the Electoral Officer until the close of the poll on Election Day.
- The Election Scrutineers will record, in a specific log, any problems encountered with Electors or other persons and any decisions of the Electoral Officer.
- The Electoral Officer will ensure that no partisan election campaign advertising can be seen from the polling location, and ensure that no person enters the polling location with such advertising displayed.
- The Electoral Officer will ensure that no fundraising is done at the polling location.
- There will be the creation of an Election Review Board. This Board will be comprised of three (3) members and one (1) auxiliary member, all selected at the same meeting at which the Electoral Officer is selected. Board members must have the same eligibility requirements as the Electoral Officer. The Board members hold office from the date of their selection until the polls close on Election Day.
- The Board’s function is to, when requested by an Elector, review the decision taken by the Electoral Officer with respect to such decisions as:
 - a) a candidate’s eligibility to run in the election or to hold office;
 - b) compliance with nomination procedures;
 - c) application or non-application of a provision of the Election Law or its Regulations;
 - d) an Elector’s eligibility to vote;
 - e) a community member’s eligibility to be on the Voter’s List;
 - f) any other decision taken by the Electoral Officer prior to the closing of the polls on Election Day.

COMMUNITY DECISION MAKING PROCESS



- Requests for review of a decision of the Electoral Officer are made verbally and decided as expediently as possible and in such a manner as not to inhibit to election proceedings. Decisions of the Board are final.
- There will also be a Post-Election Appeals Process. The appeal procedures set out in this section apply to any matter related to a Council election.
- Appeals must be submitted in writing and sent by registered mail, email or facsimile transmission or by bailiff to the Court of Kahnawà:ke not more than seven (7) days after Election Day.
- Appeals may be submitted by any community member listed on the Kahnawà:ke Kanien'kehá:ka Registry who has reasonable grounds for believing that:
 - (a) there was corrupt practice in connection with the election;
 - (b) there was a violation of this Law that might have affected the result of the election;
 - or
 - (c) a person elected to the position of Grand Chief or Council Chief does not meet the eligibility criteria set out in this Law.
- The Justice will have thirty (30) days to render a decision from the date on which the hearing has ended or in the case of a decision based solely on the material submitted thirty (30) days from the date the delay to file a written answer to the particulars has expired.
- There were grammatical changes made throughout the Law.
- The Candidate Forms that are currently attached to the Law will be modernized. The Law will make reference to the forms, but will be moved into the Regulations to allow modifications to the forms as required.
- There will be an Advanced Poll Application Form created.

Carefully review the amended version of the MCK Election Law. We would like to hear from you, on or before an official CDMP hearing is scheduled. Are you are satisfied with the changes that have been made? Did you attend the CDMP Hearing and was something missed? All feedback is encouraged.