

**SECHELT INDIAN BAND
LAW NO. 2007 – 08-10**

SECHELT INDIAN BAND COUNCIL RECALL LAW

WHEREAS the Band Council of the Sechelt Indian Band wishes to make fair and reasonable laws with respect to matters related to good government of the Band and its Members.

The Band Council of the Sechelt Indian Band, in open meeting assembled, enacts as follows:

1. This law may be cited for all purposes as the “Sechelt Indian Band Council Recall Law No. August 10, 2007.”

INTERPRETATION

2. This Law is to be interpreted in accordance with the Sechelt Indian Band Constitution and the defined terms set out in the Sechelt Indian Band Constitution apply in the interpretation of this Law.

APPLICATION FOR RECALL PETITION

3. A Band Elector may apply for the issuance of a petition for the recall of any member of the Band Council.
4. An application for the issuance of a recall petition must be made to the Band Council.
5. An application for the issuance of a recall petition must contain the following information:
 - (a) the name of the Band Council member the petition is sought in respect of;
 - (b) the name and address of the applicant; and
 - (c) a statement, not exceeding 200 words, setting out why, in the opinion of the applicant, the recall is warranted.
6. On receipt of an application for the issuance of a recall petition, the Band Council shall, by resolution, either:
 - (a) determine that the application for the issuance of a recall petition is bona fide and made in good faith and not for frivolous reasons, in which event the Band Council shall accept the application in principle, or
 - (b) determine that the application for the issuance of a recall petition is not bona fide or not made in good faith or is made for frivolous reasons, in which event the Band Council shall deny the application.

7. If the Band Council accepts in principle the application for the issuance of a recall petition pursuant to paragraph 6(a), the Band Council must appoint an Electoral Officer for purposes of the application.
8. No application for the issuance of a recall petition may be made during the eight months following the election of the named Band Council member.

ISSUE OF RECALL PETITION

9. If satisfied that the application meets the requirements of this Law, the Electoral Officer must:
 - (a) immediately notify the applicant for the petition and the named Band Council member that the application has been made and that the Band Council has accepted in principle the application for the issuance of a recall petition pursuant to paragraph 6(a),
 - (b) issue a petition in the attached form, or substantially in the attached form, within three days after notice is given in accordance with paragraph (a), and
 - (c) prepare a voters' list under Part II, Division (1) of the Sechelt Indian Band Constitution containing the names of the Band Electors on the date of the issue of the petition pursuant to paragraph (b).
10. Once an application has been approved in principle, the Electoral Officer must post copies of the application, together with a copy of the voters' list prepared pursuant to paragraph 9(c) in one or more conspicuous places in the Band Office and in one or more conspicuous places on Sechelt Band Lands outside the Band Office.

SIGNING OF PETITION

11. A recall petition must be signed within 60 days from its date of issuance by the Electoral Officer.
12. In order to sign a recall petition, an individual
 - (a) must be on the voters' list prepared pursuant to paragraph 9(c), and
 - (b) on the date he or she signs the petition, be a Band Elector.
13. An individual may sign a recall petition only once.
14. A Band Council member may sign a recall petition, and the act of signing the petition does not disqualify that member from participating in any Band Council vote regarding the recall petition.

WHO MAY CANVASS FOR SIGNATURES

15. A Band Member may canvass for signatures on a recall petition if, before the date on which he or she begins canvassing, the individual was a Band Elector.
16. A person must not, directly or indirectly, accept any inducement for canvassing for signatures on a recall petition.
17. A person must not, directly or indirectly, pay, give, lend offer, or procure any inducement for a person who canvasses for signatures on a recall petition.
18. A person canvassing for signatures on a recall petition must not, directly or indirectly, offer any inducement to persons being canvassed for their signatures.

REQUIREMENTS FOR RECALL PETITION

19. A recall petition must comply with the following requirements:
 - (a) the petition must be submitted to the Electoral Officer within 60 days after the date the petition was issued by the Electoral Officer; and
 - (b) the petition must be signed by more than 55% of the Band Electors on the voters' list prepared pursuant to paragraph 9(c).
20. To be counted for purposes of section 19(b), a signature on the petition must be accompanied by the printed name of the signing individual and must be witnessed by the individual who canvassed the signature.
21. The Electoral Officer may take such steps as are, in his or her opinion, reasonable and necessary to confirm that a signature on a submitted petition is genuine and may, where a listed individual provides a written declaration that the signature purporting to be his or hers is not genuine, deem a submitted signature invalid and discount the signature for purposes of section 19(b).

TIME LIMIT FOR DETERMINATION

22. When a recall petition is submitted to the Electoral Officer, he or she must determine within 14 days whether the petition meets the requirements of section 19.
23. Immediately following the determination under section 19, the Electoral Officer must advise the Band Council of the results and post, in the Band Office, a notice setting out the results.

RESULT OF SUCCESSFUL RECALL PETITION

24. If the Electoral Officer determines that the recall petition meets the requirements of section 19, the Band Council must immediately call a special meeting of the Band Council in accordance with Part II, Division (2) of the Sechelt Indian Band Constitution for the purpose of accepting the determination of the Electoral Officer that the recall petition meets the requirements of section 19.
25. If:
- (a) the Electoral Officer determines that the recall petition meets the requirements of section 19, and
 - (b) the Band Council by resolution accepts that the Electoral Officer has determined that the recall petition meets the requirements of section 19,
- the named member of the Band Council ceases to hold office and his or her office becomes vacant for purposes of the Sechelt Indian Band Constitution.
26. In the event a vacancy is created under section 25, the Band Council must post a notice to this effect as soon as possible at the Band Office.
27. Any Band Elector alleging there was a corrupt practice in connection with a recall petition, or a violation of this Law that might have affected the result of the recall process, may refer the matter to the Supreme Court of British Columbia for adjudication.

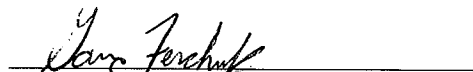
Read a First time this 9th day of August, 2007.

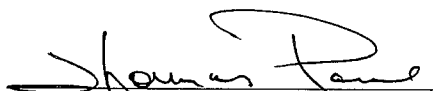
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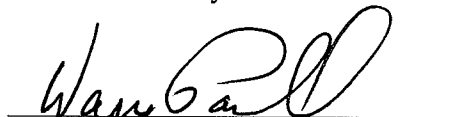
Read a Third time this 9th day of August, 2007.

Reconsidered, finally passed and adopted by the Band Council on the date of August 10, 2007.


Acting Chief Marita Paul Franke


Councillor Garry Feschuk


Councillor Tom Paul


Councillor Warren Paul