

1993 BILL 203

First Session, 23rd Legislature, 42 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 203

RECALL ACT

MR. DICKSON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 203
Mr. Dickson

BILL 203

1993

RECALL ACT

(Assented to , 1993)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Interpretation

1 In this Act:

(a) "Chairperson" means the person designated pursuant to section 3(1)(a).

(b) "Chief Electoral Officer" means the person designated pursuant to the provisions of the *Elections Act*

(c) "Electors" means all people who have a right to vote under the *Elections Act*

Recall Petition

2 Any Member of the Legislative Assembly of Alberta may be recalled by petition if the petition is signed by electors from the constituency of the Member equal in number to 40 percent of the electors in the constituency at the time of the last general election.

Application for circulation of a recall petition

3(1) Prior to the initiation of a recall movement, an application for a petition shall

(a) be addressed to the Chief Electoral Officer for approval as to form;

(b) be signed by 50 electors from the constituency of the Member;

(c) designate one of 50 electors, who sign the petition, as chairperson to communicate on their behalf with the Chief Electoral Officer;

(d) set out the name of the Member of the Legislative Assembly sought to be recalled and a statement of reasons for recall

(2) Within 5 business days of the presentation of the petition, the Chief Electoral Officer shall approve a petition for circulation, it is in proper form, and shall notify the chairperson and the Member of the Legislative Assembly sought to be recalled.

Proper Form

4 A petition shall be considered in proper form if it contains language that is of similar import to the following:

We, the undersigned electors, wish to recall, _____,
Member of the Legislative Assembly for the following
reasons and require a vote of the electors.

Reasons:

Time Period for Circulation

5 The persons sponsoring a petition shall have 60 days from the date of approval for circulation of the petition to obtain the requisite number of signatures.

Printed Form of Petition

6 The Chief Electoral Officer shall supply to the chairperson at reasonable cost, a printed form of the petition setting forth the text of the petition as described in Section 4 and the form of affidavit on the back of the petition as required by Section 7.

Who May Circulate and Sign the Petition

7 The petition may be circulated by any elector from the constituency of the Member. The petition shall be supported by an affidavit of the persons circulating the petition deposing:

(a) that the electors who have signed the petition did so in their presence;

(b) that the signature of the elector is a genuine signature of the elector whose name it purports to be in the best of his knowledge and belief;

(c) that the elector resides in the constituency of the Member and at the date of approval of the petition was eligible to vote to the best of his knowledge and belief;

(d) the dates between which all signatures were obtained.

Information from Electors **8** Each elector signing a petition shall write on the petition, his name, the date of signing, and his residential address.

Offences **9** No person shall:

(a) Intentionally misrepresent or intentionally make any false statement concerning the contents, purport, or effect of the petition to any person who signs, or desires to sign, or is requested to sign, or who makes enquiries with reference to it, or to whom it is presented for his signature;

(b) wilfully and knowingly circulate, publish or exhibit any false statement or misrepresentation concerning the contents, purport or effect of any recall petition for the purpose of obtaining any signature to, or persuading or influencing any person to sign that petition.

10 No person shall refuse to allow a prospective signer to read the recall petition.

11 No person shall cover or otherwise obscure the statement of reasons from the view of the prospective signer.

12 No person shall solicit any person circulating the petition to affix to any recall petition any false or forged signature, or to cause or permit such signature to be affixed.

Penalty **13** Every person who commits any offence under this Act shall be subject to criminal proceedings.

Number of Copies of Petition **14** There shall be no limit to the number of copies of a petition issued by the Chief Electoral Officer. Copies shall become part of the original petition when submitted.

Number of Signatures **15** The Chief Electoral Officer shall indicate the number of signatures required based on the then current voters' list at the time of approval of the petition for circulation.

Filing the Petition **16(1)** Once the requisite number of signatures are obtained, a

petition shall be presented to the Chief Electoral Officer for filing and in no event later than 5:00 p.m. on the second business day following the last signature being affixed to the petition. The petition shall be deemed to be filed on the date that it is forwarded to the office of the Chief Electoral Officer by courier.

(2) Upon the filing of the petition, the Chief Electoral Officer shall determine the total number of signatures affixed to the petition within 2 business days.

(a) If the total number of signatures is less than 100 percent but more than 85 percent of signatures required, the Chief Electoral Officer shall notify the chairperson and indicate the number of additional signatures required.

(b) The petition may then be circulated for an additional 5 days in an effort to gain further signatures.

Statistical
Sampling and
Acceptance of
Petition

17(1) Within 30 days of the Chief Electoral Officer notifying the chairperson that the requisite number of signatures has been obtained, the Chief Electoral Officer shall determine the number of qualified electors who have signed the petition by random sampling.

(2) Such random sampling shall include examination of at least 15 percent of the signatures on the petition.

(3) If the statistical sampling shows the number of valid signatures is within 90 percent to 110 percent of the number of signatures of electors needed to declare the petition sufficient, the petition shall be accepted by the Chief Electoral Officer.

(4) The chairperson shall be notified by the Chief Electoral Officer and advised of the findings of the statistical sampling.

Issue of Writs for
a General Vote

18(1) Upon acceptance of a petition by the Chief Electoral Officer under Section 17, the petition and a declaration of the Chief Electoral Officer that the petition has met the requirements of this Act, shall immediately be delivered to the Speaker of the Legislative Assembly who shall lay them before the Legislative Assembly at the earliest opportunity.

(2) Within five days of the receipt of the documents referred to in subsection (1) the Legislative Assembly shall satisfy themselves as to their authenticity, and if so satisfied, the Clerk of

the Legislative Assembly shall issue and deliver his warrant to the Chief Electoral Officer for the issue of a writ for a referendum on the recall of the Member.

(3) Within 2 weeks after the delivery of the warrant to the Chief Electoral Officer, an order shall be made under section 36 of the *Election Act* authorizing the issue of a writ for a referendum on the recall.

Ballot 19 The referendum ballot shall ask the question, "Do you wish to recall _____, member of the Legislative Assembly?"

Effect of Affirmative Vote 20(1) In the event that the proposition to recall the Member receives affirmation by the votes of at least 50 percent plus one of the eligible electors in the constituency, the seat of the Member is thereby vacated and the vacancy shall be filled in accordance with section 3(8) of the *Legislative Assembly Act*.

(2) The Member being recalled may be nominated for re-election.

Restrictions 21(1) No Member shall be challenged by recall petition more than once during his term.

(2) No petition shall be circulated to challenge a Member before the Member has served 6 months of his term or after the Member has served 42 months of his term.

Regulations 22 The Lieutenant Governor in Council may make regulations for the carrying out of its provisions and in particular for regulating the procedure prior to, at and after a vote, the advertising of the taking of a vote, publication and dissemination of information pertaining to the matters voted upon and such other matters as may be deemed advisable and the procedure as to a recount or scrutiny.

Application of the Election Act 23 The provisions of the *Elections Act* governing general elections apply with all necessary modifications to referendums and by-elections taken under this Act except as otherwise expressly specified by order of the Lieutenant Governor in Council.