



Date: November 13, 2025

RE: Council Inquiry – ERL Clarification Via E-mail

Dear Chairperson Wilson Williams,

Thank you for your email correspondence dated October 20, 2025 requesting an interpretation of the Election and Referendum Law (“ERL”) with respect to the status of a member-driven resolution when quorum is not met at an Annual General Meeting (AGM). The Electoral Commission has now completed its review.

After considering the relevant provisions of the ERL and the legal analysis prepared for the Commission, the Commission has concluded that the reference in section 6.5.4(d) to section 6.5.6(b) is a typographical error, and that the intended reference was to section 6.5.6(d), which addresses member-driven resolutions. Correcting that error results in a clear and coherent interpretation: a member-driven resolution that is brought to an AGM for its second approval is deemed defeated when quorum is not met at that AGM. This reflects both the overall structure of section 6.5.4(d) and the original intent of the ERL as recalled by individuals involved in the earlier development work in drafting the ERL.

We will be proceeding to correct this cross-reference error under section 5.6.2 of the ERL, which authorizes the Electoral Commission to amend the Law to address typographical and similar non-substantive errors.

In reaching this decision, the Commission also discussed a broader concern that has emerged through this request. As you may know, the original intent behind the member-motion provisions in Chapter 6 of the ERL was to ensure that members had a meaningful and direct voice in Squamish Nation governance, including the ability to raise motions from the floor at any People’s Assembly. The two-stage process for member-driven resolutions was intended to serve as a last resort where members believed Council was not addressing an important issue of concern to members, allowing members to bind Council only where an issue had already been raised once and quorum was achieved at the AGM.

However, from what we have reviewed and from our own observations, it appears that the current implementation practice has evolved into something more rigid than originally envisioned, namely, an assumption that all member initiatives must pass twice before being acted upon. This practice is not consistent with the original intent and purpose of these ERL provisions, which presumed that Council would give weight and consideration to member motions raised at any People’s Assembly, regardless of whether they reached the AGM stage.



The Commission believes it is important to restore clarity to the process so that members understand their rights and expectations under the ERL, and to ensure that their voices are not unintentionally constrained by procedural drift. The Commission will therefore be examining its regulatory authority to determine whether new regulations or interpretive guidance can better support the original intent of these provisions. If our existing regulatory tools prove insufficient, we will seek Council's support to develop other appropriate mechanisms together.

The Commission will proceed with the typographical correction noted above and will begin work on clarifying the member-motion process. We will reach out to Council for further dialogue as this work progresses.

Thank you again for seeking the Commission's guidance and for raising issues that help strengthen the transparency and integrity of the Squamish Nation's governance framework. Should you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Donalene Rapada".

Donalene Rapada
Chairperson, Squamish Nation Electoral Commission