

Squamish Nation
Election and Referendum Law

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Certified Official Consolidation

Signed P. Wight
Patricia Wight, Chairperson, Squamish Nation Electoral Commission

TABLE OF CONTENTS

CHAPTER 1 - INTRODUCTION 7

PREAMBLE 7

PART 1 - INTRODUCTORY PROVISIONS 7

Short title 7
Authority and application 7

PART 2 - DEFINITIONS AND INTERPRETATION 8

Definitions 8
Interpretation 9

CHAPTER 2 - PREPARING FOR A VOTE 11

PART 1 - DATES AND VOTING METHODS 11

Date of elections 11
Date of by-elections 11
Ordering a referendum 11
Notices 12
Methods of voting 12
Referendum question 12

PART 2 - VOTERS AND VOTERS LIST 13

Eligible voters 13
Voting rights and obligations 13

PART 3 - NOMINATION PROCESS 13

Eligibility of candidates 13
Candidate nomination 14
Nomination package 15
Confirmation of nominations 15
Notice of nominations 16
Challenge of nomination 16
Withdrawal of a candidate 16

PART 4 - BY-ELECTIONS 16

Definition 16
First vacancy 17
Other vacancies 17
Limits on by-elections 17

CHAPTER 3 - CONDUCTING THE VOTE 19

PART 1 - CAMPAIGNS 19

Campaign defined 19
Campaigning 19
Registration required 19
Campaign registration 19
Deemed registration 20

Registration information 20
Application review 20
Financial agent 21

PART 2 - BALLOTS AND VOTING 21

Voting by ballot 21
Privacy of ballots 21
In person voting 22
Other voting methods 22

PART 3 - COUNTING BALLOTS 22

Definitions and applicability 22
Timing and location of counting 22
Who may be present at counting 23
Who does the counting 23
Procedures for counting 23

PART 4 - VOTING OFFENCES 24

Offences generally 24
Restriction on campaigning 24
Accessing information 25
Offences in relation to campaign finances 25
Vote or PIN buying 25
Intimidation 25
Interference with electronic voting 26
Corrupt voting 26
Voting personnel 26
Offences in relation to candidates 27
Offences in relation to ballots and other voting materials 27
Offences in relation to voting and counting proceedings 27
Offences in relation to voting personnel 27
Offences in relation to false or misleading information 28
Signatures on recall petition 28
Recall petition offences 28
Direct or indirect offences 29
Penalties 29
Proving offences 29

CHAPTER 4 - CONFIRMING THE VOTE 31

PART 1 - VOTING RESULTS 31

Regular election results 31
By-election results 32
Tied votes 32
Referendum results 33
Final count 33

PART 2 - APPEALS 33

Vote recount 33
Attendance at recount 34
Recount of electronic voting results 34
Certification and posting of recount results 34
Application to set aside vote 35
Campaign response 35

Application hearing 35
Costs of review 36

PART 3 - REMOVAL AND RECALL FROM OFFICE 36

Definitions 36
Basis for removal 37
Removal by complaint 37
Effect of successful complaint 37
Filing a recall petition 38
Removal by recall petition 38
Effect of successful recall 38
Effect of appeal 39

CHAPTER 5 - VOTING ADMINISTRATION 41

PART 1 - ELECTORAL COMMISSION 41

Commission established 41
Commission mandate 41
Composition and eligibility 42
Appointment 42
Ceasing to be a commission member 43

PART 2 - APPEAL TRIBUNAL 43

Definitions 43
Appeal Tribunal established 44
Composition and appointments 44
Adjudicator's term of office 45
Conflicts of interest 45

PART 3 - REQUESTING A REVIEW 45

Filing a review request 45
Administrative orders 46

PART 4 - CONDUCTING A REVIEW 47

General 47
Hearing 47
Order 47

PART 5 - GENERAL 48

Budget 48
Financial reporting 48
Regulation 48

PART 6 - ELECTION AND REFERENDUM LAW AMENDMENTS 49

Amendments generally 49
Amendment by Electoral Commission 49

CHAPTER 6 - COUNCIL AND PEOPLE'S ASSEMBLY 51

PART 1 - DEFINITIONS 51

Definitions 51

PART 2 - COUNCIL 51
Squamish Nation government 51
Mandate of Council 51
Composition 52
Council chairperson 52
Council salaries 52
Required training 53

PART 3 - COUNCIL TERM 53
Assuming office after an election 53
Term of Office 53
Ceasing to hold office 54

PART 4 - COUNCIL MEETINGS 54
Regular meetings 54
Special meetings 54
Quorum 54
In-camera meetings 55
Notice of meetings 55
Agendas for meetings 56
Attendance at meetings 56
Participation in proceedings 56
Rules governing proceedings 57
Electronic attendance at meetings 57
Voting 58

PART 5 - PEOPLE'S ASSEMBLY 58
Frequency of meetings 58
Notice and other matters 58
Facilitator 59
Quorum 59
Procedures 59
Resolutions 60

PART 6 - MINUTES 61
Interpretation 61
Responsibility 61
Preparation of minutes 61
Draft minutes 61
Approval of draft minutes 62
Endorsement of minutes 62
Transcripts of Council meetings 62
Record 62

APPENDIX 1 63

LEGISLATIVE HISTORY 65

CHAPTER 1 - INTRODUCTION

PREAMBLE

The Squamish People come from the ones who spoke the Squamish language and the territory from Clendening Creek, Sims Creek, Elaho River, Ashlu River, and Squamish River to the Cheakmus River to the Mamquam River to Howe Sound and the area above Xwmeĺch'stn (Capilano), Eslhá7an (Mission), Chich'elx̱wí7k̲w (Seymour), and the area around False Creek, English Bay, and from Point Grey to Roberts Creek. This is where we are truly from.

We, the Squamish people, express our right to choose our leaders and to choose our leaders how we wish to choose them. This Law reflects our values as a people, respecting our history and who we are today.

The Squamish Nation is the amalgamation of several Squamish peoples. The Squamish Nation exists for the good governance of the people, the land and gifts given to us from these. The Squamish People have, from time to time, amended the process for choosing its leaders. This has occurred throughout the Squamish Nation's history since 1923.

This law shows the feelings of the Squamish Peoples'.

Ta Sk̲wx̲wú7mesh-ulh Uxwumíxw wa tiná7 ta na wa níchim ta Sk̲wx̲wú7mesh-ulh Sníchim iy ta áysay̓ch tin̓á7 ta Clendening swá7elt, Sims swá7elt, Iyaláhu, Yelhíx̲w ták̲w, iy ta Sk̲wx̲wú7mesh Tak̲w tta Ch'iyák̲mesh Tak̲w tta Mámx̲wem Tak̲w tta Átl'k̲a7tsem tta Nexwnéwu7ts tta Scheĺk̲, iy ta schíshem ta Xwmeĺch'stn, ta Eslhá7an, ta Chich'elx̲wí7k̲w, iy tiná7 Elk̲sn ta Stk̲ayá. Nimálh wa texwĺam ti7i.

Nimálh wa yúult ta na wa tékw̲'em. Nimálh wa yuult ta wa lh7tim̓á kwis chet yuult ta na wa tékw̲'em. Chet wa kw'áchmixwstm ta nexwniw̓-chet iy ta snewĺ̓yelh-chet, iy chet wenáxws ta nexwniw̓-chet iy ta snewĺ̓yelh-chet na7 iyá sníchim.

Ta Sk̲wx̲wú7mesh Uxwumíxw wa k̲w'u7tway ta nach' Sk̲wx̲wú7mesh uxwumíxw. Na tsi7 ta Sk̲wx̲wú7mesh Uxwumíxw iy wa nséy7x̲nitas ta esxwéxwkw, tim̓á ta uxwumíxw, ta temíxw, iy ta s7émnexw na exwá7tat tiń̓a7 kwétsiwit. Chet wa nách'en ta wa lh7tima kwis wa yuult ta na wa tékw̲'em. Nilh melh welh ta 1923 nakw nách'antat.

Na sxwéyxweystas ta sk̲wálwn ta Sk̲wx̲wú7mesh-ulh uxwumíxw.

The Squamish Nation has the responsibility to provide transparent and accountable government through impartial, open, fair and free elections and referendums. To accomplish this, a voting process with integrity and honesty is needed for the common good of all Squamish members. The purpose of this Law is to create a process for choosing leaders that reflects the accurate wishes and desires of eligible voters. Voting will be carried out in a manner that promotes public confidence and trust in the integrity of the Squamish Nation officials elected to office and the Squamish Nation government.

The Squamish Nation adopts this Law based on these values.

PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1.1 This custom election law may be referred to as the Election and Referendum Law.

Authority and application

1.1.2 (a) This Law is enacted under the right of the Squamish Nation to govern itself and to exercise the powers of a "band" under the Indian Act.

(b) This Law applies to the processes by which

(i) elected members of Council are chosen, and

(ii) referendums are to be conducted by the Squamish Nation.

PART 2 - DEFINITIONS AND INTERPRETATION

Definitions

1.2.1 (a) In this Law,

(i) "conduct that is unbecoming a Squamish elected official" means conduct which harms his or her standing in the eyes of the public, including conduct in his or her personal or private capacity, or which tends to bring discredit upon the Squamish Nation including, as examples,

(A) engaging in conduct involving dishonesty or conduct which is contrary to the oath of office for a Squamish elected official,

(B) taking improper advantage of a youth or an individual that is inexperienced, lacks education, is unsophisticated, has ill health or demonstrates a lack of business expertise,

(C) committing a criminal act that reflects adversely on his or her honesty, trustworthiness or fitness as a Squamish elected official or engaging in conduct which undermines the administration of justice, or

(D) engaging in conduct that is a misuse or misappropriation of, or in reckless disregard for, the property or interests of the Squamish Nation or undermines the Squamish Nation administration;

(ii) "elected office" means any one of the following offices:

(A) Council chairperson;

(B) Councillor; and

(C) the band manager;

(iii) "good standing with the Squamish Nation" means an individual that

(A) does not owe any money to the Squamish Nation or the Electoral Commission or, if they do owe money, he or she has entered into a written agreement with the Squamish Nation or the Electoral Commission for the repayment of that money and is not delinquent in any payments under that agreement, and

(B) has no lawsuit against the Squamish Nation that has not been concluded, settled or dismissed;

(iv) "immediate family" means the mother or father, spouse, brother, sister, son, daughter, niece, nephew, grandparent or grandchild of the applicable individual;

(v) "Law" means this Election and Referendum Law approved by eligible voters on December 6, 2018;

(vi) "Membership Law" means the Squamish Nation Membership Code proclaimed by the Squamish Nation on June 8th, 1987, as revised on July 14, 2000 and April 4, 2013;

(vii) "mentally or physically incapable of holding the elected office" means suffering from a medical condition, including mental illness or dependency on drugs or alcohol, that a medical practitioner in writing concludes would render that individual likely to be incapable of performing the duties or exercising the powers of the elected office;

(viii) "North Shore" means the geographic area within the City of North Vancouver, the District of North Vancouver and the District of West Vancouver;

(ix) "oath of office" means an oath substantially in the form set out in Appendix 1;

(x) "Regulation" means a regulation approved by the Electoral Commission;

(xi) "Squamish elected official" means a Squamish member elected to an an elected office;

(xii) "Squamish Valley" means the geographic area in that portion of the Squamish-Lillooet Regional District north of Porteau Cove and within the Squamish Nation traditional territory.

(b) The Electoral Commission may, in a Regulation, define other words and phrases used in this Law and the definitions of those words or phrases must, for all purposes, be deemed to form part of, and be used to interpret, this Law.

Interpretation

1.2.2 (a) This Law will be interpreted in accordance with the interpretation principles set out in a Regulation.

(b) This Law is divided into the following divisions represented and referred to by the number or letter and name as indicated in ascending order:

CHAPTER 1;

PART 1;

1.1 (section);

(a) (subsection);

(i) (paragraph); and

(A) (subparagraph).

CHAPTER 2 - PREPARING FOR A VOTE

PART 1 - DATES AND VOTING METHODS

Date of elections

2.1.1 Regular elections for Council must be held on the last Sunday in September, 2021 and on the last Sunday in September in every fourth year after that.

Date of by-elections

2.1.2 If a vacancy occurs in an elected office, that vacancy must be filled at the time and in accordance with this Chapter Part 4 [*By-elections*].

Ordering a referendum

2.1.3 (a) The Electoral Commission may, subject to the availability of adequate financial resources authorized under a budget approved by the Electoral Commission and after considering any recommendation or request from Council, require that a referendum on a matter be held in accordance with this Law if

(i) 30 per cent of eligible voters sign a referendum request delivered to the Electoral Commission in accordance with the Regulation stating in general terms a matter to be voted on that relates to

(A) the indigenous or aboriginal rights or title of the Squamish Nation,

(B) the disposition of lands owned beneficially by the Squamish Nation that do not form part of a Squamish reserve, or

(C) an amendment to this Law,

(ii) the Electoral Commission considers, or Council requests, that an expression of the opinion of, or approval by, eligible voters is necessary or desirable on any matter,

(iii) the Electoral Commission recommends to Council that amendments to this Law be referred to eligible voters for approval in accordance with Chapter 5 Part 6 [*Election and Referendum Law Amendments*] and Council approves that recommendation, or

(iv) any other law, code or bylaw of the Squamish Nation requires that any amendment to it be approved by a referendum of eligible voters.

(b) The Electoral Commission may consult with Squamish members and professional advisors that may be necessary or desirable to decide an appropriate question for the referendum on a matter referred to in subsection (a)(i).

(c) A motion of the Electoral Commission under subsection (a) requiring that a referendum be held must

(i) approve the matter in general terms that will be put to eligible voters for their consideration, and

(ii) designate a general voting day that is no sooner than 120 days.

(d) A referendum requested in accordance with subsection (a)(i) must be held within two years from the date the request is delivered.

(e) A referendum on substantially the same question must not be held more than once in any five-year period unless approved by both the Electoral Commission and Council.

(f) The Electoral Commission may approve a policy to guide its decision under this section as to whether or not a referendum is necessary or desirable.

Notices

2.1.4 (a) At least 120 days before the general voting day for a regular election or, in the case of a by-election, without delay after the date for the by-election has been decided, the Electoral Commission must post in accordance with the Regulation a notice of the election and the all candidates meeting and any other information required by the Regulation.

(b) At least 120 days before the general voting day in a referendum, the Electoral Commission must post a notice in accordance with the Regulation that includes the matter in general terms to be submitted to eligible voters and any other information required by the Regulation

Methods of voting

2.1.5 (a) The Electoral Commission must at least 90 days before a general voting day, decide which of the following voting methods will be available during that vote, provided that at least two of the following voting methods are available for every vote:

(i) in person at a voting place on general voting day;

(ii) by mail-in ballot; or

(iii) by electronic voting on electronic voting days.

(b) An eligible voter may vote in accordance with the Regulation using only one of the voting methods approved by the Electoral Commission under subsection (a).

(c) For certainty, an eligible voter must not vote on more than one occasion during the same vote.

(d) If a voting method referred to in subsection (a) is not available in a vote,

(i) the provisions of this Law and the Regulation relating to that voting method do not apply to that vote, and

(ii) the balance of this Law and the Regulation is applicable to the vote with the necessary changes in the details that are required and so far as applicable.

Referendum question

2.1.6 At least 30 days before the general voting day in a referendum, the Electoral Commission must approve the question that will be put to eligible voters for their consideration.

PART 2 - VOTERS AND VOTERS LIST

Eligible voters

2.2.1 A Squamish member who is, or will be, at least 18 years of age on a general voting day is entitled to vote in an election or referendum.

Voting rights and obligations

2.2.2 (a) An eligible voter may vote for each elected office to be filled in an election or on a question in a referendum.

(b) An individual who is entitled to vote whose name is not on the voters list may vote if that individual complies with the requirements of the Regulation.

(c) The chief voting officer must do everything reasonably possible to

(i) accommodate an eligible voter who has special needs, such as an elderly, blind, physically handicapped or illiterate voter, and

(ii) ensure each voting place is accessible to individuals with those special needs.

(d) In order to maintain the integrity of the voting process, it is the responsibility of an individual who is entitled to vote to ensure the membership registrar has his or her current address on record.

(e) The Squamish Nation administration must ensure a reasonable opportunity is provided to each eligible voter who is a Squamish Nation employee to vote in an election or referendum.

PART 3 - NOMINATION PROCESS

Eligibility of candidates

2.3.1 (a) Subject to this Law, any Squamish member is eligible to hold any elected office and may be nominated as a candidate for, and continue to hold if elected, that elected office if

(i) that Squamish member

(A) is at least 18 years of age on the general voting day in the election for that elected office,

(B) is in good standing with the Squamish Nation,

(C) is not a commission member or the spouse of a commission member,

(D) has not been appointed as voting personnel or is not a member of the immediate family of someone who has been appointed as voting personnel in the election for that elected office,

(E) is not a nominee for another elected office in the election for that elected office,

(F) has not filed for bankruptcy or, if he or she has filed for bankruptcy, has been discharged from those bankruptcy proceedings for a period of at least two years,

(G) is not mentally or physically incapable of holding the elected office,

(H) has not been convicted of theft, fraud or bribery in any jurisdiction,

(I) has not been convicted of an indictable offence involving sexual assault or assault against an individual under the age of 18,

(J) has not been convicted of any other indictable offence in the previous 10 years, unless as part of his or her defence in those proceedings he or she reasonably argued he or she was exercising an aboriginal right,

(K) has not been charged with an impaired driving offence in any jurisdiction in the previous 10 years,

(L) has not ever been removed from an elected office in accordance with section 4.3.2(a)(i) [*removal due to ineligibility to hold office*], 4.3.2(a)(ii) [*removal due to repeated absences*] or 4.3.2(b) [*removal due to unbecoming conduct*],

(M) has not been found to have committed an offence under this Law or convicted of an offence under any similar election law or referendum law, and

(N) has not ceased to be a Squamish member, and

(ii) that Squamish member is not engaging in, and has not in the previous eight years engaged in, conduct that is unbecoming a Squamish elected official as defined in section 1.2.1(a)(i) [*conduct that is unbecoming a Squamish elected official*].

(b) For certainty, a Squamish member who holds an elected office must not, during his or her term in that office, become ineligible to hold that elected office and, if he or she becomes ineligible during that term, is deemed to have resigned from that elected office on the date the event referred to in subsection (a)(i) arises that makes him or her ineligible to hold that office.

(c) If a Squamish Nation employee assumes an elected office, that Squamish Nation employee must resign his or her employment with the Squamish Nation within 30 days after his or her election to that office.

Candidate nomination

2.3.2 (a) An eligible voter may nominate a Squamish member who is eligible under section 2.3.1 [*Eligibility of candidates*] to be a candidate by hand delivering, mailing or faxing a written nomination and a completed, signed and witnessed voter declaration form to the Electoral Commission so it is received by the Electoral Commission at least 90 days before the general voting day of an election.

(b) In order for a nomination under subsection (a) to be confirmed by the Electoral Commission under section 2.3.4 [*Confirmation of nominations*], the nomination must be endorsed by at least three per cent of all eligible voters in accordance with subsection (c).

(c) An eligible voter may endorse an individual's nomination under subsection (a) by printing his or her name on and signing a nomination sponsorship sheet in the form approved by the Electoral Commission.

(d) An eligible voter may not

(i) nominate and sponsor the nomination of the same nominee, or

(ii) nominate himself or herself.

(e) The Electoral Commission may take whatever steps it decides are necessary or desirable in the circumstances to verify the names and signatures placed on a nomination sponsorship sheet delivered to the Electoral Commission in support of a nomination.

(f) Following a nomination under subsection (a), the Electoral Commission must without delay notify each nominee of his or her nomination to verify whether or not that Squamish member wishes to take the steps necessary to become a candidate.

Nomination package

2.3.3 At least 75 days before general voting day in an election, a nominee who wishes to stand as a candidate must file with the Electoral Commission a nomination package in the form approved by the Electoral Commission, which must include the nomination fee, the nomination sponsorship sheet referred to in section 2.3.2(c) [*Candidate nomination*] and any other information required by the Regulation.

Confirmation of nominations

2.3.4 (a) The Electoral Commission must, at least 60 days before general voting day in an election, be reasonably satisfied that

(i) the nomination package of a nominee has been completed in accordance with section 2.3.3 [*Nomination package*], and

(ii) the nominee is eligible to hold the applicable elected office in accordance with section 2.3.1 [*Eligibility of candidates*].

(b) Before deciding whether the nominee is eligible to hold the applicable elected office, the Electoral Commission may, in accordance with any policy approved by the Electoral Commission

(i) require the nominee to provide the Electoral Commission with any additional relevant document or information relating to his or her eligibility as the Electoral Commission reasonably considers necessary or desirable, and

(ii) conduct any additional investigation in respect to that nominee's eligibility as the Electoral Commission reasonably considers necessary or desirable.

(c) After making a decision under subsection (a), the Electoral Commission must without delay

(i) notify in writing each nominee whether or not his or her nomination is complete and whether or not he or she is eligible to hold the applicable elected office, and

(ii) if the nomination of a nominee is not complete or that nominee is not eligible to hold the applicable elected office, provide the nominee with sufficient details of those deficiencies.

Notice of nominations

2.3.5 At least 60 days before general voting day in an election, the Electoral Commission must post in accordance with the Regulation a list containing the names of all the candidates for each elected office to be filled in that election.

Challenge of nomination

2.3.6 (a) Within 14 days after the candidates' names have been posted in accordance with section 2.3.5 [*Notice of nominations*], an eligible voter may appeal the nomination of a candidate by delivering a statement in writing to the Electoral Commission stating the factual basis by which that candidate is not eligible to hold the applicable elected office and provide the Electoral Commission with sufficient details of those deficiencies.

(b) The Electoral Commission must, without delay, forward a copy of an appeal received in accordance with subsection (a) to the applicable candidate.

(c) A candidate may, within seven days after receiving a copy of the appeal received in accordance with subsection (b), file a written response with the Electoral Commission, which must include all supporting documents upon which the candidate relies.

(d) The Electoral Commission must, within 10 days after receiving an appeal in accordance with subsection (a), consider that appeal, and any response received from the applicable candidate in accordance with subsection (c), and either

(i) confirm the nomination of the candidate, or

(ii) declare that candidate ineligible and remove his or her name from the list of candidates posted in accordance with section 2.3.5 [*Notice of nominations*].

Withdrawal of a candidate

2.3.7 (a) A candidate may withdraw from an election by delivering a signed notice of withdrawal to the chief voting officer in accordance with any policy approved by the Electoral Commission.

(b) If a candidate withdraws from an election after the ballots for the election have already been prepared and the chief voting officer decides that it is not reasonable to replace those ballots in time for voting, the chief voting officer must without delay make reasonable efforts to advise eligible voters of the withdrawal of that candidate and post in accordance with the Regulation, and in every voting place during voting, a notice of the withdrawal of that candidate.

PART 4 - BY-ELECTIONS

Definition

2.4.1 In this Part, "runner up" means the candidate for the applicable elected office in the most recent regular election with the highest number of valid votes but not declared elected to that elected office under section 4.1.1 [*Regular election results*].

First vacancy

2.4.2 If a vacancy occurs in an elected office between regular elections and it is the first vacancy for that elected office during that time period, the runner up for that elected office may, within 30 days after being notified by the commission chairperson of that vacancy, assume that elected office in accordance with section 6.3.1 [*Assuming office after an election*] if that runner up is still eligible to be a candidate in accordance with section 2.3.1 [*Eligibility of candidates*] and they do not have an immediate family member who is a Councillor, including for certainty the Council chairperson.

Other vacancies

2.4.3 Subject to section 2.4.4 [*Limits on by-elections*], when a vacancy occurs for an elected office and

(a) it is the first vacancy for that elected office between regular elections and the runner up has not assumed that office in accordance with section 2.4.2 [*First vacancy*], or

(b) it is the second vacancy for that elected office between regular elections,

a by-election must be held in accordance with this Law to fill that vacancy within 120 days after the vacancy occurs on a date determined by the Electoral Commission.

Limits on by-elections

2.4.4 (a) A by-election must only be held to fill an elected office that becomes vacant if more than 15 months remain until the next regular election.

(b) A candidate elected in a by-election is only elected to complete the balance of the term of the elected office of the individual he or she is replacing.

CHAPTER 3 - CONDUCTING THE VOTE

PART 1 - CAMPAIGNS

Campaign defined

3.1.1 A campaign is a person, other than the Squamish Nation during a referendum, that has as his, her or its primary objective the promotion of

(a) a particular candidate or group of candidates in an election, or

(b) a particular response to a question put to eligible voters in a referendum, and

wants to, or does in fact, receive campaign contributions or incur campaign expenses for that vote.

Campaigning

3.1.2 All campaigning during a vote must be conducted in accordance with the Regulation.

Registration required

3.1.3 (a) Subject to section 3.1.5 [*Deemed registration*], a person must be registered in accordance with section 3.1.4 [*Campaign registration*] at least 30 days before general voting day in order to receive campaign contributions or incur campaign expenses during a vote or receive the benefits under this Law as a registered campaign during that vote.

(b) A person that is not registered, or a person acting on behalf of that person, must not

(i) conduct any campaigning during a vote,

(ii) receive campaign contributions,

(iii) incur campaign expenses, or

(iv) do anything authorized by this Law for a registered campaign,

unless, and until, they are registered in accordance with section 3.1.4 [*Campaign registration*].

Campaign registration

3.1.4 In order to be registered, a campaign must

(a) file an application with the Electoral Commission setting out the information required by the Regulation,

(b) have a financial agent appointed in accordance with section 3.1.8 [*Financial agent*]; and

(c) not be prohibited from registering by the Regulation.

Deemed registration

3.1.5 (a) In an election, a candidate is deemed to be a registered campaign under this Law, without making an application under section 3.1.4 [*Campaign registration*], and the candidate is deemed to be the leader of the registered campaign as long as he or she is a candidate and has the rights and obligations of a registered campaign under this Law, without duplication and with the necessary changes in the details and so far as applicable.

(b) A candidate must provide the Electoral Commission with the information required by the Regulation for his or her registered campaign within seven days after being confirmed as a candidate under section 2.3.4 [*Confirmation of nominations*]:

(c) The commission chairperson may require the information required by subsection (b) to be in a form specified by the commission chairperson.

(d) In a referendum, the applicable department of the Squamish Nation administration seeking the opinion or decision of eligible voters on a question must make an application under section 3.1.4 [*Campaign registration*] to be a registered campaign under this Law and the head of that department is deemed to be the leader of the registered campaign and has the rights and obligations of a registered campaign under this Law, without duplication and with the necessary changes in the details and so far as applicable.

(e) For certainty, the Squamish Nation and the Squamish Nation administration, or any department of it, are not, and must not become, a registered campaign in an election and must not campaign, receive campaign contributions or incur campaign expenses during any election held under this Law.

Registration information

3.1.6 (a) An application to be registered as a registered campaign must be in writing, request registration as a registered campaign under this Part, be signed by the designated leader of the campaign and must include the information required by the Regulation.

(b) The commission chairperson may require an application for registration under this section to be in a form specified by the commission chairperson.

Application review

3.1.7 (a) The Electoral Commission must, at least seven days after receiving it, review each application that it receives to become a registered campaign to decide whether the campaign meets the requirements for registration.

(b) If a campaign meets the requirements for registration under section 3.1.4 [*Campaign registration*], the Electoral Commission must

(i) register the campaign in a register maintained by the Electoral Commission for that purpose,

(ii) notify the campaign of the date on which it was registered under paragraph (i), and

(iii) post a notice of that registration in accordance with the Regulation.

(c) The Electoral Commission

(i) may require an applicant campaign to provide any additional information or evidence the Electoral Commission considers necessary or desirable to make the decision under subsection (a), and

(ii) has the absolute discretion to decide if a campaign applying for registration is the same as one that was previously registered or is a new campaign.

(d) If the applicant campaign does not meet the requirements for registration, the Electoral Commission must notify the campaign in writing of the reason its application for registration was refused.

Financial agent

3.1.8 (a) A registered campaign must appoint a financial agent in accordance with this section who is not prohibited from being a financial agent by the Regulation to oversee, and report on, the finances of the registered campaign in accordance with this Law and the Regulation.

(b) For purposes of subsection (a), a candidate may appoint himself or herself as his or her financial agent.

(c) A registered campaign may not have more than one financial agent at the same time.

(d) If a candidate has appointed someone other than himself or herself as his or her financial agent and that financial agent resigns or otherwise ceases to be the financial agent for that candidate and that candidate fails to appoint a replacement financial agent within seven days, the candidate is deemed to be the financial agent for that candidate's registered campaign.

(e) For certainty, a person may be the financial agent for more than one registered campaign.

PART 2 - BALLOTS AND VOTING

Voting by ballot

3.2.1 All voting in an election or referendum must be made on ballots in accordance with this Law and the Regulation.

Privacy of ballots

3.2.2 (a) Voting in an election or referendum must be by secret ballot.

(b) Every individual present

(i) at a voting place,

(ii) when a vote is being made by mail-in ballot or electronic voting, or

(iii) at the counting of ballots

must maintain the privacy of every ballot and must not

(iv) interfere or attempt to interfere with an eligible voter who is marking a ballot,

(v) attempt to discover how an eligible voter voted,

(vi) communicate information regarding how an eligible voter voted or marked a ballot, or

(vii) influence an eligible voter, directly or indirectly, to show a ballot in a way that reveals how that eligible voter voted.

(c) The chief voting officer must ensure that each voting place has at least one voting compartment arranged in a manner that an eligible voter may mark his or her ballot, screened off from observation by others and without interference or intimidation.

In person voting

3.2.3 (a) If the Electoral Commission has decided under section 2.1.5(a) [*Methods of voting*] that voting in person at a voting place will be available during that vote, voting in person for that vote must be conducted in accordance with this section and the Regulation.

(b) The voting places for in person voting on general voting day must be determined by the Electoral Commission, provided at least one voting place is located on the North Shore and one voting place is located in the Squamish Valley.

(c) The chief voting officer and deputy voting officer must maintain peace and order at a voting place and may make and enforce whatever rules are necessary or desirable to do so.

(d) At least one voting officer and one other voting personnel must be present at all times at each voting place while voting is being carried out.

(e) The Electoral Commission must set the voting hours in the Regulation.

Other voting methods

3.2.4 (a) If the Electoral Commission has decided under section 2.1.5(a) [*Methods of voting*] that voting by mail-in ballot will be available during that vote, mail-in ballots for that vote must be completed and delivered to the chief voting officer in accordance with the Regulation.

(b) If the Electoral Commission has decided under section 2.1.5(a) [*Methods of voting*] that voting by electronic voting will be available during that vote, electronic voting for that vote must be conducted in accordance with the Regulation.

PART 3 - COUNTING BALLOTS

Definitions and applicability

3.3.1 (a) In this Part, “ballot” means a ballot printed on paper, including a mail-in ballot.

(b) This Part only applies if the applicable ballot depository is not a machine or other device that has the ability to count a ballot when it is deposited.

Timing and location of counting

3.3.2 (a) The counting of ballots must not take place until the end of voting hours on general voting day, but the counting of ballots must take place without delay after that time.

(b) The counting of ballots must take place at the applicable voting place unless the chief voting officer directs that the counting is to take place at another location.

Who may be present at counting

3.3.3 (a) The following individuals must be present at the counting of ballots:

(i) a voting officer; and

(ii) at least one other voting officer; or

(iii) the commission chairperson.

(b) The following individuals may be present at the counting of ballots:

(i) an individual who is a commission member;

(ii) a scrutineer, and

(iii) an eligible voter.

(c) No other individual may be present at the counting of ballots, unless permitted by the chief voting officer.

Who does the counting

3.3.4 (a) The applicable voting officer must conduct the counting of ballots in accordance with section 3.3.5 [*Procedures for counting*] and the Regulation.

(b) In counting the ballots, the applicable voting officer must accept or reject each ballot in accordance with the Regulation.

Procedures for counting

3.3.5 (a) All ballots deposited in a ballot depository must be counted in accordance with this section.

(b) The following individuals must be present in the counting area:

(i) at least one scrutineer, and

(ii) at least one other voting officer; or

(iii) the commission chairperson.

(c) Subject to sufficient space being available to ensure the orderly conduct of counting the ballots as decided by the voting officer in charge of that count, a candidate or his or her designated scrutineer, but not both, may be present in the counting area but must not handle any ballot.

(d) No other individual may be present in the counting area, unless permitted by the voting officer.

(e) Counting must proceed as continuously as reasonably possible and the votes counted must be recorded by voting personnel.

(f) Unless rejected in accordance with the Regulation, a marked ballot must be accepted and counted as a valid vote.

PART 4 - VOTING OFFENCES

Offences generally

3.4.1 Without limiting this Part, a person commits an offence by doing anything forbidden by this Law or omitting to do anything required by this Law.

Restriction on campaigning

3.4.2 (a) An individual must not post, display or distribute within 200 metres of the office of the Electoral Commission or the chief voting officer or Squamish Nation administration offices

(i) any campaigning material or advertising, or

(ii) any material that identifies a candidate or represents a particular choice on a question in a referendum.

(b) While voting is being carried out at a voting place, an individual must not do any of the following within 200 metres of the voting place:

(i) post, display or distribute

(A) campaigning material or advertising, or

(B) any material that identifies a candidate or represents a particular choice on a question in a referendum unless authorized by the chief voting officer;

(ii) canvass or solicit votes or otherwise attempt to influence how an eligible voter votes;

(iii) carry, wear or supply a flag, badge or other thing indicating that the individual using it is a supporter of a particular candidate or choice on a question in a referendum; or

(iv) post, display, distribute or leave a representation of a ballot marked for a particular candidate or choice on a question in a referendum.

(c) If subsection (a) or (b) is violated, the chief voting officer, or other voting personnel authorized by the chief voting officer, may enter on the property where the material is located and remove, cover or otherwise hide it from view.

(d) While voting is being carried out at a voting place, an individual must not conduct

(i) campaigning or advertising, or

(ii) promote a particular choice on a question in a referendum,

by means of a public address system that is within hearing distance of the voting place.

Accessing information

3.4.3 In an election, a Squamish Nation employee or a candidate that holds an elected office must not use his or her employment or office to acquire or access information that is in the custody or under the control of the Squamish Nation or the Squamish Nation administration that is not generally available to all candidates in that election to promote a particular candidate or for purposes of campaigning in that election.

Offences in relation to campaign finances

3.4.4 A person must not make or receive a campaign contribution or incur a campaign expense except in accordance with the Regulation.

Vote or PIN buying

3.4.5 (a) An individual must not pay, give, lend or provide an incentive for any of the following purposes:

(i) to influence an individual to vote or refrain from voting in a vote,

(ii) to influence an individual to vote or refrain from voting for or against a particular candidate in an election or choice on a question in a referendum; or

(iii) to reward an individual for having voted or refrained from voting as described in paragraph (i) or (ii).

(b) An individual must not accept an incentive

(i) to vote or refrain from voting in a vote,

(ii) to vote or refrain from voting for or against a particular candidate in an election or choice on a question in a referendum, or

(iii) as a reward for having voted or refrained from voting as described in paragraph (i) or (ii).

(c) An individual must not

(i) take, seize or deprive an eligible voter of his or her PIN, or

(ii) sell, gift, transfer, assign or purchase a PIN.

(d) An individual must not advance, pay or otherwise provide an incentive, or cause an incentive to be provided, with the intent that the incentive is to be used for any of the acts prohibited by this section.

(e) An individual must not offer, agree or promise to do anything otherwise prohibited by this section.

Intimidation

3.4.6 (a) An individual must not intimidate an individual for any of the following purposes:

(i) to persuade or compel the individual to vote or refrain from voting;

(ii) to persuade or compel the individual to vote or refrain from voting for a particular candidate in an election or choice on a question in a referendum; or

(iii) to punish the individual for having voted or refrained from voting as described in paragraph (i) or (ii).

(b) An individual must not, by abduction, duress or fraudulent means, do any of the following:

(i) hinder, prevent or otherwise interfere with an individual's right to vote;

(ii) compel, persuade or otherwise cause an individual to vote or refrain from voting; or

(iii) compel, persuade or otherwise cause an individual to vote or refrain from voting for or against a particular candidate in an election or choice on a question in a referendum.

Interference with electronic voting

3.4.7 An individual must not

(a) hinder, prevent or otherwise interfere or attempt to interfere with anyone who is making a vote by electronic voting, or

(b) hinder, prevent or otherwise interfere or attempt to interfere with electronic voting or the electronic voting system.

Corrupt voting

3.4.8 An individual must not

(a) vote in an election or referendum when not entitled to do so,

(b) vote on more than one occasion during a vote,

(c) apply for more than one mail-in ballot during a vote,

(d) fail to mark a ballot in accordance with the directions of the eligible voter being assisted by that individual, or

(e) obtain a ballot in the name of another individual, whether the name is of a living, dead or fictitious individual.

Voting personnel

3.4.9 (a) Voting personnel must not violate this Law or a direction of the chief voting officer.

(b) An individual must not advance, pay or otherwise provide an incentive, or cause an incentive to be provided, with the intent that the incentive is to be used to encourage a violation of subsection (a).

(c) An individual must not offer, agree or promise to do anything otherwise prohibited by this section.

Offences in relation to candidates

3.4.10 In the case of an election, an individual must not

(a) attempt to withdraw a candidate from an election without authority to do so, or

(b) publish, or cause to be published, a false statement that a candidate has withdrawn from an election.

Offences in relation to ballots and other voting materials

3.4.11 An individual must not, without authority under this Law,

(a) supply a ballot to any individual,

(b) print or reproduce a ballot or paper, image or electronic representation that is capable of being used as a ballot,

(c) remove a ballot from a voting place,

(d) deposit in a ballot depository, or cause to be deposited in a ballot depository, anything other than a ballot authorized to be deposited in that ballot depository, or

(e) destroy, remove, open or otherwise interfere with a ballot, privacy envelope, ballot depository, report or other voting material.

Offences in relation to voting and counting proceedings

3.4.12 An individual must not

(a) violate section 3.2.2 [*Privacy of ballots*],

(b) without authority under this Law, be present at a voting place or where the counting of ballots is carried out, or

(c) without authority under this Law, remove, cover up, mutilate, deface or alter a notice or other document authorized or required to be posted under this Law.

Offences in relation to voting personnel

3.4.13 An individual must not

(a) represent that the individual is voting personnel if he or she is not,

(b) accept appointment or act as voting personnel when he or she is not qualified,

(c) having made a solemn declaration to exercise his or her powers and perform his or her duties faithfully and impartially, act other than faithfully and impartially in exercising those powers or performing those duties, or

(d) hinder or obstruct voting personnel or another individual in performing his or her duties and exercising powers given to that individual under this Law.

Offences in relation to false or misleading information

3.4.14 (a) An individual must not

(i) provide false or misleading information when required or authorized under this Law to provide information, including false or misleading information in relation to a complaint or a recall petition under Chapter 4 Part 3 [*Removal and Recall from Office*], or

(ii) make a false or misleading statement or declaration when required under this Law to make a statement or declaration.

(b) An individual is not guilty of an offence under this section if, at the time the information was provided or the statement or declaration was made, the individual did not know that the information, statement or declaration was false or misleading and could not, even with the exercise of reasonable diligence, have known that it was false or misleading.

Signatures on recall petition

3.4.15 (a) A person must not canvass for signatures on a recall petition except in accordance with the Regulation.

(b) A person must not pay, give, lend or procure an inducement for any of the following purposes:

(i) to induce an individual to sign a recall petition or refrain from signing a recall petition; or

(ii) to reward an individual for having signed a recall petition or having refrained from signing a recall petition.

(c) An individual must not accept an inducement

(i) to sign a recall petition or refrain from signing a recall petition, or

(ii) as a reward for having signed a recall petition or refrained from signing a recall petition.

Recall petition offences

3.4.16 An individual who does any of the following commits an offence:

(a) signs a recall petition when not entitled to do so;

(b) signs the same recall petition more than once;

(c) signs a recall petition in the name of another individual;

(d) canvasses for signatures on a recall petition when not entitled to do so;

(e) falsely represents that a document is a recall petition; or

(f) canvasses for signatures on a recall petition during a time period other than that during which the recall petition may be signed.

Direct or indirect offences

3.4.17 A person prohibited from doing something by this Part must not do the prohibited thing directly or indirectly.

Penalties

3.4.18 (a) Every individual who violates this Part commits an offence and is liable, on that offence being proven in accordance with section 3.4.19 [*Proving offences*], to a fine not exceeding $10,000.

(b) Every candidate who violates this Part commits an offence and, on that offence being proven in accordance with section 3.4.19 [*Proving offences*], may not be a candidate in an election for six years from the date that offence is proven.

Proving offences

3.4.19 (a) An eligible voter may file a complaint with the Electoral Commission in accordance with the Regulation claiming an offence has occurred.

(b) If a complaint is filed under this section, the Electoral Commission must investigate the alleged offence and determine, on the balance of probabilities, whether or not an offence did occur and impose the sanctions set out in the Regulation.

(c) A person who the Electoral Commission determines has committed an offence under this Law or the Regulation may request a review of that decision by the Appeal Tribunal in accordance with Chapter 5 Part 3 [*Requesting a Review*] within 30 days after that decision was delivered by the commission chairperson to the applicable person.

CHAPTER 4 - CONFIRMING THE VOTE

PART 1 - VOTING RESULTS

Regular election results

4.1.1 In a regular election and after all ballots have been counted in accordance with Chapter 3 Part 3 [*Counting Ballots*], the chief voting officer must, without delay,

(a) subject to subsection (a.1), declare the results of the election as follows:

(i) a candidate is elected by acclamation if

(A) there is only one candidate for that elected office,

(B) as a result of a disqualification or withdrawal of a candidate, there is only one candidate remaining for that elected office, or

(C) in the case of an election for Councillors, the number of candidates is equal to or less than the number of Councillors to be elected;

(ii) for the office of Council chairperson, the candidate who receives the highest number of valid votes from all eligible voters must be declared elected;

(iii) for the office of Councillor, the 15 candidates who receive the highest number of valid votes from all eligible voters must be declared elected; and

(iv) for the office of band manager, the candidate who receives the highest number of valid votes from all eligible voters must be declared elected,

(a.1) for the office of Councillor other than Council chairperson, a candidate must not be declared elected if an immediate family member of the candidate has received a higher number of valid votes from all eligible voters or has been declared elected as Council chairperson and, in that circumstance but subject to this subsection, the candidate with the next highest number of valid votes from all eligible voters must be declared elected, and

(b) prepare and post in accordance with the Regulation a report setting out

(i) the number of eligible voters who voted in that election,

(ii) the number of votes accepted for each candidate for each office in that election, and

(iii) the number of votes rejected for each elected office to be filled in that election, and

(c) certify the results declared under subsection (a).

By-election results

4.1.2 If a by- election is held to fill a vacancy in an elected office and after all ballots have been counted in accordance with Chapter 3 Part 3 [*Counting ballots*], the chief voting officer must, without delay,

(a) subject to subsection (a.1), declare the results of the by-election as follows:

(i) a candidate is elected by acclamation in the circumstances referred to in section 4.1.1(a)(i) [*Regular election results*] in that by-election; or

(ii) if there is more than one candidate for that elected office on general voting day in that by-election, the candidate who receives the highest number of valid votes from all eligible voters must be declared elected,

(a.1) for the office of Councillor, including for certainty the Council chairperson, a candidate must not be declared elected if an immediate family member of the candidate is a Councillor and, in that circumstance but subject to this subsection, the candidate with the next highest number of valid votes from all eligible voters must be declared elected,

(b) prepare and post in accordance with the Regulation a report setting out the matters referred to in section 4.1.1(b) [*Regular election results*] for that by-election, and

(c) certify the results declared under subsection (a).

Tied votes

4.1.3 (a) If two candidates for an elected office have an equal number of votes, the commission chairperson must determine the winner by flipping a coin, allowing the coin to land on a table or similar flat surface, and

(i) if that coin lands with the “head” side facing up, the applicable candidate whose name appears first on the ballot for that elected office must be declared the winner, and

(ii) if that coin lands with the “tail” side facing up, the applicable candidate whose name appears second on the ballot for that elected office must be declared the winner.

(b) If there are more than two candidates for an elected office who have an equal number of votes, the commission chairperson must use the procedure under subsection (a), beginning with the two applicable candidates whose names appear first on the ballot for that elected office, followed by successive rounds between the winner of the previous round and the applicable candidate whose name next appears on the ballot, until there is only one winner.

(c) Subject to section 4.1.1(a.1) [*Regular election results*] and section 4.1.2(a.1) [*By-election results*], the candidate that is the winner under subsection (a) or subsection (b), as applicable, must be declared the winner of the election for that elected office.

(d) For certainty, if there are more than two tied votes for two or more offices, the procedures under this section must be repeated until all elected offices for which there have been tied votes have been declared elected and filled.

Referendum results

4.1.4 (a) In a referendum and after all ballots have been counted in accordance with Chapter 3 Part 3 [*Counting ballots*], the chief voting officer must, without delay,

(i) announce the results of the referendum in the manner the chief voting officer considers will inform the eligible voters of the results of the referendum, and

(ii) prepare and post in accordance with the Regulation a report setting out

(A) the number of ballots cast in the referendum,

(B) the number of votes in favour of and opposed to each referendum question,

(C) the number of spoiled ballots, and

(D) the number of rejected ballots.

(b) The chief voting officer must certify the results announced under subsection (a).

Final count

4.1.5 Subject to section 4.2.1 [*Vote recount*], the results of an election declared in accordance with section 4.1.1 [*Regular election* results], 4.1.2 [*By-election results*] or section 4.1.3 [*Tied votes*] or the results of a referendum certified in accordance with section 4.1.4 [*Referendum results*] are final.

PART 2 - APPEALS

Vote recount

4.2.1 (a) After the results of an election are declared in accordance with section 4.1.1 [*Regular election results*], 4.1.2 [*By-election results*] or 4.1.3 [*Tied votes*] or the results of a referendum are certified in accordance with section 4.1.4 [*Referendum results*], a candidate for an office in that election or a registered campaign in that referendum, as applicable, may, in accordance with subsection (b), apply to the Electoral Commission for a recount of the votes cast in that election for that office or that referendum on one or more of the following grounds:

(i) that ballots were not correctly accepted or rejected in accordance with the Regulation;

(ii) that mail-in ballots were not counted and should have been counted in accordance with this Law and the Regulation;

(iii) that the report under section 4.1.1 [*Regular election results*] or 4.1.2 [*By-election results*] did not accurately record the number of votes for a candidate for that office; or

(iv) that the report under section 4.1.4 [*Referendum results*] did not accurately record the number of votes for a question in that referendum.

(b) An application for a recount under this section must be made by filing a request for a recount with the Electoral Commission in the form approved by the Electoral Commission within two days after the chief voting officer posts the report in accordance with section 4.1.1 [*Regular election results*], 4.1.2 [*By-election* results] or 4.1.4 [*Referendum results*].

(c) Within two days after receiving a request for a recount in accordance with subsection (b), the Electoral Commission must

(i) dismiss the application if the Electoral Commission decides that the recount, if it were to be held, would not materially affect the results of the election or referendum, or

(ii) conduct a recount of the votes cast in that election for that office or in that referendum,

and that decision must be communicated to the applicable candidate or registered campaign by the commission chairperson without delay.

Attendance at recount

4.2.2 (a) While a recount is conducted under section 4.2.1(c)(ii) [*Vote recount*],

(i) the chief voting officer and a quorum of the Electoral Commission must be present, and

(ii) one scrutineer for each registered campaign may be present.

(b) No other individual, other than those referred to in subsection (a), may be present when a recount of ballots is conducted, unless permitted by the commission chairperson.

Recount of electronic voting results

4.2.3 (a) In the event a recount of electronic ballots is required, the electronic voting officer must cause the electronic voting system to regenerate the count of electronic ballots and a copy of the regenerated count must be given to the Electoral Commission.

(b) If the initial count and the regenerated count of electronic ballots match, the regenerated count is the final count of the votes cast by electronic voting.

(c) If the regenerated count and the initial count of electronic ballots do not match, the chief voting officer must, with the assistance of the electronic voting officer, do the following:

(i) direct one final count of the electronic ballots be regenerated; and

(ii) attend while the final count is being regenerated.

(d) A regenerated count carried out in accordance with subsection (c) is the final count of the votes cast by electronic voting.

Certification and posting of recount results

4.2.4 (a) After conducting a recount in accordance with section 4.2.1 [*Vote recount*], the commission chairperson must without delay certify the results of the recount by issuing a report setting out the results of the recount.

(b) After certifying the official results of a recount under subsection (a), the commission chairperson must without delay post in accordance with the Regulation a notice containing the results of that recount.

Application to set aside vote

4.2.5 (a) Within seven days after a general voting day, an eligible voter who voted in that vote may challenge the validity of the vote on the grounds that

(i) the vote was not carried out in accordance with this Law in a way that materially affected the result,

(ii) a candidate in an election was ineligible under section 2.3.1 [*Eligibility of candidates*] to be a candidate and this fact materially affected the election result, or

(iii) there was vote buying, intimidation or other corrupt practice in connection with the vote,

by filing an application with the Electoral Commission in the form approved by the Electoral Commission.

(b) An application under subsection (a) must include

(i) a statement of the grounds on which the application is based,

(ii) a statement of the details on which the application is based, and

(iii) all supporting documents upon which the applicant relies.

(c) The Electoral Commission must, without delay, forward a copy of an application received in accordance with subsections (a) and (b) to each candidate in the election or registered campaign in a referendum, as applicable.

Campaign response

4.2.6 (a) A candidate or registered campaign may, within seven days after receiving a copy of an application made in accordance with section 4.2.5 [*Application to set aside vote*], file a written response with the Electoral Commission.

(b) The response under subsection (a) must include all supporting documents upon which the candidate or registered campaign relies.

Application hearing

4.2.7 (a) The Electoral Commission must, without delay, consider an application made in accordance with section 4.2.5 [*Application to set aside vote*] and any responses given in accordance with section 4.2.6 [*Campaign response*].

(b) The Electoral Commission

(i) may hold a hearing at which the applicant and candidates or registered campaigns, as applicable, have an opportunity to present oral and other evidence,

(ii) may conduct further inquiries as the Electoral Commission considers necessary or advisable,

(iii) must order either to

(A) reject the application and confirm the results of the election or referendum, or

(B) allow the application, in whole or in part, and declare the relevant elected office vacant or referendum results invalid, as applicable, and

(iv) must make the order under paragraph (iii) within 14 days after receiving the applicable application.

(c) The applicable eligible voter, candidate or registered campaign may request a review of a decision made by the Electoral Commission under this section by the Appeal Tribunal in accordance with Chapter 5 Part 3 [*Requesting a Review*] within seven days after that decision was delivered by the commission chairperson to the applicable eligible voter, candidate or registered campaign.

Costs of review

4.2.8 If under section 4.2.7 [*Application hearing*] the Electoral Commission

(a) allows an application made under section 4.2.5 [*Application to set aside vote*] and declares an elected office vacant or a referendum invalid, the Squamish Nation must pay the reasonable expenses of the eligible voter who made that application that were necessary and directly related to the review, or

(b) rejects an application made under section 4.2.5 [*Application to set aside vote*] and confirms the results of an election or referendum, the eligible voter who made that application must pay the reasonable expenses of the Electoral Commission that were necessary and directly related to the review including, for certainty, any legal costs on a solicitor and own client basis.

PART 3 - REMOVAL AND RECALL FROM OFFICE

Definitions

4.3.1 In this Part,

"applicable Squamish elected official" means the Squamish elected official named in a recall petition;

"applicable general voting day" means the general voting day on which the applicable Squamish elected official was declared elected;

"complaint" means a complaint filed in accordance with section 4.3.3 [*Removal by complaint*] in the form approved by the Electoral Commission;

"complainant" means an eligible voter who files a complaint with the Electoral Commission in accordance with section 4.3.3 [*Removal by complaint*];

"petitioner" means an eligible voter who registers with the Electoral Commission in accordance with the Regulation;

"recall" means the process to remove a Squamish elected official under section 4.3.5 [*Filing a recall petition*];

"recall petition" means a petition filed in accordance with section 4.3.5 [*Filing a recall petition*] and the Regulation.

Basis for removal

4.3.2 A Squamish elected official may be removed from office under this Part if

(a) an event has occurred so that Squamish elected official is no longer eligible to hold, or to be declared elected for, the applicable elected office either

(i) under section 2.3.1(a)(i) [*Eligibility of candidates*],

(i.1) under section 4.1.1(a.1) [*Regular election results*] or section 4.1.2(a.1) [*By-election results*], or

(ii) if the applicable Squamish elected official is a Councillor, because that Councillor has been absent without excuse from more than four regular meetings in a calendar year, or

(b) that Squamish elected official has engaged in conduct that is unbecoming a Squamish elected official.

Removal by complaint

4.3.3 (a) Any eligible voter may file a complaint with the commission chairperson in accordance with the Regulation claiming a Squamish elected official should be removed from office because an event described in section 4.3.2(a) [*Basis for removal*] has occurred.

(b) If a complaint is filed in accordance with subsection (a), the Electoral Commission must investigate that complaint and decide on a balance of probabilities whether or not the alleged event has occurred. If the alleged event has occurred and subject to that Squamish elected official's right of appeal under subsection (d), that Squamish elected official is removed from office in accordance with section 4.3.4 [*Effect of successful complaint*].

(c) After making a decision under subsection (b), the Electoral Commission must without delay deliver in accordance with the Regulation a notice of that decision to the applicable Squamish elected official, the complainant and the Council chairperson.

(d) Within 30 days after the delivery of the notice under subsection (c), the complainant or the applicable Squamish elected official may request a review of that decision by the Appeal Tribunal in accordance with Chapter 5 Part 3 [*Requesting a Review*].

Effect of successful complaint

4.3.4 (a) Subject to subsection (b), if the Electoral Commission decides under section 4.3.3(b) [*Removal by complaint*] that the alleged event did occur and no review is requested in accordance with that section, the applicable Squamish elected official ceases to hold

office 30 days after the delivery of the notice to that Squamish elected official under that section and that office becomes vacant as of that date.

(b) If the Appeal Tribunal, in response to a review request made under section 4.3.3(d) [*Removal by complaint*], orders that the alleged event did occur, the applicable Squamish elected official ceases to hold office as of the date of that order and that office becomes vacant as of that date.

(c) For certainty, when an elected office becomes vacant under this section, Chapter 2 Part 4 [*By-elections*] applies.

Filing a recall petition

4.3.5 (a) Subject to subsection (b), an eligible voter may file a recall petition with the commission chairperson in accordance with the Regulation with the signatures of at least 30 per cent of all eligible voters on that recall petition claiming a Squamish elected official should be removed from office because that Squamish elected official has engaged in conduct that is unbecoming a Squamish elected official.

(b) A recall petition may only be filed 12 months after a regular election and the recall process must be concluded at least 12 months before the general voting day of the next regular election.

Removal by recall petition

4.3.6 (a) The Electoral Commission must review a recall petition within 14 days after it was received by it and must decide whether the recall petition meets the requirements of section 4.3.5 [*Filing a recall petition*] and the Regulation and, if those requirements are met and subject to that Squamish elected official's right of appeal under subsection (c), that Squamish elected official is removed from office in accordance with section 4.3.7 [*Effect of successful recall*].

(b) After making a decision under subsection (a), the Electoral Commission must without delay deliver in accordance with the Regulation a notice of that decision to the applicable Squamish elected official, the petitioner and the Council chairperson.

(c) Within 30 days after the delivery of the notice under subsection (b), the petitioner or the applicable Squamish elected official may request a review of that decision by the Appeal Tribunal in accordance with Chapter 5 Part 3 [*Requesting a Review*].

Effect of successful recall

4.3.7 (a) Subject to subsection (b), if the Electoral Commission decides under section 4.3.6 [*Removal by recall petition*] that the recall petition meets the requirements of section 4.3.5 [*Filing a recall petition*] and the Regulation and no review is requested in accordance with section 4.3.6(c) [*Removal by recall petition*], the applicable Squamish elected official ceases to hold office 30 days after the delivery of the notice to that Squamish elected official under that section 4.3.6(b) [*Removal by recall petition*] and that office becomes vacant as of that date.

(b) If the Appeal Tribunal, in response to a review request made under section 4.3.6(c) [*Removal by recall petition*], orders that the recall petition meets the requirements of section 4.3.5 [*Filing a recall petition*] and the Regulation, the applicable Squamish elected official ceases to hold office as of the date of that order and that office becomes vacant as of that date.

(c) For certainty, when an elected office becomes vacant under this section, Chapter 2 Part 4 [*By-elections*] applies.

Effect of appeal

4.3.8 If a Squamish elected official has been removed from office either under section 4.3.3 [*Removal by complaint*] or 4.3.6 [*Removal by recall petition*] and a review of that decision has been requested under either section, as applicable, that Squamish elected official is suspended from his or her office with pay from the date of that decision pending the outcome of that review by the Appeal Tribunal in accordance with Chapter 5 Part 4 [*Conducting a Review*].

CHAPTER 5 - VOTING ADMINISTRATION

PART 1 - ELECTORAL COMMISSION

Commission established

5.1.1 The Electoral Commission is established as an independent institution of the Squamish Nation with authority over, and responsibility for, the elections and referendums conducted by the Squamish Nation.

Commission mandate

5.1.2 (a) Without limiting section 5.1.1 [*Commission established*], the purpose of the Electoral Commission is to perform the following duties and exercise the following powers:

(i) oversee and ensure the proper administration of each election and referendum conducted by the Squamish Nation;

(ii) ensure that each election and referendum is conducted efficiently, freely, fairly, transparently and in accordance with this Law, the Regulation and other applicable laws;

(iii) consider issues relevant to the practical administration of elections and referendums conducted by the Squamish Nation, including issues identified by Squamish members;

(iv) compile, preserve and maintain the voters list;

(v) secure the locations and equipment necessary or desirable for voting operations during elections and referendums conducted by the Squamish Nation;

(vi) report to Council on each election and referendum conducted by the Squamish Nation;

(vii) oversee the development of, and amendments to, this Law and the commission terms of reference, including consultation with Squamish members on the development of, and amendments to, this Law;

(viii) develop and undertake educational programs to inform Squamish members on the importance of participating in the democratic process;

(ix) develop and deliver to Squamish members non-partisan information regarding each election or a question to be voted on in a referendum; and

(x) perform any additional duties or exercise any additional powers assigned to the Electoral Commission

(A) in this Law or any other Squamish Nation law, code or bylaw, or

(B) by Council, by motion.

(b) The Electoral Commission is also responsible for managing its own affairs in accordance with this Law and the commission terms of reference, including the responsibility to

(i) plan and carry out meetings,

(ii) appoint the commission chairperson,

(iii) maintain communications as necessary on matters related to elections and referendums between commission members, Council and Squamish members, and

(iv) ensure that the Electoral Commission, Council and Squamish members understand, respect and abide by this Law.

Composition and eligibility

5.1.3 (a) The Electoral Commission is composed of seven individuals as follows:

(i) one elder;

(ii) one youth;

(iii) an individual who is ordinarily resident in either the community of Eslhá7an (Mission Reserve #1) or Ch'ich'elx̱wikw̱' (Seymour Reserve #2);

(iv) an individual who is ordinarily resident in the community of Xwmélch'tstn (Capilano Reserve #5);

(v) an individual who is a Squamish Valley eligible voter, and

(vi) two individuals who are not ordinarily resident on any Squamish reserve.

(b) The membership registrar, provided he or she is not a candidate or a Squamish elected official, is a non-voting commission member and must not be counted for the decision of quorum but for all other purposes is considered a full commission member.

(c) To be eligible to be appointed as a commission member under section 5.1.4 [*Appointment*], an individual, other than the membership registrar, must

(i) be an eligible voter,

(ii) not be a candidate or a Squamish elected official, and

(iii) have particular expertise or other considerations beneficial to the work of the Electoral Commission.

Appointment

5.1.4 (a) An individual must apply in writing to Council to be considered for appointment to the Electoral Commission under subsection (b).

(b) Council must, by motion at least one year before each general voting day in a regular election, appoint individuals eligible under section 5.1.3 [*Composition and eligibility*] to fill each position on the Electoral Commission under that section.

(c) The term of office for a commission member is four years commencing on his or her date of appointment and terminating on the fourth anniversary of that appointment.

(d) A commission member remains in office for the term under subsection (c) or until he or she ceases to be a commission member in accordance with section 5.1.5 [*Ceasing to be a commission member*].

(e) For certainty, a commission member may be appointed to two or more consecutive terms.

Ceasing to be a commission member

5.1.5 (a) An individual is removed as a commission member when he or she

(i) is no longer eligible to be appointed as a commission member under section 5.1.3 [*Composition and eligibility*],

(ii) has delivered a resignation in writing to the commission chairperson or, in the case of a resigning chairperson, to the membership registrar,

(iii) is deceased, or

(iv) has been removed in accordance with subsection (b) by a majority vote of Council.

(b) Council may only remove a commission member under subsection (a)(iv) in one or more of the following circumstances:

(i) the individual is persistently absent from meetings of the Electoral Commission;

(ii) the individual engages in conduct which amounts to impropriety, dishonesty or serious illegal activity that constitutes an indictable offence under the Criminal Code (Canada);

(iii) the individual breaches any written conflict of interest rules applicable to him or her in his or her role as a commission member;

(iv) the individual is grossly incompetent; or

(v) the individual is persistently not acting in accordance with applicable laws, this Law or the commission terms of reference.

(c) The removal of a commission member under this section is deemed to be effective as of 12:01 AM on the date of the event giving rise to that removal.

(d) Within 30 days after being removed as a commission member under this section, that individual may request a review of that decision by the Appeal Tribunal in accordance with this Chapter Part 3 [*Requesting a Review*].

PART 2 - APPEAL TRIBUNAL

Definitions

5.2.1 In this Chapter in this Part and in Part 3 [*Requesting a Review*] and Part 4 [*Conducting a Review*],

"adjudicator" means an individual appointed to the Appeal Tribunal under section 5.2.3 [*Composition and appointments*];

"applicant" means a person who has filed a review request;

"decision" means a decision with a right of review referred to in section 5.3.1(b) [*Filing a review request*];

"final order" means the order of the Appeal Tribunal on a review, including an order on the costs of the review, made in accordance with the Regulation;

"party to a review" means

(a) the applicant,

(b) the individual or body responsible for the decision, and

(c) a person added as a party to the review in accordance with section 5.3.2(d) [*Administrative orders*];

"review" means the review of a decision at a hearing held in accordance with this Chapter Part 4 *[Conducting a Review*];

"review request" means a request made in accordance with section 5.3.1 [*Filing a review request*] for a review.

Appeal Tribunal established

5.2.2 The Appeal Tribunal is established as an independent institution of the Squamish Nation with authority over, and responsibility for, conducting reviews of decisions under this Law or as provided for in another Squamish Nation law, code or bylaw.

Composition and appointments

5.2.3 (a) The Appeal Tribunal consists of a chairperson and two other adjudicators, each of whom must be appointed by Council on the recommendation of the Electoral Commission, who collectively meet the following criteria:

(i) each adjudicator must bring a particular expertise or other consideration to the Appeal Tribunal that is relevant to the duties and powers of the Appeal Tribunal under this Law;

(ii) one adjudicator must have legal training;

(iii) one adjudicator must have experience with mediation or arbitration;

(iv) one adjudicator must have experience with the democratic electoral process; and

(v) two adjudicators must have experience in working with indigenous communities.

(b) To be an adjudicator appointed under subsection (a), an individual must

(i) be at least 18 years of age, and

(ii) not be a Squamish member.

Adjudicator's term of office

5.2.4 (a) Adjudicators must be appointed for a term of four years.

(b) An adjudicator's appointment ends if

(i) the term of his or her appointment expires,

(ii) the adjudicator resigns, or

(iii) Council decides, by motion, that the adjudicator, due to mental or physical inability, is not able to perform the duties and exercise the powers of an adjudicator under this Law.

(c) An adjudicator may not be removed from office merely because of the decisions the adjudicator makes under this Law.

(d) If an adjudicator is replaced in accordance with this section, his or her replacement is only appointed for the balance of his or her term of office.

Conflicts of interest

5.2.5 (a) An adjudicator must not participate in a review under this Law if by doing so that adjudicator is, or would appear to be, in a conflict of interest.

(b) If an adjudicator is ineligible to participate in a review under this Law because of subsection (a), Council must appoint a replacement adjudicator under section 5.2.3 [*Composition and appointments*] to participate in that review and that replacement adjudicator is, for all purposes under this Law, an adjudicator until such time as the applicable review is complete and the final order is made.

PART 3 - REQUESTING A REVIEW

Filing a review request

5.3.1 (a) In this section, a reference to a "law" means this Law or another Squamish Nation law, code or bylaw, as applicable.

(b) A person may, if a right to do so is given under the applicable law, request the review of a decision made under that law by filing a review request with the Appeal Tribunal chairperson as required by this Part in the form approved by the Electoral Commission.

(c) A review request must be filed

(i) within the time specified for requesting a review in the law that grants the right of review, or

(ii) within 30 days after the applicant was notified of the decision that is subject of the review request, if no time is specified in that law.

(d) A review request must

(i) identify the decision, including its subject matter, that is the subject of the review request and the applicable provision of the law that establishes the right of review,

(ii) state the date the applicant was notified of the decision,

(iii) state the basis for the review request, and

(iv) give the full legal name of the applicant, an address to which documents may be delivered to the applicant and a telephone number where the applicant or his or her representative may be contacted.

(e) The Appeal Tribunal chairperson

(i) must, within seven days after receiving a review request, deliver a copy of the review request to the parties to the review, excluding the applicant, and

(ii) may, subject to applicable freedom of information and protection of privacy laws, require the parties to the review to provide the Appeal Tribunal chairperson with copies of all records in their custody or under their control respecting the decision.

(f) Within seven days after receiving a request under subsection (e)(ii), a party to the review must submit the following records respecting that decision to the Appeal Tribunal chairperson:

(i) any record of verbal communications received or relied upon;

(ii) copies of any documents received or relied upon;

(iii) any other evidence received or relied on; and

(iv) a copy of the decision that is the subject of the review request and written reasons, if any.

Administrative orders

5.3.2 (a) A person who has the right to request a review of a decision may apply to the Appeal Tribunal chairperson for an order extending the time for filing a review request in relation to that decision, whether or not the time allowed under section 5.3.1(c) [*Filing a review request*] for filing a review request has expired.

(b) Upon receiving an application under subsection (a) and after giving the parties to the review a reasonable opportunity to make written representations on that application, the Appeal Tribunal chairperson may order an extension of the time for filing a review request.

(c) A party to the review may apply to the Appeal Tribunal chairperson to extend the time for submitting records under section 5.3.1(e) [*Filing a review request*], whether or not the time allowed under that section has expired, and the Appeal Tribunal chairperson may, without giving any other party to the review an opportunity to make representations on the application, order an extension of the time.

(d) A person may apply to the Appeal Tribunal chairperson to be added as a party to a review if they are directly and significantly affected by the decision under review and, after giving

the parties to the review a reasonable opportunity to make written representations on that application, the Appeal Tribunal chairperson may order that person be added as a party to the review if adding that person as a party is necessary or desirable in the circumstances, provided the procedural fairness and timely completion of the hearing is not impaired.

(e) The Appeal Tribunal chairperson must give a copy of an order made under this section to every party to the review affected by it.

PART 4 - CONDUCTING A REVIEW

General

5.4.1 (a) In conducting a review, the Appeal Tribunal must perform the duties and may exercise the powers given to it under this Law.

(b) If an adjudicator has participated in the review of a decision and the adjudicator's appointment ends before the review has been completed with the final order made, the adjudicator's term of appointment continues for the purpose only of completing that review and participating in the making of the final order.

(c) If an adjudicator that has participated in the review of a decision becomes unable, for any reason, including the discovery of a conflict of interest, to complete the review or to participate in the making of the final order, the remaining adjudicators may

(i) complete the review and make the final order, or

(ii) adjourn the proceedings until such time as a replacement adjudicator is appointed under sections 5.2.3 [*Composition and appointments*] or 5.2.5(b) [*Conflicts of interest*] and that replacement adjudicator has had a reasonable opportunity to become familiar with the proceedings.

Hearing

5.4.2 (a) Subject to subsection (b), within 14 days after receiving a review request, the Appeal Tribunal chairperson must decide the time, date and location for the hearing of the review and give the parties to the review written notice of that time, date and location.

(b) The date for the hearing under subsection (a) must be not less than 14 days and no more than 21 days after the date the Appeal Tribunal chairperson received the review request under section 5.3.1(b) [*Filing a review request*].

(c) A hearing under this section must be conducted in accordance with the Regulation.

(d) A hearing is open to all eligible voters unless, on application by any one of the parties to the review, the Appeal Tribunal chairperson orders that anyone who is not a party to the review or their representative be excluded.

Order

5.4.3 (a) The Appeal Tribunal must decide whether, beyond a reasonable doubt, the decision under review resulted from the individual or body responsible for the decision

(i) acting without jurisdiction or beyond its jurisdiction or authority,

(ii) refusing to exercise his or her jurisdiction or authority,

(iii) failing to observe procedural fairness,

(iv) failing to interpret the law correctly, or

(v) basing his or her decision, action or omission on an erroneous finding of fact that was made in a perverse or capricious manner or without regard for the information before him or her.

(b) Subject to subsection (c), if the Appeal Tribunal decides that

(i) the decision did not result from circumstances set out in subsection (a), the Appeal Tribunal must make an order dismissing the review request, or

(ii) the decision did result from circumstances identified in subsection (a), the Appeal Tribunal must make an order setting aside the decision.

(c) The Appeal Tribunal may make an order dismissing the review request if it decides that the request is based on a technical irregularity and that has not resulted in an injustice.

(d) The Appeal Tribunal must make its final order without delay, but in any event, no later than 14 days after the close of the hearing.

(e) Subject to subsection (f), an order of the Appeal Tribunal is final and binding on the parties to the review and is not subject to appeal.

(f) An appeal from a decision of the Appeal Tribunal under this section lies to the Federal Court of Canada only on a question of law or jurisdiction.

(g) An appeal under subsection (f) must be made within 14 days after delivery of the final order in accordance with the Regulation.

PART 5 - GENERAL

Budget

5.5.1 Council must provide the Electoral Commission and the Appeal Tribunal with the administrative support and the resources for engaging consultants, technical experts and other persons the Electoral Commission or the Appeal Tribunal reasonably requires to fulfill its responsibilities under this Law.

Financial reporting

5.5.2 On or before April 30 of each calendar year, the Electoral Commission and the Appeal Tribunal must each report to Council on its activities and expenditure of funds received by it under this Law and that report must be posted in accordance with the Regulation.

Regulation

5.5.3 (a) The Electoral Commission may make regulations not inconsistent with this Law that it considers necessary or advisable for the purposes of this Law.

(b) Without limiting subsection (a), if this Law states a matter is set out in the Regulation or a matter must be carried out in accordance with the Regulation, the Electoral Commission must approve a Regulation that addresses that matter.

(c) A Regulation made by the Electoral Commission is deemed for all purposes to form part of, and be construed as if it were included in, this Law.

PART 6 - ELECTION AND REFERENDUM LAW AMENDMENTS

Amendments generally

5.6.1 Subject to this Part, any amendment to this Law must be approved by 60 per cent of eligible voters who vote in a referendum held in accordance with this Law.

Amendment by Electoral Commission

5.6.2 (a) The Electoral Commission may, and on the advice of legal counsel to the Electoral Commission, make an amendment to this Law to correct a grammatical or typographical error or to correct an obvious error or omission that is not of a substantive nature.

(b) An amendment made in accordance with subsection (a) must not in any way alter the intent of, or a right, duty or power provided for in, this Law.

CHAPTER 6 - COUNCIL AND PEOPLE'S ASSEMBLY

PART 1 - DEFINITIONS

Definitions

6.1.1 In this Part

(a) "regular meeting" means, in relation to a meeting of Council, a meeting of Council scheduled under section 6.4.1 [*Regular meeting*];

(b) "special meeting" means, in relation to a meeting of Council, a meeting of Council called under section 6.4.2 [*Special meeting*].

PART 2 - COUNCIL

Squamish Nation government

6.2.1 (a) The government of the Squamish Nation is comprised of the People's Assembly and Council.

(b) Subject to subsection (c), all lawmaking authority of the Squamish Nation under any aboriginal right is vested in the eligible voters.

(c) All lawmaking authority of the Squamish Nation under the Indian Act or any other law of Canada or British Columbia is vested in Council, subject to the requirements of those laws.

Mandate of Council

6.2.2 Council is responsible for the following matters:

(a) communicating with and to members regarding the programs, services and activities of the Squamish Nation;

(b) developing and updating from time to time a long-term vision for the Squamish Nation with a strategic plan to achieve that vision;

(c) upholding the rights and title of the Squamish Nation, including indigenous and aboriginal rights and title;

(d) treating all Squamish members equitably and equally;

(e) providing leadership and direction in the economic development, education, social, recreational life and all other areas of life relative to the Squamish Nation;

(f) to encourage, promote and enable Squamish Nation culture and language;

(g) to develop policies, procedures and bylaws, as required, to adequately govern the Squamish Nation and to become familiar with the existing policies, procedures, bylaws

and other powers of Council and bring sustainability and improve the lives of the Squamish members;

(h) to cooperate and liaise with Squamish members and advocate to all levels of government and other First Nations in matters relating to the interests of the Squamish Nation;

(i) to encourage and provide opportunities for all Squamish members to participate in governance issues; and

(j) to ensure that the needs of Squamish members are met, including social and education needs, through committed leadership and the efficient administration of programs, services and business areas within the Squamish Nation jurisdiction, including the administration of all budgets and financial transactions of the Squamish Nation.

Composition

6.2.3 Council is comprised of 16 members consisting of

(a) one Council chairperson, and

(b) 15 Councillors.

Council chairperson

6.2.4 (a) The Council chairperson must preside over each meeting of Council.

(b) The Council chairperson has the authority, subject to the rules of order and procedure, to preserve order in Council and to decide questions of order and procedure.

(c) In deciding a question of order or procedure, the Council chairperson

(i) may invite submissions from members of Council,

(ii) must rule on the question, and

(iii) must give reasons for the ruling based on the rules of order and procedure.

(d) The Council chairperson may only delegate the duties and powers of that office to another Councillor for a meeting of Council if that delegation has been approved by two thirds of the Councillors present and voting at that meeting.

Council salaries

6.2.5 (a) Subject to this section, salaries for Councillors for the four year term following a regular election must be approved at the People's Assembly following that regular election at which the annual budget is presented for review and comment.

(b) The salary for a Squamish elected official must be based on the following principles:

(i) the salary should be reflective of the anticipated time spent by that Squamish elected official in performing the duties and exercising the powers of the Squamish Nation government;

(ii) the salary should be reasonable compensation for the level of service, taking into account the duties and powers of that Squamish elected official in comparison to

the duties and powers of similar government officials serving other Governmental Authorities located in the Greater Vancouver Regional District; and

(iii) the salary cap for the combined salaries of all Squamish elected officials must not exceed 2.16% of the annual budget of the Squamish Nation.

Required training

6.2.6 A Squamish elected official must, within six months of assuming office, attend a financial workshop and governance workshop prepared and presented by the Electoral Commission in conjunction with the Squamish Nation administration.

PART 3 - COUNCIL TERM

Assuming office after an election

6.3.1 (a) A candidate declared elected in accordance with Chapter 4 [*Confirming the vote*] must assume his or her office as a Squamish elected official in accordance with this section.

(b) A candidate

(i) elected during a regular election assumes his or her office upon swearing the oath of office at the first meeting of Council held in accordance with this section, and

(ii) appointed or elected in accordance with Chapter 2 Part 4 [*By-elections*] assumes his or her office upon swearing the oath of office at the first meeting of Council held after that appointment or by-election.

(c) The Council chairperson must convene the first meeting of Council as soon as is reasonably possible in the month of October immediately following a regular election.

(d) The first meeting of Council must be held at a location that provides sufficient space for Squamish members to attend to observe the ceremonies.

(e) The agenda for the first meeting of Council after a regular election must include

(i) the oath of office of each Squamish elected official sworn or affirmed in accordance with subsection (f), and

(ii) any other business decided by Council.

(f) Each Squamish elected official must swear or affirm and sign the oath of office in either the Squamish language or English language as administered by the commission chairperson.

Term of Office

6.3.2 The term of office for a Squamish elected official begins at 12:01 AM on the date he or she assumes that office in accordance with section 6.3.1 [*Assuming office after an election*] and ends on the date he or she ceases to hold that office in accordance with section 6.3.3 [*Ceasing to hold office*].

Ceasing to hold office

6.3.3 A Squamish elected official ceases to hold office and that office is vacated on the earlier of

(a) the date of death of that Squamish elected official,

(b) the effective date that he or she resigns from that office by delivering a written resignation to the Council chairperson stating the date that his or her resignation is effective, which must not be a date that is earlier than the date he or she delivers that resignation to the Council chairperson,

(c) the date that Squamish elected official is removed, or deemed to have been removed, from office in accordance with Chapter 4 Part 3 [*Removal and recall from office*], and

(d) 11:59 PM on the day immediately preceding the date on which the oath of office ceremony is conducted in accordance with section 6.3.1(f) [*Assuming office after an election*] after the next regular election.

PART 4 - COUNCIL MEETINGS

Regular meetings

6.4.1 (a) Subject to this section, the Council chairperson must schedule regular meetings of Council at least weekly except for during the months of August and December.

(b) The Council chairperson, in consultation with Council, must decide the schedule for regular meetings of Council held during the months of August and December no later than 14 days before the applicable month begins.

(c) The Council chairperson may, if there is insufficient agenda items to warrant a regular meeting or if circumstances have arisen that make it necessary or desirable to do so, cancel a regular meeting of Council by providing notice of that cancellation to each Councillor at least 24 hours before the regular meeting is scheduled to begin.

(d) A Councillor must not be absent from more than four regular meetings in a calendar year without a reasonable excuse approved by the Council chairperson in advance of the absence.

Special meetings

6.4.2 After consulting with each Councillor, the Council chairperson may, with the informal consent of a majority of the members of Council, call a special meeting of Council with no less than 24 hours' notice.

Quorum

6.4.3 (a) A meeting of Council requires a quorum of 50 per cent of its members and the Council chairperson or his or her delegate under section 6.2.4(d) [*Council chairperson*] to be present.

(b) If no quorum is present within 45 minutes after the time appointed for the meeting of Council, the Council chairperson must call the roll and take the names of the members of Council then present and Council then stands adjourned until the next regular meeting.

In-camera meetings

6.4.4 (a) Subject to this Law, including, for certainty, this section, an eligible voter has a right to attend and observe, but not participate in, a meeting of Council.

(b) Council may, by motion, hold a meeting, or a portion of a meeting, of Council with only Councillors present if the matter to be decided by Council is a matter that would, or could reasonably be expected to, if made public,

(i) harm the deliberative processes of Council,

(ii) harm a law enforcement matter, including law enforcement by an external enforcement agency,

(iii) reveal information that is subject to protection under privacy laws or solicitor-client privilege,

(iv) harm intergovernmental relations or negotiations,

(v) harm the financial or economic interests of the Squamish Nation,

(vi) harm Squamish language, culture or heritage,

(vii) harm individual or public safety, or

(viii) harm the financial or economic interests of a third party.

(c) A motion under subsection (b) must include the wording from the applicable paragraph under that subsection (b) relied upon and be approved by a two-thirds majority vote of the members of Council present and voting.

(d) Subject to all applicable privacy laws, the minutes for that portion of a meeting of Council held in-camera must include the motion referred to under subsection (b) and report generally on the decision made, including which department of the Squamish Nation administration the matter was referred to for follow up.

(e) Subject to all applicable privacy laws, at the end of each three month period in every calendar year the Council chairperson must post in accordance with the Regulation for 30 days a report summarizing all in-camera meetings of Council held under this section during that quarter and include in that report the motions and reports referred to in subsection (d).

Notice of meetings

6.4.5 (a) The Council chairperson must

(i) deliver to each Councillor in accordance with the Regulation, and

(ii) post in accordance with the Regulation,

notice of each regular meeting at least seven days prior to that regular meeting.

(b) A notice delivered and posted under subsection (a) must include the proposed agenda for that regular meeting.

(c) If the Council chairperson calls a special meeting in accordance with section 6.4.2 [*Special meetings*], he or she must provide notice of that special meeting to each Councillor in accordance with the Regulation and that notice must indicate the purpose of the special meeting.

Agendas for meetings

6.4.6 (a) The Council chairperson must prepare a draft agenda for each regular meeting.

(b) An agenda must include

(i) any unfinished business tabled at the previous meeting, and

(ii) any matter requested by a Councillor to be added to the agenda as new business at least seven days prior to the regular meeting.

(c) At the beginning of a regular meeting, the Council chairperson must request a motion to adopt the agenda.

(d) During debate on a motion to adopt the agenda, a Councillor may move an amendment to the motion to introduce other business or that the business be dealt with in a different order.

Attendance at meetings

6.4.7 (a) Every Councillor is entitled to attend and speak at a meeting of Council, subject to he or she conducting themselves in a respectful manner.

(b) A Councillor may be expelled from a meeting of Council by a two-thirds majority vote of the members of Council present and voting if that Councillor's conduct is abusive, disrespectful, disruptive or improper in the circumstances.

(c) Subject to section 6.4.4 [*In-camera meetings*], a Squamish member is entitled to attend, but not speak, at a regular meeting of the Council and a Squamish member may not be excluded from a regular meeting of Council except for conduct decided by the Council chairperson to be disruptive or improper in the circumstances.

(d) Subject to this section, the Council chairperson may invite, and must approve, any other individual attending a meeting of Council.

Participation in proceedings

6.4.8 (a) Only a Councillor or other person approved by the Council chairperson may speak during meetings of Council.

(b) The right of a Councillor to participate in proceedings of Council may not be delegated to another person.

(c) Subject to subsection (d), a Councillor may introduce any motion.

(d) The Council chairperson, or a Councillor who wishes to have Council make a decision, must give at least seven days written notice to each Councillor before introducing a motion for a decision that concerns any of the following matters:

(i) the indigenous or aboriginal rights or title of the Squamish Nation;

(ii) any court action to be taken by the Squamish Nation or that the Squamish Nation is a party to;

(iii) the approval or amendment of an annual budget;

(iv) the administrative structure of the Squamish Nation;

(v) any Squamish Nation trust;

(vi) the exercise of Squamish Nation government taxation or bylaw powers; or

(vii) ratification of an agreement with another government or a business partner or business proponent.

(e) The notice provided under subsection (d) must include all available relevant material that is necessary or desirable to inform Council on the matter to be decided.

Rules governing proceedings

6.4.9 (a) Council must adopt, and may amend or replace from time to time, a rules of order and procedure policy to govern meetings of Council.

(b) The rules of order and procedure adopted under subsection (a) must be posted in accordance with the Regulation from when it is adopted until it is amended or replaced.

(c) The rules of order and procedure adopted under subsection (a) must include the requirement that a Councillor must not direct personal comments at another Councillor or speaker and when a Councillor wishes to speak, he or she must address his or her remarks to the Council chairperson and confine his or her remarks to the decision that is being discussed at the meeting.

Electronic attendance at meetings

6.4.10 (a) It is the desire of Squamish members that meetings of Council be held in person and that each Councillor attend every meeting of Council in person.

(b) With the approval of the Council chairperson and only in extenuating and unavoidable circumstances, a Councillor that is physically unable to attend a meeting of Council may attend that meeting by means of telephone, electronic or other communication device if it permits all persons participating in that meeting to communicate with each other so that every participant in that meeting is heard and understood.

(c) A Councillor participating in the manner described in subsection (a) is deemed to be present at the meeting and is entitled to vote on a matter to be decided at that meeting.

(d) The minutes of every Council meeting must indicate the name of each Councillor who participated in that meeting and the circumstance necessitating his or her participation in that meeting in the manner described in this section.

(e) The Council chairperson must not give approval for a Councillor to participate in a Council meeting in the manner described in this section more than four times in a calendar year, or another limit approved by the People's Assembly.

Voting

6.4.11 (a) In order to vote, a Councillor must be present when the vote is called.

(b) Only a Councillor may vote on a matter to be decided by Council.

(c) The Council chairperson may not vote except in the case of a tie vote.

(d) Any matter to be decided by Council must be decided by majority vote of the Councillors present and voting.

(e) A Councillor who abstains from a vote will be counted for the purpose of deciding quorum but his or her abstention will not be counted in the tally of votes.

(f) For every decision on a matter referred to in section 6.4.8(d) [*Participation in meeting*s], the Council chairperson must make a record of the names of each Councillor at the meeting during which that decision was made and how each Councillor voted on that decision and the minutes for that Council meeting must include that record.

(g) After a vote has been taken in accordance with the rules of order and procedure and if two Councillors make a request to do so, the Council chairperson must make a record of the names of each Councillor at that meeting and how he or she voted on that vote and the minutes for that Council meeting must include that record.

PART 5 - PEOPLE'S ASSEMBLY

Frequency of meetings

6.5.1 (a) The Council chairperson must convene a People's Assembly at least once in every four-month period in a calendar year.

(b) The second People's assembly held in a calendar year is the People's Assembly at which the annual budget for the current fiscal year for the Squamish Nation must be presented for review and comment.

(c) The third People's assembly held in a calendar year is the annual general meeting of the People's Assembly at which the audited financial statements for the previous fiscal year for the Squamish Nation must be presented for review and comment.

Notice and other matters

6.5.2 (a) At least 60 days prior to a meeting of the People's Assembly, the Council chairperson must post notice of the meeting in accordance with the Regulation, including the date, time and location of the meeting.

(b) The Electoral Commission may, in the Regulation, determine the requirements that allow the People's Assembly to be held in multiple locations simultaneously, provided each location is connected by means of telephone, electronic or other communication devices that permit all persons participating in that meeting to communicate with each other so that every participant in that meeting is heard and understood and an eligible voter participating in the manner described in this subsection is deemed to be present at that People's Assembly and is entitled to vote on a matter to be decided at that meeting.

(c) A notice posted under subsection (a) must include a proposed agenda for that meeting of the People's Assembly.

(d) All meetings of the People's Assembly must be held either on the North Shore or in the Squamish Valley and must be held at least once in every calendar year in the Squamish Valley.

(e) The annual general meeting of the People's Assembly referred to in section 6.5.1(c) [*Frequency of meetings*] may be held over two consecutive days.

Facilitator

6.5.3 All meetings of the People's Assembly must be chaired by a facilitator chosen by Council.

Quorum

6.5.4 (a) Subject to subsection (b), a meeting of the People's Assembly requires a quorum of 5 per cent of eligible voters, the facilitator and the Council chairperson or his or her designate to be present.

(b) The annual general meeting of the People's Assembly referred to in section 6.5.1(c) [*Frequency of meetings*] requires a quorum of 12 per cent of eligible voters, the facilitator and the Council chairperson or his or her designate to be present

(c) Subject to subsection (d), if no quorum is present within 45 minutes after the time appointed for a meeting of the People's Assembly, the People's Assembly then stands adjourned until the next meeting of the People's Assembly.

(d) If no quorum is present within 45 minutes after the time appointed for the annual general meeting of the People's Assembly referred to in section 6.5.1(c) [*Frequency of meetings*], any resolutions referred to in section 6.5.6(d) [*Resolutions*] are deemed to have been defeated and any other matter on the agenda for that People's Assembly stands adjourned until the next meeting of the People's Assembly.

Procedures

6.5.5 (a) The facilitator must call a meeting of the People's Assembly to order and open the meeting on the designated date and time.

(b) The first order of business at all meetings of the People's Assembly will be the adoption of the agenda, at which time a Squamish eligible voter may propose additional agenda items.

(c) The adoption of the agenda, and the inclusion or exclusion of additional agenda items, will be decided by a motion approved by a majority of the eligible voters present and voting by way of a show of hands, unless the facilitator rules otherwise.

(d) The facilitator must adhere to the agenda adopted in accordance with this section.

(e) The facilitator must afford a representative of Council an opportunity to make a report or presentation on each agenda item.

(f) Following any presentation or report under subsection (e), an eligible voter is permitted the opportunity to raise questions or seek clarification in relation to that specific agenda item.

(g) All questions and discussions must be made in a respectful manner.

(h) The facilitator must maintain a speakers list.

(i) Each speaker must be permitted a maximum of five minutes to frame a question or make a statement after which time the facilitator must recognize an individual to respond to the question or a new speaker.

(j) The facilitator must permit a follow up question by a speaker if that question relates to the same topic as the previous question.

(k) If the original speaker wishes to continue on the topic or raise a subsequent question, the facilitator must place that speaker at the end of the speakers list.

(l) The facilitator must maintain order at a meeting of the People's Assembly and has the authority to rule any speaker out of order.

(m) At the close of a meeting of the People's Assembly, the facilitator must verbally summarize the resolutions passed.

(n) In performing the duties and exercising the powers in accordance with this section, the facilitator may refer to the rules of order and procedure for guidance.

Resolutions

6.5.6 (a) Subject to subsection (d), any resolution of the People's Assembly constitutes a recommendation to Council.

(b) A speaker may make a motion to obtain a resolution of the People's Assembly on the agenda item being addressed.

(c) In order to clarify a discussion, the facilitator may request that a speaker make a motion and may assist that speaker in making such a motion.

(d) A resolution of the People's Assembly referred to under this Law that

(i) has first been approved at a People's Assembly by a majority of eligible voters present and voting,

(ii) is included in the notice for the annual general meeting of the People's Assembly referred to in section 6.5.1(c) [*Frequency of meeting*s], and

(iii) has been approved by a majority of eligible voters present and voting at the annual general meeting of the People's Assembly referred to in that section,

is, subject Council's fiduciary obligations to all Squamish members, binding on Council under this Law.

(e) Except for matters requiring a referendum in accordance with this Law or any other law of the Squamish Nation, a resolution is passed by a majority of eligible voters present and voting at a meeting of the People's Assembly by way of a show of hands, unless the facilitator rules a different method of voting is necessary or desirable in the circumstances.

(f) For certainty, it is not necessary that a discussion conclude with a motion.

PART 6 - MINUTES

Interpretation

6.6.1 In this Part, a reference to a "meeting" means either a meeting of Council or a meeting of the People's Assembly, as the context may require, and a reference to the "secretary" means the individual appointed by the Council chairperson under section 6.6.2(a) [*Responsibility*].

Responsibility

6.6.2 (a) The Council chairperson must appoint, and may remove from office or replace from time to time, an individual to perform the duties and exercise the powers of the secretary under this Part.

(b) The secretary is responsible for taking and preparing the minutes of each meeting.

(c) If the secretary is unavailable at a meeting, the Council chairperson must appoint a delegate to fulfill the responsibilities of the secretary for that meeting and, in those circumstances, that delegate must perform the duties and may exercise the powers of the secretary for that meeting.

Preparation of minutes

6.6.3 (a) The secretary must record the following in the minutes of a meeting:

(i) the name and office, if applicable, of each individual participating in that meeting;

(ii) the name of any individual reporting or who is an invited guest at that meeting;

(iii) the name of the individual who is first to move a motion and the name of the individual who is the second to move a motion;

(iv) every approved and rejected motion;

(v) the number of votes to approve and the number of votes to reject every motion; and

(vi) any other matter required to be recorded in the minutes of the meeting under this Law.

(b) The secretary need not record the following in the minutes of a meeting:

(i) the discussion on a motion or personal opinion of an individual in attendance;

(ii) motions that are withdrawn; or

(iii) the content of reports given at a meeting.

Draft minutes

6.6.4 (a) The secretary must ensure that the draft minutes of a meeting are prepared and given to the Council chairperson within three days after the meeting.

(b) For a meeting of Council, the secretary must ensure that the draft minutes of that meeting are prepared and given to each Councillor at least three days in advance of the next meeting of Council.

Approval of draft minutes

6.6.5 (a) The Council chairperson is responsible for presenting the draft minutes of a meeting at the next meeting for approval.

(b) The minutes of a meeting must be approved, or amended and approved, at the next meeting.

(c) Once approved, the Council chairperson must provide the approved minutes to the secretary.

Endorsement of minutes

6.6.6 (a) The secretary must sign the approved minutes once they have been provided to him or her under section 6.6.5 [*Approval of draft minutes*].

(b) The secretary must record on the approved minutes the date the approval referred to in section 6.6.5 [*Approval of draft minutes*] is made.

Transcripts of Council meetings

6.6.7 (a) Subject to section 6.4.4 [*In-camera meetings*], the secretary must ensure that a verbatim transcript of each Council meeting is prepared.

(b) The verbatim transcript of each Council meeting must be approved, or amended and approved, and signed by the secretary and posted in accordance with the Regulation within 14 days of that meeting.

Record

6.6.8 (a) The approved minutes of a meeting are the official record of the decisions of that meeting.

(b) Minutes approved in accordance with section 6.6.5 [*Approval of draft minutes*] must be posted in accordance with the Regulation within seven days of that approval for 12 months and available in an archive on the Squamish Nation website indefinitely.

(c) The secretary must maintain a complete record of every meeting and provide a copy of those minutes to any eligible voter upon request.

(d) The secretary must not provide a copy of minutes to a person who is not an eligible voter unless permission to do so is obtained from the Council chairperson.

APPENDIX 1

SQUAMISH NATION OATH OF OFFICE

To you the Squamish Peoples, as a leader chosen by you, and given this sacred responsibility by you, I will respect our ancestors, our people today and the future generations of our peoples. In my capacity as your elected leader, I commit to and will

1. Perform the duties as an elected leader to the best of my abilities,
2. Exercise the powers of my office only in the best interests of the Squamish Peoples and the Squamish Nation,
3. Use these responsibilities of my position, always, with due diligence, care and skill in a reasonable and prudent manner,
4. Place the interests of the Squamish Peoples above my personal interests,
5. Not use the powers of this office for my personal gain, or for the personal gain of my friends or immediate family members,
6. Attend all duly convened meetings, on time and in full, unless I must be absent for a reasonable excuse,
7. Ask for help, assistance or guidance when I need it,
8. Immediately declare any personal conflict of interest that may come to my attention in accordance with all applicable laws,
9. Be honest, ethical and act with integrity in my duties as an elected leader,
10. Be open, and transparent in all decisions, dealings and activities in my role as an elected leader, unless otherwise required under the confidentiality rules,
11. Treat all members of the Squamish Nation with equality and equity, fairness and respect,
12. Consider in my deliberations and decision making the impact on at least the next seven generations of the Squamish Peoples,
13. Keep confidential all information that I learn about the Squamish Nation government, its business interest, its employees, collective bargaining and any other matters specifically determined by Council to be matters of confidence, including matters dealt with during in-camera meetings of Council,
14. Report to the Electoral Commission, without delay, any suspected activity that is a contravention of this oath by other elected officials,
15. Report and communicate to Squamish members, on a regular basis, my activities, decisions and reasons for them,
16. Report to Squamish members first and foremost on the main decisions and developments without delay, and
17. I will immediately resign my position as a Squamish elected official if I have breached my oath of office.

LEGISLATIVE HISTORY

Election and Referendum Law, approved by Membership December 6, 2018

Amendments

Section	Amendment by	In Force
2.1.1	Referendum, pursuant to section 5.6.1	April 10, 2021
6.3.1(c)	Electoral Commission, pursuant to section 5.6.2	June 23, 2021
1.2.1(a)	Referendum, pursuant to section 5.6.1	May 31, 2025
2.2.2(a)	Referendum, pursuant to section 5.6.1	May 31, 2025
2.2.2(b)	Referendum, pursuant to section 5.6.1	May 31, 2025
2.3.1(a)(i)(L)	Referendum, pursuant to section 5.6.1	May 31, 2025
2.4.2	Referendum, pursuant to section 5.6.1	May 31, 2025
4.1.1(a)	Referendum, pursuant to section 5.6.1	May 31, 2025
4.1.2(a)	Referendum, pursuant to section 5.6.1	May 31, 2025
4.1.3(c)	Referendum, pursuant to section 5.6.1	May 31, 2025
4.3.2(a)	Referendum, pursuant to section 5.6.1	May 31, 2025
6.2.3	Referendum, pursuant to section 5.6.1	May 31, 2025
6.2.5(b)(iii)	Referendum, pursuant to section 5.6.1	May 31, 2025
6.5.5(i)	Referendum, pursuant to section 5.6.1	May 31, 2025
3.4.18(a)	Electoral Commission, pursuant to section 5.6.2	March 12, 2026
3.4.18(b)	Electoral Commission, pursuant to section 5.6.2	March 12, 2026
4.1.2(b)	Electoral Commission, pursuant to section 5.6.2	March 12, 2026
6.4.4(c)	Electoral Commission, pursuant to section 5.6.2	March 12, 2026
6.4.4(d)	Electoral Commission, pursuant to section 5.6.2	March 12, 2026
6.5.4(d)	Electoral Commission, pursuant to section 5.6.2	March 12, 2026

Amending Resolutions:

Electoral Commission Resolution 2021/1 approved June 23, 2021
Electoral Commission Resolution 2026/1 approved March 12, 2026

Regulations

Election and Referendum Regulation, enacted November 5, 2019