

## Recall

Recall is defined as the democratic process that allows citizens of a jurisdiction to remove elected officials from office prior to the end of the term of office for which they had been elected. The chart below presents a high level view of existing models of recall.

<u>Initiated</u>	<u>Criteria</u>	<u>Managed by*</u>	<u>Decision made</u>
<p><b>Automatic:</b> Chief or Councillor automatically removed from Council upon the occurrence of a non-subjective event—most often conviction of an offence</p>	<p>The non-subjective conditions are set as the criteria.</p>	<p>There is little process to manage since the criteria is non-subjective and the removal is automatic</p>	<p>No requirement for a decision making body.</p>
<p><b>Complaints Driven:</b> Recall is initiated by the lodging of a complaint by one or more individuals against the Chief or a Councillor.</p>	<p>The complaint against the elected official is tied to one or more grounds that are set out in the recall rules. These are most often related to wrongdoing, negligence, incompetence or extended absences.</p>	<p>A body needs to be identified to receive a complaint, evaluate it and decide whether the complaint is founded and meets the identified grounds. The Chief or Councillors subject to the complaint must be afforded an opportunity to hear the complaint and respond.</p>	<p>The ultimate decision to remove from office could be made by the body or could be put to a community vote** once the decision is made that the complaint is valid and meets the established criteria.</p>

<u>Initiated</u>	<u>Criteria</u>	<u>Managed by*</u>	<u>Decision made</u>
<p><b>Petition:</b> Recall is initiated upon the presentation of a petition that sets out the reason for the recall and contains the signature of electors, representing an established percentage of the total electorate (at least 60%, but could be higher).</p>	<p>Option 1: No criteria—the recall rules contain no specific criteria and therefore, the reason for the petition need not meet any conditions.</p> <p>Option 2: The reason set out in the recall petition must meet specific criteria set out in the recall rules.</p>	<p>Option 1: A body needs to be identified to receive the petition and verify that it is duly executed, there are sufficient signatures and that they are all from eligible electors.</p> <p>Option 2: A body needs to be identified to, not only certify the petition, but to evaluate whether the reasons being put forward respect the criteria. The Chief or Councillors subject to the recall petition must be afforded an opportunity to hear the reasons and make their own submission as to whether the criteria are met.</p>	<p>The ultimate decision to remove from office could be made by the body in certifying the petition and the criteria being presented (if criteria are necessary).</p> <p>Alternatively, the petition could be the trigger for the question to be put to a community vote.**</p>

\*In all cases, the management of a recall process should not fall the sitting band council. Members of the council will quickly find themselves in a situation of conflict if they were forced to evaluate a complaint against one of their colleagues. It could further lead to situations of “ganging-up”.

\*\*Any question put to a community vote will have to include a mechanism for electors not residing on the reserve to cast a vote without having the travel to the reserve, in keeping with the Corbiere decision and principle.