



## Akwesasne Election Law

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**Mohawk Council of Akwesasne**

# **Akwesasne Election Law**

**April 8, 2024**

**As approved by:  
MCR 2024-2025 #101 (June 3, 2024)**



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# Akwesasne Election Law

## **PREAMBLE**

**WHEREAS** the Mohawk Council of Akwesasne is the successor of the St. Regis Band Council or the Council of the Iroquois of the St. Regis Band who were elected pursuant to the provisions of the Indian Act and the Regulations Governing Indian Band Elections;

**AND WHEREAS** the eligible voters of Akwesasne did cause the Akwesasne Election Regulations to be enacted at a Special Meeting on April 23, 1988; which was amended and accepted on April 30, 1994.

**AND WHEREAS** the eligible voters of Akwesasne wishes to amend the said regulation with this Akwesasne community Election Law;

**THEREFORE** the eligible voters of Akwesasne through Mohawk Council of Akwesasne enact the Law as follows:

### **Short Title**

This Law may be cited as the “Akwesasne Election Law.”

## **SECTION 2 DEFINITIONS**

In this Election Law:

**“Advance Poll”** means a process to accept votes prior to the actual election date.

**“Akwesasne Election Appeal Board”** means that body appointed by the Chief Administrative Officer to ensure that all provisions set forth in the Akwesasne election law are adhered to.

**“Appointed Observer”** means a person, designated in writing by the candidate, to observe the voting and counting procedures.

**“By-election”** means the election process held exclusively for the determination of filling a vacancy on Council during its current term.

**“C.E.O.”** means Chief Electoral Officer.

**“Candidate”** means a person duly nominated under this Election Law to run for the position of Grand Chief or District Chief and may include any qualified person in any election conducted pursuant to this Election Law.

**“Chief Administrative Officer”** is the person appointed by Council to hold the principal, non-political management position for the Council.

**“Chief Electoral Officer”** is the person appointed by the Chief Administrative Officer of the Mohawk Council of Akwesasne to ensure that all provisions set forth in this Election Law are adhered to.

**“Council”** means the Mohawk Council of Akwesasne consisting of those candidates duly elected under this Election Law.

**“D.E.O”** means Deputy Electoral Officer.

**“Deputy Electoral Officer”** is the person appointed by the Chief Administrator Officer for the purpose of assisting the Chief Electoral Officer.

**“Designated Voting Premises”** means a specific area, identified by the C.E.O. as a defined security zone that abuts a polling station.

**“District”** is any one of the following territorial divisions:

- Cornwall Island (Kawehnoke) and any island within the territory of Akwesasne in Ontario;
- St. Regis Village (Kanatakon) and St. Regis Island (Enskatsitkahwenote); or
- Chenail/Snye (Tsi Snaihne) and any island within the territory of Akwesasne in Quebec save and except St. Regis Island.

**“District Chief”** means the candidate elected under this Election Law whose terms of reference are contained in *Working Conditions Regulations* as amended from time to time.

**“Election”** means the selection process of the Grand Chief and District Chiefs in the General Election and any By-Election, pursuant to this Election Law.

**“Electoral Officer”** means the C.E.O. or D.E.O. who are the official agents to administer a General Election or By-Election in accordance with this Election Law.

**“General Election”** means the election process held exclusively for the determination of the positions of the Grand Chief and District Chiefs.

**“Grand Chief”** means the candidate selected under this Election Law whose terms of reference are contained in *Working Conditions Regulations* as amended from time to time.

**“Onkwehonwe”** for the purpose of this Law shall mean a person:

- who is registered in the Akwesasne Membership list; and
- whose mother or father is/ has been registered on the Akwesasne or any other First Nation Membership list.

**“Petition”** means a formal written request.

**“Polling Station”** means premises administered by electoral officers for the taking of votes on an election or voting day, or at the advance poll.

**“Registered Member”** shall mean an individual registered as a Member on the Akwesasne Membership List.

**“Resident”** means a person:

- who has made any of the Districts of the Territory of Akwesasne his residence for the six (6) consecutive months immediately preceding the General Election or By-Election; or
- whose permanent residence is within one of the Districts of Akwesasne and is away for a defined period of time for the purpose of employment, training, schooling, military services, or incarceration.

**“Territory of Akwesasne”** means the geographical area in which the Mohawk Council of Akwesasne holds jurisdiction.

**“U.S.P.”** means Uniformed Security Personnel.

**“Uniformed Security Personnel”** means a person appointed by the C.E.O. or any D.E.O. for the purpose of providing security and maintaining the peace at any polling station during a General Election or By-Election.

**“Voter”** means a person who is entitled under this Election Law to vote at a General Election or By-Election.

**“Voter’s List”** means an alphabetical list of eligible voters by district.

### **SECTION 3 GENERAL PROVISIONS**

3. (1) A General Election shall occur within Akwesasne every three (3) years. There shall be a sitting Council at all times.
3. (2) The Mohawk Council of Akwesasne shall be comprised of one Grand Chief and twelve District Chiefs, consisting of four (4) District Chiefs from each district.
3. (3) The position of Grand Chief and District Chiefs shall be determined at the General Election.
3. (4) For voting purposes, the Territory of Akwesasne shall be divided up into three districts (Tsi Snaihne, Kanatakon, and Kawehnoke).
3. (5) The candidate for the position of Grand Chief receiving the highest number of votes from all three districts shall be declared elected.
3. (6) The four (4) candidates receiving the highest number of votes in a district for the position of District Chief shall be declared elected.
3. (7) No person may run for more than one position on Council during any election.
3. (8) In order to be a D.E.O. one must be an eligible voter.
3. (9) In order to be an appointed observer one must be in compliance with section 11 (8)(a).
3. (10) No person shall vote in more than one district in a General Election or By-Election.
3. (11) Any General Election or By-Election shall be done so in accordance with this Election Law.
3. (12) The Chief Administrative Officer is responsible for notification to the general public of the General Election or By-Election.

### **SECTION 4 APPOINTMENT OF ELECTORAL OFFICERS**

4. (1) Once it has been established that there shall be a General Election, the Chief Administrative Officer shall immediately post the positions of Electoral Officers, and any eligible voter who has served in a previous election as Electoral Officers may apply for the positions.

4. (2) The term of office for C.E.O. and D.E.O. shall commence six (6) months prior to any General election and run for three (3) consecutive years.
4. (3) No sitting member of Mohawk Council, Justice of the Peace, or Justices of the Akwesasne Mohawk Court shall be eligible to be an Electoral Officer.
4. (4) The successful candidates for C.E.O. and D.E.O shall be appointed by the Chief Administrative Officer within fourteen (14) days of posting. The Chief Administrative Officer shall immediately announce to the public the names of the successful candidates for C.E.O. and D.E.O.
4. (5) In the event that the required number of applications are not received for Electoral Officers; the Chief Administrative Officer shall appoint the C.E.O. and D.E.O. (s) from among past Electoral Officers.
4. (6) Should the C.E.O. resign, the Chief Administrative Officer shall appoint a C.E.O. from among the active D.E.O.'S.
4. (7) The Chief Administrative Officer shall require the C.E.O. and the D.E.O's to take an Oath of Office as described in Schedule "A", within five (5) days of Appointment.
4. (8) The Chief Administrative Officer may remove from office any C.E.O. and D.E.O. who has failed to discharge competently his/her duties under this Election Law.

#### **SECTION 5 APPOINTMENT OF APPEAL BOARD**

5. (1) Once it has been established that there shall be an election, the Chief Administrative Officer shall immediately post a call out for interested eligible voters to sit on the Akwesasne Election Appeal Board.
5. (2) The Chief Administrative Officer shall:
  - (a) appoint an Election and Voting Appeal Board consisting of one eligible voter from each district; and
  - (b) appoint an alternate in the event that the first choice is unable to hear an appeal.
5. (3) In the event that the required number of applications is not received the Chief Administrative Officer shall:
  - a) post a second call out
  - b) in the event that the required number of applications are not received in the second call out the Chief Administrative Officer shall appoint the election appeal board members.
5. (4) The term of office of the Election Appeal Board shall commence six (6) months prior to a General Election and run for three consecutive years.
5. (5) No Chief, Justice of the Peace, Justices of the Mohawk Court or employee of the Justice Department may be appointed as a member of the Election Appeal Board.

5. (6) In the event that an Election Appeal Board Alternate either resigns or is required to fill the first choice's position permanently, the Chief Administrative Officer shall appoint an alternate Election Appeal Board Member.
5. (7) The Chief Administrative Officer shall require the Election Appeal Board members and alternates to take an Oath of Office as described in Schedule "A".
5. (8) Members of the Akwesasne Election Appeal Board shall treat all matters and evidence before them, during and subsequent to their membership on the Appeal Board, as confidential.
5. (9) Appeal Board Members are responsible to fulfill the oath of office. Failure to fulfill this oath will result in the dismissal from the appeal board by the Chief Administrative Officer.

## **SECTION 6 VOTERS LIST**

6. (1) The C.E.O. shall review the existing Voter's List and prepare a revised official voters list within sixty (60) days of his appointment under Section 4(4).
6. (2) The C.E.O. shall revise the Voters list where, at any time, it is demonstrated that:
  - (a) the name of an Eligible voter has been omitted from the list;
  - (b) the name of an Eligible voter is incorrectly set out in the list; or
  - (c) the name of a person who is not eligible to vote is included in the list.
6. (3) The C.E.O. shall cause to be posted in one or more conspicuous places in each District, the voter's list for that District.
6. (4) The voters list shall not contain personal identifiers that violates the privacy of individual names contained within the voters list e.g. birth date or Band/registration number.
6. (5) The voter's list shall be posted as required by Section 6. (3) for the period of not less than thirty (30) days prior to the General Election or By-Election dates.
6. (6) A person whose name does not appear on the voter's list must:
  - a) complete an application form (Schedule "G"); and
  - b) a voter declaration of eligibility form (Schedule "H")
  - c) submit the two documents to the C.E.O. to have their name added within the time identified in Section 6. (8).
6. (7) Upon receipt of the eligibility form, the C.E.O. is to conduct a personal interview with the applicant and if satisfied that the applicant meets the eligibility requirements of Section 4 herein, the C.E.O. shall add the applicant's name to the voter's list.



6. (8) Any person whose name does not appear on the Voters list forty-eight (48) hours prior to the General Election or By-Election shall be deemed not eligible to vote.
6. (9) The C.E.O. shall not add or delete names to or from the Voter' list in accordance with the requirements of Section 7 within forty-eight (48) hours prior to the General Election or By-Election.
6. (10) Within the forty-eight (48) hours before a General Election or By-Election, a copy of the revised voters list shall be available to all confirmed candidates.
6. (11) Elders in institutional homes within the jurisdiction of MCA who wish to participate in the voting process may upon their entrance advise administration, on form Schedule "I", of where they would like to have their vote registered, and will be allowed to vote in the district that they have identified, not with standing Section 7. (1).

#### **SECTION 7 ELIGIBILITY OF VOTERS**

7. (1) A person who at the time of voting must:
- (a) have attained eighteen years of age;
  - (b) be a resident in the district where they are voting;
  - (c) be a registered member of the Mohawks of Akwesasne;
  - (d) be an Onkwehonwe.
7. (2) The C.E.O. shall not be eligible to vote.

#### **SECTION 8 ELIGIBILITY OF CANDIDATES**

8. (1) Any candidate for the position of Grand Chief or District Chief must:
- (a) have attained the age of eighteen (18) years;
  - (b) have resided in the territory of Akwesasne for one (1) year immediately preceding the date of General Election;
  - (c) be a registered member of the Mohawks of Akwesasne;
  - (d) be an Onkwehonwe;
  - (e) be nominated for that position by at least two (2) persons eligible to vote for that person; and

(f) not be a C.E.O., D.E.O., U.S.P. or Appointed Observer as contemplated in this Election Law.

Failure to meet with any of the above criteria will render the candidate ineligible.

8. (2) Any candidate for the position of District Chief, at the time of his/her nomination, must reside in the district for which he/she has been nominated.
8. (3) Any candidate for the position of Grand Chief at the time of his/her nomination must reside in the Territory of Akwesasne.
8. (4) Any candidate who is elected and who holds a Permit or License issued by the Licensing Commission shall temporarily surrender the said Permit or License to the Licensing Commission with the understanding that said Permit or License shall be reinstated when the elected candidate's term of office expires.
8. (5) Any candidate who is elected and who is deemed a full-time permanent employee of the Mohawk Council of Akwesasne shall be granted a leave of absence from his/her employment.

## **SECTION 9 NOMINATIONS**

9. (1) At least thirty (30) days before the day on which an General Election or By-Election is to be held, the C.E.O. shall post a notice for the nomination(s) and a Voters list of eligible voters in at least one (1) conspicuous public place in the districts involved.
9. (2) A notice of nominations shall include:
  - (a) the date, time, duration and location for the nomination;
  - (b) the date on which advance polls will be held and the instructions to apply for advance polls;
  - (c) the date on which the General Election or By-Election will be held and the location of each polling station;
  - (d) the name and telephone number of the C.E.O.; and
  - (e) a description of the manner in which an eligible voter can nominate a candidate, or second the nomination of a candidate.
9. (3) The nomination station shall remain open for four (4) consecutive hours.
9. (4) Nominations shall be received on form listed in Schedule "B".
9. (5) No person may nominate and/or second for more candidates than he/she is entitled to vote for.
9. (6) C.E.O. shall prepare an unofficial notice of nominees at the end of the nominations and forward to local media and post in one conspicuous place at the polling station (attached Schedule "C" and "D").

9. (7) Once nominations are closed, the C.E.O. must provide nomination packages to each nominated candidate no later than forty-eight (48) hours of nominations closing.
9. (8) Any nominee wishing to accept their nominations must:
- (a) complete Eligibility of candidates - Schedule "E"; and
  - (b) do so by 12:00 noon of the third business day following nomination by submitting Schedule "E" to the C.E.O.
9. (9) Upon compliance with Sub-section 9. (8)(a & b) the C.E.O. shall provide the confirmed candidate with a copy of the current voters list.
9. (10) Any nominee wishing to withdraw their nominations must do so by 12:00 noon of the third business day following nominations by completing Schedule "F" and submitting to the C.E.O.
9. (11) Any nominee who fails to comply with Section 9. (8)(a&b) or 9. (10) within the nomination period shall have his/her name removed as a candidate.
9. (12) If the number of eligible candidates to serve on Council exceeds the requisite number for each position, the C.E.O. shall declare that a General Election or By-Election will be held for taking votes; and announce the times and places of the elections and the names and districts of the eligible candidates in a newspaper or other circular within the electoral district.
9. (13) If the number of eligible candidates to serve on the Council does not exceed the requisite number, the C.E.O. shall declare such candidates to be duly elected upon verification of eligibility.
9. (14) If a candidate declared his/her eligibility but withdraws after the deadline, the candidates' name shall remain on the ballot.
9. (15) If there is a death of a candidate before the General Election or By-Election date, his/her name shall be removed.

#### **SECTION 10 ADVANCE POLLS**

10. (1) Any eligible voter wishing to cast his vote at the Advance poll must apply to the C.E.O. to do so, and upon the C.E.O. being satisfied that the applicant cannot vote at the date set for the General Election or By-Election, shall permit him/her to vote at the Advance Poll.
10. (2) For the purposes of Section 10. (1) the C.E.O. shall consider such criterion as hospitalization, education, training, employment, travel commitments, or physically incapacitated.
10. (3) The C.E.O. shall hold Advance Polls for at least two (2) days during the two (2) week period immediately preceding the General Election or By-Election.
10. (4) The Advance Polling station shall be situated in the Village of St. Regis, with a ballot box provided for each district.

10. (5) Should the C.E.O. determine that any eligible voter shall be unable to vote in accordance with Section 10. (1) and 10. (2) at any Advance polling station, at any time in the advance polling schedule, he/she shall instruct two D.E.O's to attend at the eligible voter's location within the Territory of Akwesasne, in order that he/she may vote.
10. (6) Any eligible voter voting in the manner contemplated in Section 10. (5) shall be provided with an initialed ballot and an envelope by a D.E.O. in which the completed ballot can be deposited and sealed.
10. (7) Any ballot that is deposited in a sealed envelope as provided for in Section 10. (6) shall be deposited by the attending D.E.O. in the appropriate ballot box at the Advance Polls.
10. (8) Any person who is a D.E.O. or U.S.P. for a General Election or By-Election under this Election Law, and is an eligible voter wishing to cast a vote, must vote during the time scheduled for the taking of the advanced polls.
10. (9) At the close of each day during the Advance Poll the C.E.O. shall transport the unopened, sealed ballot boxes to the offices of the Akwesasne Mohawk Police Department where they shall be deposited for safekeeping until the date of the General Election or By-Election.
10. (10) On the date of the General Election or By-Election, the C.E.O. shall go to the Akwesasne Mohawk Police Department during polling hours and bring the appropriate ballot box to the respective polling station in which said ballot box shall be opened at the same time and in the same manner as the ballot box for that polling station on General Election or By-Election.

#### **SECTION 11 VOTING PROCEDURES**

11. (1) The C.E.O. shall:
  - (a) approve each polling station within a designated voting premises; and
  - (b) shall clearly mark the designated voting premises.
  - (c) Ensure that there is no activity within the designated voting premises other than the process of voting on the day of elections.
11. (2) The C.E.O. shall prepare ballots containing the names of all eligible candidates for the position of:
  - (a) District Chief, in alphabetical order; and/ or
  - (b) Grand Chief, in alphabetical order; and

- (c) where there is a candidate where two or more candidates have the same name the CEO shall provide for middle initials and nick names and/or Jr./ Sr. to distinguish between these two candidates.

11. (3) The C.E.O. shall prepare:

- (a) as many ballots as is required for the purpose of the General Election or By-Election; and
- (b) no less than three (3) ballot boxes at each polling station.

11. (4) The C.E.O. shall, before the polling station is opened, supply each D.E.O. with:

- (a) a sufficient number of ballots which shall be counted and noted in the ballot tally sheet Schedule "L";
- (b) the eligible voters list, with birth dates and band/registration numbers;
- (c) the necessary materials for marking the ballots; and
- (d) a sufficient number of directions-for-voting as is deemed necessary for that polling station;
- (e) Sufficient number of ballot boxes.

11. (5) The C.E.O. shall ensure that a compartment be provided at each polling station where a voter can mark his ballot free from observation.

11. (6) The C.E.O. or D.E.O. shall arrange to have U.S.P. at each polling station to:

- (a) maintain peace and order during the General Election or By Election; and
- (b) to keep a written log of any notable events occurring during the performance of their duties, this shall be made available to the appellant in the event of an appeal.

11. (7) The C.E.O. shall arrange to have the polling stations kept open from 9:00 a.m. until 5:00 p.m. on the day of the General Election or By Election.

11. (8) A candidate shall be entitled to:

- (a) not more than one appointed observer in a polling place at any one time, as designated by written appointment (form Schedule "M");
- (b) only attend at a polling station for the purpose of voting; and
- (c) only attend at the designated voting premise for the purpose of voting.

11. (9) The D.E.O. shall, immediately before the commencement of the poll;

- (a) open all the ballot boxes and call such persons as may be present to witness that it is empty and complete the statement in Schedule “L”;
  - (b) lock and properly seal the ballot box in a manner preventing it from being opened without breaking the seal;
  - (c) place the ballot box in public view for the reception of the ballots; and
  - (d) ensure that the seal shall not be broken nor the box unlocked until after the closing of the General Elections or By Elections.
- 11. (10) Each person presenting himself/herself to a polling station for the purpose of voting shall sign the sign-in sheet Schedule “J”, presented to him/her by the D.E.O. and further identify himself by listing his band/registration number.
- 11. (11) Where a person presents himself as contemplated in Section 11. (10) above, the D.E.O. shall, if satisfied that such person is eligible and is not deemed under the apparent influence of alcohol or illicit drugs provide him/her with a ballot initialed by the D.E.O.
- 11. (12) The D.E.O. shall place in the proper column of the voter’s list a mark opposite the name of every voter receiving a ballot.
- 11. (13) The D.E.O. shall, when requested to do so, explain the mode of voting to a voter.
- 11. (14) Upon receiving the ballot, each voter shall:
  - (a) immediately proceed to the voting compartment and place an “X” or “√” in the box beside the name of the candidate or candidates for whom he/she is voting;
  - (b) fold the ballot so as to conceal his choice or choices in such a manner that exposes the initials of the D.E.O.; and
  - (c) without unfolding the ballot paper, have the D.E.O. verify his initials and at once deposit the ballot into the ballot box in the presence of the D.E.O. and of all other persons entitled to be present in the polling station.
- 11. (15) Any voter who requires assistance may request that a D.E.O. vote on his behalf, in his presence and in the presence of any other person chosen by the voter other than a candidate.
- 11. (16) In the event that a voter votes in the manner in Section 11. (15) the D.E.O. shall note on the voters list in the column for remarks opposite the name of such voter the fact that the ballot was marked by him in the presence of the voter and any person chosen by the voter, and the reasons thereof.
- 11. (17) Except in the manner as provided for in Section 11. (16), the D.E.O. shall ensure the voter’s privacy while in the voting compartment.

11. (18) A voter who inadvertently spoils his ballot may return it to the D.E.O. in order to obtain another ballot, and the D.E.O. shall write the word “void” upon it, deposit it into the ballot box, and provide the said voter with another ballot.
11. (19) Any person who has received a ballot and subsequently decides not to vote must return the ballot to the D.E.O. who shall mark the word “declined” on the face of the ballot and deposit it into the ballot box.
11. (20) On the designated premises of the Polling Station no person shall:
- a) distribute any election-related printed materials except such printed materials as may be distributed by the Electoral Officer for the purpose of conducting the Election;
  - b) attempt to interfere with or influence any Voter in marking his or her ballot or;
  - c) attempt to obtain information regarding how a Voter is about to vote or has voted.
11. (21) The Electoral Officer may request the uniformed security personnel to remove any person from the Polling Station who acts in violation of Section 11. (20).
11. (22) Any voter who attempts to leave the polling station without returning the ballot is guilty of an offense and shall be written up for complaint to be filed with the Mohawk Police by the D.E.O.
11. (23) Any person who attempts to deposit into the ballot box anything other than a ballot provided by the D.E.O., shall be written up for complaint to be filed with the Mohawk Police by the D.E.O. under this section.
11. (24) The C.E.O., D.E.O., or U.S.P. shall
- a) file a complaint with the Mohawk Police pursuant to this section against any person who violates any provision in Sections 6, 10. and/or 11.
  - b) Any complaint resulting in a charge shall be returnable in the Mohawk Court of Akwesasne.
11. (25) Any eligible voter, who is in the polling station at the time that it is closed, shall be entitled to vote and required to leave immediately after.

## **SECTION 12 COUNTING PROCEDURES**

12. (1) Immediately after the close of the General Election or By-Election, the D.E.O. shall, in the presence of the Appointed Observers and U.S.P., open sealed envelopes containing the sealed ballots, then open the sealed ballots that were received at the advanced poll and deposited into the appropriate ballot box.

12. (2) Immediately after the advance poll ballots have been deposited, if any, under Section 12. (1) the D.E.O. in the presence of the appointed observer and U.S.P. shall open the ballot box, examine the ballots and reject all those:
- a) that have not been initialed by a D.E.O.;
  - b) that contain more votes than there are candidates to be elected;
  - c) that contain any marks made by the voter other than an "X" or "√";  
or
  - d) that are marked in such a way that the voter can be identified.
12. (3) THE D.E.O. will mark "rejected" on the back of each ballot that has been rejected and the D.E.O. shall take note on the form provided Schedule "K" by the C.E.O. and the reason(s) for each rejection.
12. (4) Should an Appointed Observer object to any ballot found in the ballot box the objection shall be ruled by the C.E.O.
12. (5) The D.E.O. shall take note of any objection by numbering the objection on the form provided by the C.E.O. and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed", as the case may be, with his/her initial.
12. (6) The C.E.O.'S decision in Section 12. (5) above can be appealed in writing to the Akwesasne Election Appeal Board.
12. (7) The objected ballot and the written decision, as required in Section 12. (4) shall be held by the C.E.O. as evidence until the expiration of the appeal period for matters in this Election Law.
12. (8) In the presence of the Appointed Observer and U.S.P., the D.E.O. shall count the ballots for each candidate.
12. (9) At the conclusion of the count as provided for in Section 12 (8), make a written statement Schedule "L", of the number of votes, rejected ballots, declined ballots and void ballots.
12. (10) The D.E.O., C.E.O., in the presence of the appointed observers, and USP, during the counting procedure sign the written statement provided for in Section 12. (9).
12. (11) Immediately after the completion of the counting of votes, the D.E.O. shall post in a public place the unofficial results of their respective polling station indicating the number of votes for each candidate.
12. (12) In the event of a tie between candidates for any elected position, a recount will be ordered by the C.E.O.
12. (13) In the event that the recount still results in a tie, the CEO shall choose an impartial draw process (as an example: a coin toss, or a draw from the hat) and the successful candidate will be selected by the will of chance.



### **SECTION 13 OFFICIAL STATEMENTS**

13. (1) After the completion of the process of counting ballots, and within forty-eight (48) hours after the close of election day, the C.E.O. shall prepare a statement showing Schedule "L";
- (a) the total number of votes cast for each candidate;
  - (b) the number of rejected ballots; and
  - (c) the names of the candidates duly declared elected.
13. (2) Submit this statement to the Akwesasne Election Appeal Board, the Chief Administrative Officer and one filed with the Justice Department.
13. (3) Upon receipt of the statement prepared pursuant to Section 13. (2), the Chief Administrative Officer shall:
- (a) prepare a public announcement acknowledging the results of the General Election or By-Election
  - (b) announce the date on which the oaths will be administered to officiate the successful candidates elected;
    - (i) within fourteen (14) days where there is no appeal made within five (5) days of the General Election or By-Election;
    - (ii) immediately following the decision of the Akwesasne Election Appeal Board where an appeal has been made within five (5) days of the General Election, or By-Election.
13. (4) The C.E.O. shall deposit all ballots rejected, used, or unused and statements with the Akwesasne Justice Department who shall retain them in the office for the minimum of eight (8) weeks and unless otherwise directed by the Akwesasne Election Appeal Board shall destroy the ballot papers after sixteen (16) weeks

### **SECTION 14 APPEALS PROCEDURE**

14. (1) The Akwesasne Election Appeal Board appointed pursuant to Section 5. (1) shall address all matters of appeals under this Election Law in accordance to the provisions set out in schedule "O".
14. (2) Any eligible voter who believes that:
- (a) there was corrupt practice in connection with the election; or
  - (b) there was a violation of this law that may have affected the results of this election; or

(c) a person nominated to be a candidate was ineligible to be a candidate; or

(d) a person voting in the election was ineligible to vote;

may submit an appeal by forwarding a written statement to the Akwesasne Election Appeal Board and deliver it to the Akwesasne Mohawk Police Station, by 5:00 p.m. on the fifth day.

14. (3) Where an appeal has been submitted under Section 14. (2) the Akwesasne Election Appeal Board shall forward a copy of the appeal and all supporting documents attached to the appeal be forwarded to the C.E.O., Chief Administrative Officer, to the individual(s) named in an appeal and all candidates whose seat(s) are impacted.

14 (4) Any individual(s) named in an appeal or candidates whose seat(s) are impacted by an appeal, may choose to respond by forwarding a copy of their response and all supporting documents to the Akwesasne Election Appeal Board within five (5) days of receipt of their copy of their appeal.

14. (5) All particulars and documents filed in accordance with the provisions with this section will constitute and form the record.

14. (6) The Election Appeal Board may set aside the election, in whole or part, if it is satisfied that:

(a) there was corrupt or fraudulent practice in relation to the Election or By-Election; or

(b) there was a violation of the Akwesasne Election Law that in all likelihood affected the results of the election;

and that the candidate was elected as a result of the above.

14. (7) Any matter submitted to the Akwesasne Election Appeal Board shall be decided within fourteen (14) days.

14. (8) Any decision of the Akwesasne Election Appeal Board shall be by majority vote.

14. (9) Any decision rendered pursuant to Section 14. (4) shall be given in writing forth with to the appellant and the C.E.O.

14. (10) The originating appellant may appeal any decision made by the Akwesasne Election Appeal Board within five (5) days of receipt of the notice, in writing to the Akwesasne Mohawk Court.

14. (11) The decision of the Akwesasne Mohawk Court is final.

## **SECTION 15 SWEARING IN**

15. (1) On the date and time contemplated by Subsection 13. (3)(b), each successful candidate shall be administered an Oath of Office by the Justice of the Peace, or Justices of the Akwesasne Mohawk Court.

15. (2) All District Chiefs and Grand Chief shall be required to sign an Oath of Office in the form of Schedule "N" only, attached hereto which shall subsequently be affirmed in the presence of a Justice of the Peace or Justices for the Akwesasne Mohawk Court.
15. (3) No successful Candidate shall be allowed to sit as a member of Mohawk Council of Akwesasne until the successful candidate has signed the Oath of Office, as required in Section 15. (2), within fourteen (14) days of said requirement.
15. (4) Failure to sign the oath at the end of the fourteen (14) days will cause the seat to be deemed vacant resulting in the next ranking candidate the successor;
15. (5) In the absence of a next ranking candidate, within forty-eight (48) hours a By-Election will be called by the Chief Administrative Officer.

#### **SECTION 16 REMOVAL / VACANCY FROM COUNCIL**

16. (1) A member of the Mohawk Council shall be removed from Council if that member is convicted of an indictable offence, in Canada or a felony in the United States during his/her term of office except for those indictable offenses and felonies pertaining to preservation of community or native rights.
16. (2) A member of the Mohawk Council is removed from Council if:
  - (a) a petition requesting the removal of a District Chief is signed by an equal number of votes plus one from the official total number of votes he/ she received on election/by election day and delivered to the Council at a duly convened General Meeting; or
  - (b) a petition requesting the removal of the Grand Chief, is signed by an equal number of voters plus one from the official number of votes on election/by election day from all districts total and delivered to Council at a duly convened General Meeting.
16. (3) Any petition submitted pursuant to section 16. (2) shall be examined by the C.E.O. to verify that each signature on the petition is that of an eligible voter.
16. (4) Should the verification in section 16 (3) result in less than the number of names required for the purpose of section 16. (2), the petition shall be considered null and void.
16. (5) Should the verification process in section 16. (3) above establish that a minimum number of eligible voters for section 16. (2) have signed the petition, the results shall be delivered to a duly convened General Meeting of Council. Council shall declare the member removed and order a By-Election for that position.
16. (6) A member's position on Mohawk Council shall be deemed vacant if:
  - (a) the member dies;
  - (b) the member resigns;

- (c) the member is absent from two consecutive General, two consecutive Special or two consecutive District Meetings save and except for Council prior approved activity;
- (d) or if a District Chief, ceases to reside within the District in which they were elected or if the Grand Chief ceases to reside in the Territory of Akwesasne;
- (e) the person's election is declared void by the Election Appeal Board.

16. (7) In the event that a member of Council is removed in accordance with section 14. (6), a By-Election will be held within 90 days in accordance with the Akwesasne Election Law.

#### **SECTION 17 BY-ELECTIONS**

- 17.1 Unless otherwise provided in this Election Law, in the event that the office of Grand Chief or District Chief becomes vacant, a By-Election shall be held within ninety (90) days on the date set by the Chief Electoral Officer.
- 17.2 No By-Election shall be held if there are less than eight (8) months remaining in the term of the Council member whose office has become vacant except where a By-Election is necessary to have sufficient Council members to maintain a quorum.
- 17.3 No sitting Council member is eligible to be a candidate in a By-Election.
- 17.4 If a Council member wishes to be a candidate in a By-Election, he or she must resign from Council prior to the date for nominations in the By-Election.
- 17.5 A successful candidate in a By-Election shall hold office for the remainder of the original term of the Grand Chief or District Chief whom he or she has been elected to replace.
- 17.6 Except as expressly provided otherwise, the rules and procedures for a General Election shall apply to By-Elections.

#### **SECTION 18 AMENDMENTS**

- 18. (1) This Law may be amended in accordance with the Akwesasne Legislative Enactment Regulation.

#### **SECTION 19 PENALTIES**

- 19. (1) Unless otherwise provided herein, any person who violates any provision of this Akwesasne Election Law is guilty of an offense and is liable upon conviction in the Akwesasne Mohawk Court to a fine not exceeding one thousand dollars (\$1,000.00).

**AKWESASNE ELECTION LAW**

**OATH OF OFFICE**

I, \_\_\_\_\_ accept the position of Akwesasne Election Appeal Board Member/  
Electoral Officer and agree to maintain confidentiality during my term.

1. In the capacity of Akwesasne Election Appeal Board Member/Electoral Officer I will do my utmost to serve the residents of Akwesasne with impartiality, integrity and honesty.
2. In the performance of my duties I will adhere to the provisions as outlined in the Akwesasne Election Law. Any violation of this Oath shall render my dismissal from service as Akwesasne Election Appeal Board Member/Electoral Officer by the person who appointed me within the Territory of Akwesasne and the application of the penalty as outlined in Section 19 (1).
3. I solemnly swear that my actions will not bring disgrace to this position or to the community of Akwesasne.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position

\_\_\_\_\_  
Justice of the Mohawk Court

\_\_\_\_\_  
Date

**Schedule "B"**

**Nomination Form**

I, \_\_\_\_\_, band # \_\_\_\_\_  
(Please print name)

Of the District of \_\_\_\_\_ of Akwesasne

Hereby nominate/second \_\_\_\_\_  
(Name of nominee)

of the \_\_\_\_\_ District of Akwesasne  
(Name of District)

for the position of \_\_\_\_\_.  
(Grand Chief or District Chief)

**Note: If your residence is located off the Territory of Akwesasne, you are not eligible to nominate a candidate for the position on Mohawk Council.**

\_\_\_\_\_  
Signature of Eligible Voter

\_\_\_\_\_  
Date

(\_\_\_\_\_) \_\_\_\_\_  
Telephone number

***It is important that your telephone number be included above in case the Electoral Office needs to contact you for clarification regarding the name of the individual that you are nominating.***

**Akwesasne Election Law**  
**Electoral Officer's Nomination Record Sheet**

Nomination Meeting held on \_\_\_\_\_, 20\_\_\_\_.

Nomination Results for Grand Chief.

Candidates for Grand Chief and Band Number	Nominated By and Band Number	Seconded by and Band Number	Address of Candidates

**Akwesasne Election Law**  
**Electoral Officer's Nomination Record Sheet**

Nomination Meeting held on \_\_\_\_\_, 20\_\_\_\_\_.

Nomination Results for District Chief.

Candidates for District Chief and Band Number	Nominated By and Band Number	Seconded by and Band Number	Address of Candidates



**AKWESASNE ELECTION LAW FORM  
AFFIDAVIT OF ELIGIBILITY OF CANDIDATES**

I, \_\_\_\_\_ Band No. \_\_\_\_\_, residing at \_\_\_\_\_  
do

(district)

swear and declare:

1. I have attained the age of eighteen years; and
2. I have resided in the Territory of Akwesasne for One (1) year immediately preceding the General Election or By Election;
3. I am a registered member of the Mohawks of Akwesasne; and
4. I am Onkwehonwe; and
5. I am not a C.E.O., D.E.O., U.S.P., or Appointed Observer as contemplated in these Election Law.

\_\_\_\_\_  
Signature

Sworn before me in the Territory of Akwesasne this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Justice of the Mohawk Court, Notary Public,  
Commissioner of Oaths, etc.

*NOTE: Anyone who knowingly makes a false statement under oath or solemn affirmation, etc. is subject to an offence punishable on summary conviction under the terms described in the Akwesasne Election Law.*

**AKWESASNE ELECTION LAW FORM**

**NOTICE OF WITHDRAWAL**

I, \_\_\_\_\_ Band No. \_\_\_\_\_ and resident of

\_\_\_\_\_ wish to formally withdraw my name from the  
(district)

upcoming election.

Signed by: \_\_\_\_\_

Witnessed by: \_\_\_\_\_

Date: \_\_\_\_\_

**APPLICATION TO VOTERS LIST**

In accordance with the Akwesasne Election Law, Section 6.(6)(a):

I, \_\_\_\_\_, submit this application to have my name added to the voters list.

1. I am a member of the Mohawks of Akwesasne.
2. My Band number is \_\_\_\_\_
3. My date of birth is \_\_\_\_\_
4. I am a current resident in the District of \_\_\_\_\_
5. I am at least 18 years of age
6. I am Onkwehonwe.

\_\_\_\_\_,

Signature of Applicant

\_\_\_\_\_,

Signature of Chief Electoral Officer

\_\_\_\_\_,

Date

**Voter Declaration**

***DECLARATION OF ELIGIBILITY***

I, \_\_\_\_\_, of the District of \_\_\_\_\_

Make this declaration as required in Section 6.(6)(b) of the Akwesasne Election Law:

I declare that in accordance with Section 7.(1):

1. I have attained the age of eighteen (18) years of age;
2. I am a resident in the district of \_\_\_\_\_
3. I am a registered member of the Mohawks of Akwesasne;
4. I am Onkwehonwe.

I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath. I understand that it is an offence to make a false statement in this declaration.

\_\_\_\_\_  
Date

\_\_\_\_\_,  
Signature of Witness

\_\_\_\_\_,  
Signature of Elector

**ELDERS VOTING**

As a resident of Iakhihsohtha/Tsiionkwanonsahthe you are/may be entitled to vote in a General Election(s) and/or By-Election(s) held within the Jurisdiction of the Mohawk Territory of Akwesasne.

Do you wish to exercise your privilege to vote?

Yes

No

If you answered yes, Please identify the district in which you wish to cast your vote(s)

Tsi Snaihne,

Kanatakon,

Kawehnoke

Please acknowledge this form by providing both your signature and the date of signing.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

*If you have any questions about your eligibility to vote in a General Election(s) or By-Election(s) held within the Jurisdiction of the Mohawk Council of Akwesasne, please contact the Chief Electoral Officer or the Akwesasne Justice Department at (613) 575-2758*

**Akwesasne Election Law**

**Sign-In Sheet**

District of: \_\_\_\_\_

Date of Election: \_\_\_\_\_

Electoral Officers: \_\_\_\_\_

#	Voter's Full Name	Band #	Comments
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			

15			
----	--	--	--





\* Indicate the number of the rejection on the back of the ballot.

**AKWESASNE ELECTION LAW**

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Initials I declare that at the commencement of the polling the  
ballot box was inspected and determined to be empty as  
is required by Subsection 11 (9)(a) of the Akwesasne  
Election Law.

**BALLOT TALLY SHEET**

**FOR THE DISTRICT OF** \_\_\_\_\_

DATE: \_\_\_\_\_

TOTAL BALLOT TALLY PER PHYSICAL COUNT \_\_\_\_\_

ADVANCE POLL BALLOTS \_\_\_\_\_  
PLUS

ACCEPTABLE BALLOTS \_\_\_\_\_  
PLUS

SPOILED BALLOTS \_\_\_\_\_  
PLUS

VOIDED BALLOTS \_\_\_\_\_  
PLUS

UNUSED BALLOTS \_\_\_\_\_  
PLUS

DECLINED BALLOTS \_\_\_\_\_

TOTAL BALLOT TALLY \_\_\_\_\_

SIGNED \_\_\_\_\_

WITNESS \_\_\_\_\_

**AKWESASNE ELECTION LAW FORM**  
**CANDIDATE'S APPOINTED OBSERVER**

I, \_\_\_\_\_, candidate in the Akwesasne Election,  
conducted on the \_\_\_\_\_, hereby appoint  
(date)  
\_\_\_\_\_, as my Appointed Observer, at the polling station  
situated in the district of \_\_\_\_\_.

\_\_\_\_\_  
Candidate's Signature

**CONSENT RELEASE**

I, \_\_\_\_\_, hereby consent to being an Appointed  
(Designated Observer)  
Observer for \_\_\_\_\_.  
(Candidate's name)

\_\_\_\_\_  
Signature

**FOR THE MOHAWK TERRITORY OF AKWESASNE**

**OATH O F OFFICE**

1. I, \_\_\_\_\_, do solemnly swear that I accept the office of \_\_\_\_\_  
Chief for the people of Akwesasne with full respect for the people of our community.
  
2. I will strive to serve the people of Akwesasne faithfully, honestly and with integrity. I will not  
bring disgrace upon the people of Akwesasne.
  
3. Further, I swear to support and defend all laws and customs of the community of Akwesasne.  
I will faithfully and impartially carry out the duties of my office to the best of my ability and  
I will strive to promote the best interests of the people of Akwesasne.
  
4. I swear not to reveal or cause to be revealed during or subsequent to my term as Chief of  
Mohawk Council of Akwesasne any matter designated as confidential.

SWORN before me in the Territory of ]  
 Akwesasne ]  
 ]  
 this \_\_\_ day of \_\_\_\_\_, 20\_\_\_ ]  
 ]  
 \_\_\_\_\_ ]  
 Justice to the Mohawk Court, Notary Public, ]  
 Commissioner of Oaths, etc. ]  
 ]

\_\_\_\_\_  
 Chief

**PROCEDURAL GUIDELINES OF THE AKWESASNE ELECTION APPEAL BOARD**

In compliance to Section 14 of the Akwesasne Election Law:

1. Shortly after the time of their appointment, at their first meeting, the board members shall select from amongst themselves a member to act as chairperson for the Akwesasne Election Appeal Board.
2. Any individual eligible to vote in a Mohawk Council election may file an appeal within five days after the General Election or By-Election, in writing with respect to any matter concerning the General Election or By-Election.

The appeal should explain in a detailed manner the reasons for the appeal and contain copies of any documents or written material to be reflected upon.

The Akwesasne Mohawk Police Department will be the receiving site of all appeals. The representative present will indicate the date and time that the appeal is received. Appeals will not be accepted after 5:00 p.m. on the fifth day.

The Chairperson of the Akwesasne Election Appeal Board will ensure the appeal reaches all members of the Akwesasne Election Appeal Board.

The Appeal submitted must have a return address and a telephone number where the applicant can be reached. Personal information will be kept confidential with the Akwesasne Election Appeal Board.

3. A quorum of three of the Akwesasne Election Appeal Board shall review all submissions and documents filed with an appeal: and render a decision in accordance with the authority confirmed upon it by the Akwesasne Election Law.
4. The Chairperson of the Akwesasne Election Appeal Board shall determine the time and place to hear any appeal and give notice thereof to any party who has an interest in the appeal.
5. At the hearing the Akwesasne Election Appeal Board shall consider evidence submitted relevant to the appeal.
6. The Akwesasne Election Appeal Board may question any person whose testimony is considered relevant to the appeal.
7. All evidence will be given under oath. Any verbal evidence shall be recorded and transcribed.
8. Any written evidence or documents considered by the Akwesasne Election Appeal Board shall be submitted within the five days before the hearing.
9. All hearings are open to the public. Any individual(s) whose behavior or conduct is disruptive to the hearing will not be tolerated and will be removed at the discrimination of the chair person.
10. A member of the Akwesasne Election Appeal Board shall not participate in any appeal in which there is a Conflict of Interest.

- (a) A Conflict of Interest shall be deemed to exist in any matter where an Appeal Board members' opinion is actually or perceived to be influenced without knowledge of the evidence of the appeal and without limiting the generality of the foregoing to include situations where there are involved immediate family members including: parents, spouses, children, godparents, siblings, aunts or uncles, nieces or nephews, sister/brother-in-law, mother-in-law, father-in-law, first cousins or any individual who resides in the same household as an Akwesasne Election Appeal Board member.
- (b) If a member of the Akwesasne Election Appeal Board is disqualified pursuant to this section, an alternate member shall replace him/her.

11. The Akwesasne Election Appeal Board will reach its decision through consensus.
12. Based on the evidence received by the Akwesasne Election Appeal Board, it shall make a decision in accordance with the provisions of the Akwesasne Election Law.
13. The general public will be notified by the Chairperson in the event there is an appeal, as well as, any decision or relevant action(s) of the appeal period as required by the Akwesasne Election Appeal Board.
14. Members of the Akwesasne Election Appeal Board shall treat all matters and evidence before them, both during and after their term of office, as confidential except to the extent that such information is provided in public notice or in a public hearing.
15. Any decision(s) made by the Akwesasne Election Appeal Board may be appealed to the Akwesasne Mohawk Court within five days after the decision.