

Backgrounder on Referendum and Recall Act

The Huu-ay-aht government enacted the *Referendum and Recall Act* to establish a fair process for conducting a referendum or recalling a member of Council.

Holding a Referendum

A referendum may be held for several reasons under Huu-ay-aht law. For example, if the People's Assembly passes a motion for a referendum, Executive Council must hold one. Information about the referendum would be provided at a second People's Assembly and citizens would be able to discuss the referendum question at least 30 days before the referendum voting day.

Whether the referendum result is binding on Executive Council depends on the subject of the referendum.

How to begin the referendum process:

1. At the People's Assembly, make a citizen's motion requiring Executive Council to hold a referendum on a specified issue. The motion must set out the reason for the referendum and the proposed question in clear, concise and impartial wording. It must be possible to answer the referendum question with a "yes" or a "no". Please refer to the backgrounder on citizen's motions for more information.
2. If the People's Assembly passes the motion, Executive Council is required to take the steps necessary to hold the referendum.

PLEASE NOTE – If you have any questions on the referendum process, please contact Huu-ay-aht Legal Counsel or Tribunal Counsel.

Recalling a Huu-ay-aht Council Member

An application may be made to the Huu-ay-aht Tribunal to issue a recall petition to remove a Councillor or Chief Councillor. The application requires that at least 10 eligible Huu-ay-aht voters sign in support of the recall. Note that a Council member must have served at least 1 year before being subject to recall.

If the Huu-ay-aht Tribunal issues the recall petition, canvassers have 60 days to gather the signatures of eligible Huu-ay-aht voters who support the recall. If a majority of voters sign the petition, the recalled Council member is out of office. The Council member's position is declared vacant and unless the vacancy occurs after January 1 in a general election year, a by-election must be held to fill the position.

How to begin the recall process:

1. Ten or more eligible Huu-ay-aht voters must sign and complete the application form for a recall petition setting out:
 - The full name of the Council member for recall
 - A written statement of not more than 200 words, signed by the 10+ eligible voters, on the reasons for recalling the Council member
 - The full names and contact information of the 10+ eligible voters
 - A solemn declaration by each of the 10+ eligible voters that he or she is not disqualified from applying for a recall petition.
2. Within 10 days of receiving the application, the Huu-ay-aht Tribunal must decide whether the application complies with Huu-ay-aht law. If it does, then a recall petition will be issued and the 60 days for gathering the signatures of a majority of eligible Huu-ay-aht voters begins.

PLEASE NOTE – If you have any questions on the recall process or would like assistance obtaining an application form for a recall petition, please contact Huu-ay-aht Legal Counsel or Tribunal Counsel.