

**TERMS OF REFERENCE  
ELECTORAL OFFICER  
2024 MOHAWK COUNCIL OF KAHNAWÀ:KE ELECTIONS**

**GENERAL ACCOUNTABILITY**

In accordance with the *Mohawk Council of Kahnawà:ke Election Law* (“MCK Election Law”), the Electoral Officer is responsible to oversee, coordinate and implement all aspects related to the 2024 Mohawk Council of Kahnawà:ke Elections.

The Electoral Officer is responsible to ensure a fair and transparent election process is conducted.

The Electoral Officer has the sole authority to declare that a vote will be held on Election Day being Saturday, July 6, 2024, to call for nominations and to conduct and supervise the election process.

The Electoral Officer makes decisions and takes reasonable measures that are required.

The Electoral Officer will publicly declare elected the Ohén:ton Í:iente’/Ohén:ton Í:rate’ ne Ratitsénhaienhs and Eleven (11) Ietsénhaienhs/ Ratsénhaienhs; based on the outcome of the election process.

The Electoral Officer will maintain and record, in a log book, any problematic events or issues which occur, and any decisions taken from the time of appointment until the official announcement of elected candidates. See section 6.1(h) of the *MCK Election Law*.

**DUTIES AND RESPONSIBILITIES**

**1. The Electoral Officer is responsible to declare that a vote will be held on Election Day being Saturday, July 6, 2024, in order to elect a (1) Ohén:ton Í:iente’/Ohén:ton Í:rate’ ne Ratitsénhaienhs and Eleven (11) Ietsénhaienhs/ Ratsénhaienhs of the Mohawk Council of Kahnawà:ke and appoint the Assistant Electoral Officer.**

- Participates in an orientation session to review the *MCK Election Law* and procedure with representatives from the Mohawk Council of Kahnawà:ke (MCK) Administration.
- Declares the official date for the elections to be Saturday, July 6, 2024. See section 34.1 of the *MCK Election Law*.
- Selects and appoints the Assistant Electoral Officer whose duties will be to assist the Electoral Officer. See section 7.1 of the *MCK Election Law*.
- With the assistance of the MCK Public Relations Unit, publicly advises the Community of the date for the elections and the identity of the Assistant Electoral Officer.

**2. The Electoral Officer supervises and conducts the nomination process.**

- Identifies the date for nominations of candidates. (See 6.1 (b) of *MCK Election Law* and section 34.1 for modifications for by-election).

- Identifies the logistics for the nominations.
- With the assistance of the MCK Public Relations Unit notifies the Community of the nomination date and logistics.
- The Electoral Officer may request Kahnawà:ke Peacekeeper assistance at the place for nominating candidates to aid in the maintenance of peace and order during Nomination Day.
- In order to assist the Electoral Officer, the MCK Executive Office will:
  - Provide to the Electoral Officer all templates for the entire election process, and if necessary, assist and provide the Electoral Officer with the preparation of necessary supplies and materials.
  - Upon request, administrative support will be made available to the Electoral Officer on Nomination Day.
- The Office of the Kahnawà:ke Kanien'kehá:ka Registry (formerly the Membership Department) assists the Electoral Officer with verifying nominations and witnessing the nominee forms.
- The Electoral Officer and the Assistant Electoral Officer receives and accepts the nominations.
- The Electoral Officer will be responsible to ensure all data for the nominee is recorded.
- The Electoral Officer publicly announces the names of all nominees at the close of the session. See section 13.10 of the *MCK Election Law*.
- The Electoral Officer confirms the acceptance of the nominations with the nominees.
- The Electoral Officer confirms the nomination and the eligibility of the nominees based on the following activities:
  - The Kahnawà:ke Peacekeepers and the Court of Kahnawà:ke conduct the background checks and provide the results to the Electoral Officer.
  - The Office of the Council of Chiefs (OCC) and the Court of Kahnawà:ke provide confirmation of previous Council Chiefs' standing upon departure from office to the Electoral Officer.
  - The General Manager of the Office of the Kahnawà:ke Kanien'kehá:ka Registry confirms whether the nominee is on the Kahnawà:ke Kanien'kehá:ka Registry , their blood quantum, marital / common-law status and residency requirements of the nominees. The Office of the Kahnawà:ke Kanien'kehá:ka Registry provides a letter "Eligibility to Hold Office" with verification for each nominee to the Electoral Officer.
  - The MCK Legal Services provides legal guidance and advice as required.
- The Electoral Officer verifies the validity of the nomination and the eligibility of the nominees.
- Notifies the nominees of their eligibility for candidacy. See section 14.4 of the *MCK Election Law*.
- With the assistance of the MCK Public Relations Unit, prepares for community distribution the announcement of the eligible candidates for the 2024 Election.

### **3. The Electoral Officer supervises and conducts Candidates Night.**

- Establishes the date and identifies the logistics for the Candidates Night.

- With the assistance of the MCK Public Relations Unit, publicly announces the venue for Candidates Night.
- The Executive Office ensures that all necessary documentation and equipment are made available to the Electoral Officer as required.
- The Electoral Officer and the Assistant Electoral Officer are responsible for the set-up of the location for Candidates Night.
- The Electoral Officer and Assistant Electoral Officer chair and facilitate the agenda and discussions.

#### **4. The Electoral Officer directs, oversees, and conducts the Mohawk Council of Kahnawà:ke Elections.**

##### **Election Preparation**

- Identifies venue for the Elections.
- With the assistance of the MCK Public Relations Unit, ensures community notification of Election details.
- Determines content of ballots and number of ballots required.
- On behalf of the Electoral Officer, the Executive Office administration support, with the assistance of Public Relations Unit creates and orders the ballots and provides administrative assistance as required.
- Procures ballot boxes and ensures security.
- Secures the voters list from the Office of the Kahnawà:ke Kanien'kehá:ka Registry.
- Arranges for security from the Kahnawà:ke Peacekeepers as required.
- Appoints Polling Clerks and arranges for training with MCK Information Management unit.
- Arranges for Office of the Kahnawà:ke Kanien'kehá:ka Registry to be present at the polls.
- Arranges with Justice Services for a Justice to be available on Election Day to hear requests for pre-election reviews.
- Announces the time for the opening and closing of polls.
- Determines ballot counting process and safeguards /controls.

##### **Special Polls**

- Identifies date for Special Polls and determines logistics. (See section 22.1 of the *MCK Election Law*).
- With the assistance of MCK Public Relations Unit, notifies the Community of the dates and times of the Special Poll(s).
- Communicates requirements to vote in the Special Poll(s).
- Receives, reviews and accepts or refuses requests to vote in the Special Poll(s).
- Keeps a log of all requests to vote and who actually votes in a Special Poll.
- Verifies eligibility status of voters with the Office of the Kahnawà:ke Kanien'kehá:ka Registry in advance of the Special Poll(s).
- The Electoral Officer and Assistant Electoral Officer preside over the Special Polling process.

- The Electoral Officer will assign Polling Clerks as required.
- The Electoral Officer, accompanied by the Kahnawà:ke Peacekeepers, is responsible to secure and maintain the ballots from the Special Polling.

### **Election Day**

- Electoral Officer must remain on site for entirety of Election Day.
- Determines the set up for the polling stations.
- Provides sufficient space at the polling location for the Justice to hear requests for pre-election reviews, if required.
- Provides direction and assignments to the Assistant Electoral Officer and the Polling Clerks.
- Ensures the presence of members of the Office of the Kahnawà:ke Kanien'kehá:ka Registry and the MCK Information Management Unit at the polling location.
- The Electoral Officer may request one or more officers of the Kahnawà:ke Peacekeeper to be present at the polling station to aid in the maintenance of peace and order. (See section 18.3 of the *MCK Election Law*).
- Ensures Electors can mark their ballots in privacy and free from observation.
- Ensures access to the polling location is free from hindrances.
- Ensures that no campaign advertising is present at the polling location and that no fundraising activities occur at the polling location.
- Declares Election polls opened and closed.
- Ensures in the presence of a witness that the ballot boxes are empty and secure.
- Ensures that ballot box from the Special Poll is on site and added to the election process for counting.
- Oversees the polling process.
- Decides on any issues that may arise.
- May request that no electronic devices be permitted during the counting process.
- Determines validity of ballots and decides on spoiled ballots.
- Safeguards / controls ballot counting process.
- Oversees the counting process.
- Will recount the votes for a position in accordance with section 29.1 of the *MCK Election Law* and determines when the recount is satisfactory.
- Tabulates the results and publicly declares the successful candidates.
- Cooperates in the conduct of all pre-election decisions and reviews. Cooperates in the conduct all post-election appeals.

### **Post Elections**

- Retains and safeguards all election materials used during the election.
- Identify location for safeguarding of all election materials.
- Destroys the ballots after the 14-day waiting period with two witnesses present, provided there is no post-election appeal. If there is a post-election appeal, ballots are to be retained in a secure location until the appeal is decided.

- Responds to court requests due to appeals and participates in any Court of Kahnawà:ke hearings.
- Prepares a final Executive report and submits to the MCK Executive Director.

### **ADMINISTRATIVE SUPPORT AND RESOURCES**

- The Executive Office will determine the budget allocation and administrative standards required for the management of the budget.
- The Mohawk Council of Kahnawà:ke Administration, through the Executive Office, is responsible to coordinate the provision of financial, clerical, legal and communication support to the Electoral Officer and to the election process.

### **ACCOUNTABILITY**

- Accountable to ensure the *MCK Election Law* is adhered to in the 2024 MCK Elections process.
- Accountable for the efficient overall functioning of the 2024 MCK Elections process.
- Accountable for the transparency and accountability of the Assistant Electoral Officer and the Polling Clerks.
- Accountable for a successful completion of the 2024 MCK Elections process.
- Accountable to maintain confidentiality.
- Responsible for the management and accountability of the election budget in accordance with the MCK's administration standards and the roles and responsibilities set forth in their contract.
- The Electoral Officer is accountable to the Executive Director for administrative purposes only.
- Accountable to report to the MCK and the Community on the results of the 2024 MCK Elections process.

### **ELIGIBILITY**

The candidate for Electoral Officer:

- Is over the age of twenty-one (21) years. (See 8.1(a) of the *MCK Election Law*);
- Meets the requirements of the *Kanien'kehá:ka of Kahnawà:ke Law*, (formerly known as the Kahnawà:ke Membership Law), is on the Kahnawà:ke Kanien'kehá:ka Registry, and does not currently have their benefits and entitlements suspended. (See section 8.1(b) of the *MCK Election Law*);
- Is an ordinarily resident in Kahnawà:ke. (See section 8.1(c) of the *MCK Election Law*);
- Must not have, within the previous six (6) years, pled guilty, been found guilty, been convicted and/or sentenced for a criminal offense. The six (6) year ban commences only after all sentences have been served in full. (See section 8.1(d) of the *MCK Election Law*);

- Was not a member of the Council at any time during the year immediately preceding the election or intends to be a candidate in the election. (See section 8.3 of the MCK Election Law);
- In addition to these eligibility requirements, the Electoral Officer must meet the requirements of the present terms of reference, have the skills and experience necessary to conduct the Election in a fair, transparent and accountable manner, as evaluated by the Kahnawake Justice Commission. (See section 8.2 of the MCK Election Law)

## **COMPETENCIES**

The incumbent should be logical, accurate, compliant, factual, conventional, flexible, and active.

The incumbent should have the ability:

- To be rational, systematic and factual
- To handle conflict with logic
- To ensure the application of quality standards and procedures
- To be disciplined in carrying out rules, processes and timelines
- To problem solve
- To communicate effectively
- To be self-disciplined

The incumbent should possess and be able to demonstrate managerial and leadership experience.

The incumbent should have computer, organizational and communication skills.

A minimum of a high school education is required.

## **DURATION**

For the entirety of the 2024 MCK Elections as outlined in the MCK Election Law, including the duration of any election-related appeals.

## **REMUNERATION**

Professional Services Contract

\$12,000 (\$400/day for 30 working days)