

**MCK ELECTION LAW
COMMUNITY CONSULTATION MANDATE MEETING
GOLDEN AGE CLUB
11, Ohiarí:ha / June 2026
5:00 PM – 8:00 PM**

DRAFT RECORD OF DISCUSSION

FACILITATORS:

Chris Bush, Kahnawa:ke Legislative Services
Kera Diabo Kahnawa:ke Legislative Services

RESOURCE PEOPLE:

Kiera Beauvais, OKKR Officer
Myriam Girard, Legislative Services
Kasonniio Patton Kahnawa:ke Legislative Services

Number of Community Members in Attendance: 17

Technical Drafting Committee (TDC)

Alan John Rice, Director, Executive Office
Melanie Gilbert, General Manager, OKKR
Trisha Delormier, Legal Counsel, KLS

RECORDER:

Binnie Barnes

Regrets:

Kevin Fleischer, Commissioner of Justice, Justice Services

AGENDA:

- ❖ Opening Address (Ohèn:ton Karihwatéhkwén): Chris Bush
- ❖ Introduction/Meeting Guidelines – Kera Diabo
- ❖ General Overview: Proposed Amendments to the MCK Election Law
 - 1) Do we have the Mandate to amend the Mohawk Council of Kahnawà:ke Election Law through the CDMRP?
 - 2) Selection of three (3) CDMRP Community Representatives
- ❖ Next Steps and Closing

Alan John Rice thanked the attendees for being present at this meeting. He also outlined the purpose of the meeting, which is to confirm approval of the Mandate for proposed amendments to the MCK Election Law (the Law).

Keira Diabo proceeded with a PowerPoint presentation outlining the meeting Agenda and Guidelines, and also advised that the community will be asked to confirm the mandate, along with the Selection of three (3) CDMRP Community Representatives.

Alan John Rice proceeded with a PowerPoint that outlined the areas for proposed amendment.

ELECTION FOR ELECTORAL OFFICER

S. 5.1: The Electoral Officer will be elected by persons who are eighteen (18) years or older on the date of the election, who are on the Kahnawà:ke Kanien'kehá:ka Registry and who do not currently have their benefits and entitlements suspended.

Potential amendment:

Review s.5 regarding the selection of the electoral officer to move from an election to an appointment process.

Appointment of the Electoral Officer following an evaluation process by the Kahnawà:ke Justice Commission.

A direct appointment would help streamline the electoral process by removing the election of the Electoral Officer, which is proving to be largely unnecessary. This would ensure that the best candidate is chosen for the office should there be multiple candidates nominated.

DISCUSSION:

- A community member raised past issues for the person's rights allegedly being violated by what they perceived was an unjust decision, related to the Electoral Officer. They raised concerns that decisions should be made by the clan system and not in alignment with the Canadian Government. In addition, the community member will not consent to the mandate and added that it is flawed.

The meeting was disrupted, and the member was asked to leave the meeting. The meeting resumed with opportunity for discussion and suggestions were made to address similar incidents respectfully in the future, and to have security at meetings.

The meeting continued with the support of those present, and the following items were suggested related to Section 5.1.

- A community member suggested that the criteria should also include the skill set of the person.
- The criteria for the selection process should be made available to the public.
- Alan John Rice advised that the criteria will be made available to the general public and the proposed amendment suggests that the Kahnawà:ke Justice Commission would appoint the Electoral Officer following an evaluation process.

OUTCOME: There was consensus to review this section.

SECTION 12.1 WHO CAN HOLD OFFICE

S. 12.1 To be eligible to hold the office of Ohén:ton I:ienté/Ohén:ton I:rate ne Ratitsénhaïenhs or Ratitsénhaïenhs/Ietsénhaïenhs, a person:

(b) must have fifty (50%) percent or more Kanien'kehá:ka Blood quantum;

Potential amendment:

Remove 12.1(b) as it is inconsistent with the *Kanien'kehá:ka of Kahnawà:ke Law* and demonstrates using colonial processes.

DISCUSSION

- A community member supported the removal of the 50%, which was put on us, to keep us down
- Question: A community member was not clear, and asked how does it differ from the 4 great grandparents, and how does it lower the pool to run for office.
- Responses: It was noted that the 50% does not equate to the 4 great grandparents and KKR. It was noted to remove the 50% relates to colonialism, and it would be more consistent with other Laws.
- A community member offered a historical overview on how the blood quantum started, which was a result of the requirement for service members to enter the service by the United States.
- A community member asked for a demonstration at the next meeting for a comparison of blood quantum versus the 4 great-grandparents for clarification.
- A community member also added that there are many on the KKR list, but they may not be eligible. It is not being applied as a whole, as so many people were also grandfathered in.
- The Law may be brought to court; there is a need to perform due diligence from a legal review.

Alan John Rice concluded the discussion and advised that the Legal Services will be asked to provide feedback related to the inconsistencies with the KKL for the next meeting. In addition, a demonstration at the next meeting for a comparison of blood quantum versus the 4 great-grandparents.

OUTCOME: There was consensus to review this section.

VERIFICATION PROCEDURE (IF 12.1(B) IS AMENDED)

S.14.1 Within three (3) days of the close of the nomination period, each Nominee must duly complete and submit to the Electoral Officer each of the following statements, the form of which will be prescribed by Regulation:

- (a) Declaration of Candidacy;
- (b) Declaration of Eligibility;
- (c) Declaration of Criminal Offence Charge Pending;
- (d) Declaration of Business Holdings, and this declaration will be made available to any Elector who wishes to see it prior to Election Day; and
- (e) Privacy Waiver; failing which the nomination becomes null and void.

Potential amendment:

Review s.14 to adjust process timeframes, where needed.

DISCUSSION

- Question: A community member inquired why it would be extended beyond the 3 days
- Clarification was provided on the justification for the timeline to complete the verification process. It was noted that it would be necessary to allow additional time with the potential for adjustment to the process under the KKL, which could be extended to 6 weeks to complete the review.

OUTCOME: There was consensus to review this section.

POST ELECTION APPEALS

S. 33.10: The Justice will, after due consideration, decide the merits of the matters raised in the appeal and order any remedies that may be appropriate. The Court of Kahnawà:ke's decision, with reasons, will be communicated to the appellant, the Electoral Officer, and all Candidates either in person, if the matter proceeds to a hearing in the Court of Kahnawà:ke, or in writing sent by registered mail to each party.

Potential amendment:

Review S. 33.10 for clerical correction required to ensure that the court's decision, with reasons, will be communicated in writing regardless if the matter had proceeded to a hearing in the Court of Kahnawà:ke.

DISCUSSION

- Trisha Delormier advised that for any clerical changes, those will also be identified to ensure accuracy and presented in the format of track changes.

OUTCOME: There was consensus to review this section.

VACANCIES ON COUNCIL

A community member had submitted a Legislation Request that a mechanism be put in place to prevent vacancies from occurring during a Council member's three (3) year term.

The suggestion is a mechanism to be added to deter an elected council member from leaving their term for alternate employment or career advancement. Being forced to vacate for other reasons would be acceptable (mental or physical health, or dismissal/ vote of non-confidence by the council table).

Potential amendment:

Review vacancies on the Council resulting from resignations.

Another community member had submitted a Legislation Request that, within the law, it will be added that a vacancy at the Grand Chief position must be addressed and filled if that vacancy occurs within the first two and a half years of the term.

The suggestion is that if, for any reason, within the first two and a half years of the council term, there is a vacancy at the Grand Chief position, the community would select a new Grand Chief from among the remaining Council Chiefs.

Further suggestion is that if a vacancy occurs at the Grand Chief position with 6 months or less remaining in the term, the remaining council chiefs would decide among themselves if it would be necessary to appoint a spokesperson.

DISCUSSION

- A community member raised the issue of whether the TDC has explored the amendments with recommendations from the Governance Advisory Team (GAT). It was noted that there is a whole section written, and there could be inconsistencies. It was said that The GAT recommendations also mention that there should be an advance notice to the community of one month in the event of a Chief vacating their position.
- It was also noted that work was done on the Code of Conduct and it also relates to vacancies.
- The Governance documents do not align with the *Election Law* and the community member was told the Governance documents would be submitted for the review of this Law. It was noted that the information mentioned was not submitted for review, but if the Law goes through the process these documents will be reviewed.

OUTCOME: There was consensus to review these items.

GRAND CHIEF VACANCIES

S.34.4 “Should the position of Ohén:ton Í:iente’/ Ohén:ton Í:rate’ ne Ratitsénhaïenhs become vacant due to death, resignation, or removal from office, six (6) months or more before Election Day, the vacancy must be filled through a by-election.”

Potential amendment:

Review process for filling the vacancy of Grand Chief.

DISCUSSION

- A review of the section, along with the Governance Documents, is suggested.

OUTCOME: There was consensus to review this section.

GRAND CHIEF ELECTION

A community member had submitted a Legislation Request that there be an amendment to the election process, specifically for the seat of Grand Chief.

The recommendation is that there be two separate elections held, the first would be for the community to elect 12 people to the role of Council Chief. Following the election of 12 Council Chiefs, there would be a second election where, from the 12 elected Chiefs, those who wish to run for the position of Grand Chief would do so. This would be a community election where the community would vote from among those nominated.

Potential amendment:

Review the election process for Grand Chief.

DISCUSSION

- A community member advised that this section requires a review to ensure that the community gets the best 12 people, voicing the opinion that if someone runs for Grand Chief position and loses, we would lose qualified people for the Council Chief position
- One election can provide the opportunity and the ability for Chiefs to run for both positions, and this should be explored further.
- A community member raised the concern of having new people, and of those 1 person becomes the Grand Chief.
- A community member also recalled that in the past, this was discussed two years ago when discussing by-elections, and it was put in the parking lot. This request should also wait for the 3 year period.

- A community member advised that it was raised in the past, and it could not be addressed then; it would have to wait until the current review process, and it has, which is why it is presented today. It was noted that requests for amendments can be submitted once the amended law has been in effect for one year.
- Alan John Rice also added that in the parking lot items there was the suggestion for the Vacancy on the Council to be further discussed as part of the scope.

OUTCOME: There was consensus to review this item.

COMPOSITION OF COUNCIL CHIEFS

A community member submitted a Legislation Request that the composition of the Council of Chiefs be moved from twelve (12) to nine (9) elected Chiefs. The rationale brought forward by the community member was that this would allocate additional funds saved from the three Chiefs' salaries and benefits to go towards other operational needs, such as more technical staff.

Potential amendment:

Review the composition of the Council.

DISCUSSION

- Community member disagrees with the suggestion, which could impact the workload required of the Chiefs – some may not be aware of the work required and the composition cannot be reduced and there is also concern for a person's well-being and wellness.
- A community member indicated they have experience working in various areas of MCK and their impression is that the majority of work is done by the technical staff, not elected officials.
- A community member stated that the portfolio system needs to be revamped. As well, recently funds were given to the community and services provided to the elderly which all took efforts on the political side to get the funding and it can be overwhelming in the role of Chief.
- A community member suggested that a workload assessment is required – the objective is not to add more of a workload and it would provide more information to assess the number.
- A community member asked how effective the table is – Chiefs were requested to provide weekly reporting while some did, others did not and asked how the work is distributed.
- A community member recalled that this suggestion for a composition change was discussed in the past but was shot down since the town is growing it still requires 12 Chiefs – this needs to be brought to the community.
- It was explained that the TDC would explore this proposed amendment and present to the community.

- There was mention that the OCC is currently re-structuring.
- A community member stated there is also an Oath of Office the Chiefs should be following, with the Governance Advisory documents.
- A member of the TDC offered that it would be explored and reviewed as part of the process. A community hearing would still need to occur for a formal review to go over all of this.
- A community member advised that Roles and Responsibilities were done in 2023.
- A community member added it's not the number of Chiefs – it's more about accountability. It was noted that the TDC cannot enforce accountability.
- A community member noted there is a need for technical staff but that it is difficult to fill the positions if no one applies.
- The TDC can explore this further.

OUTCOME: There was general support to review this item.

QUESTION:

Does the community give the Mandate to move the proposed amendments to the *Mohawk Council of Kahnawà:ke Election Law* through the Community Decision Making Review Process?

DISCUSSION

Alan John Rice inquired if the attendees are in support of the Mandate for the areas for proposed amendments to go through the Community Decision Making and Review Process.

OUTCOME: All but one of the areas for proposed amendments to be reviewed were supported and the mandate given to go through the Community Decision Making and Review Process. The one proposed amendment for suggested review which had only general support was regarding the Composition of Council Chiefs, in which the community voiced that they did not want to commit to reducing the Composition at this meeting, but would like to explore the composition in general.

Selection of three CDMRP Community Representatives

DISCUSSION:

Keira Diabo explained the role of the three community CDMRP representatives, the confidentiality aspect, and the forms that would need to be signed, along with the compensation rate for the honorariums.

It was also noted that Lynn Delisle, although not present due to the scheduling conflict, has indicated interest in becoming a CDMRP community representative. The community present were asked if they objected, one person asked a question to which the reply was that the law would be read out loud while the TDC reviewed it; there were no objections. Heather Jacobs Whyte and Shotehra Rice also indicated interest.

OUTCOME:

The following community members were approved to become the CDMRP Community Representatives with no objections.

- Lynn Delisle
- Heather Jacobs Whyte
- Shotehra Rice

FINAL OUTCOME:

Mandate - The Mandate to review the *Mohawk Council of Kahnawà:ke Election Law* for proposed amendments was obtained to proceed through the Community Decision Making and Review Process.

The proposed amendment regarding the Composition of Council Chiefs received general support to be reviewed.

A Closing Address (Ohèn:ton Karihwatéhkwén) concluded the meeting.

Approved by:

Alan John Rice, Executive Operations Officer

Date