

1997 BILL 216

First Session, 24th Legislature, 46 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 216

RECALL ACT

MR. GIBBONS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 216
Mr. Gibbons

BILL 216

1997

RECALL ACT

(Assented to , 1997)

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

Definitions

1(1) In this Act,

- (a) "Chief Electoral Officer" means the Chief Electoral Officer appointed under the *Election Act*;
- (b) "electoral division" has the meaning given to it by section 1(g) of the *Election Act*;
- (c) "Member" means a Member of the Legislative Assembly;
- (d) "recall petition" means a petition issued by the Chief Electoral Officer under this Act for the recall of a Member;
- (e) "voter" means a person who is registered as an elector on the list of electors maintained by the Chief Electoral Officer under the *Election Act* for an electoral division.

(2) Subject to subsection (1), words and expressions used in this Act have the meanings given to them in the *Election Act*.

Recall Petition

2(1) A voter for an electoral division may apply under subsection (2) for the issuance of a petition for recall of the Member for that

electoral division.

(2) The application for the issuance of a recall petition must be made to the Chief Electoral Officer and contain the following information:

- (a) the name of the Member;
- (b) the name and residential address of the applicant;
- (c) a statement, not exceeding 200 words, setting out why, in the opinion of the applicant, the recall of the Member is warranted;
- (d) any other information that may be prescribed.

Restrictions

3(1) No application for the issuance of a recall petition may be made during the first 6 months, or after 42 months, following the last election of the Member.

(2) Only one election for any electoral division may be held under this Act during the period between general elections.

Issue of recall petition

4(1) When an application for a recall petition is made to the Chief Electoral Officer, the Chief Electoral Officer shall, within 5 working days, determine if the requirements of section 2 have been met.

(2) If the Chief Electoral Officer determines that the requirements of section 2 have been met, the Chief Electoral Officer shall issue a recall petition in the form set out in the regulations.

(3) The Chief Electoral Officer shall notify the Member named in the recall petition and the Speaker immediately after the recall petition is issued.

Eligibility to sign petition

5 A voter who, on the date of the last election of the Member, was registered as a voter for the electoral division in which the Member was elected may sign the recall petition.

Canvassing

6 A voter may canvas for signatures on a recall petition if, before the date on which the voter begins canvassing,

- (a) the voter has been a resident in Alberta for at least 6 months, and
- (b) the voter has registered the voter's name and residential address with the Chief Electoral Officer.

Requirements
for recall
petition

7(1) A recall petition must comply with the following requirements:

- (a) the petition must be filed with the Chief Electoral Officer within 60 days from the date on which the petition was issued;
- (b) the petition must be signed by at least 40% of the total number of individuals who are authorized to sign the recall petition under section 5;
- (c) the petition must indicate the name and address of each voter who has signed the recall petition;
- (d) each voter's signature on the petition must be witnessed by the person who canvassed the signature;
- (e) the petition when filed must be accompanied by an affidavit from each person who canvassed for signatures stating that
 - (i) the voter signed the petition in the deponent's presence,
 - (ii) to the best of the deponent's knowledge and belief the signature of the voter is a genuine signature of the voter whose name it purports to be, and
 - (iii) to the best of the deponent's knowledge and belief the voter was eligible to sign the petition.

(2) Where the Act or the regulations require or authorize a document to be filed with the Chief Electoral Officer, this may be done by delivering the document

- (a) to the office of the Chief Electoral Officer during its regular office hours, or
- (b) to the Chief Electoral Officer at another place and time authorized by the Chief Electoral Officer.

Filing petition **8** When a recall petition is filed with the Chief Electoral Officer, the Chief Electoral Officer shall, within 30 working days, determine whether the petition meets the requirements of section 7.

Results of petition **9** If the Chief Electoral Officer determines that the recall petition meets the requirements of section 7, the Chief Electoral Officer shall immediately deliver the petition and a sworn declaration of the Chief Electoral Officer that the petition has met the requirements of this Act to the Clerk of the Assembly who shall immediately issue and deliver a warrant to the Chief Electoral Officer for the issue of a writ for a referendum on the recall of the Member.

Ballot **10** The referendum ballot shall ask the question, "Do you wish to recall _____, Member of the Legislative Assembly?"

Effect of affirmative vote **11(1)** In the event that the referendum to recall the Member receives affirmation by at least 50 percent plus one of the total number of votes cast, the seat of the Member is thereby vacated and the vacancy shall be filled in accordance with section 38 of the *Legislative Assembly Act*.

(2) A person is eligible to vote at a referendum held under this Act if, on the date of the last election of the Member, the person was registered as a voter of the electoral division in which the Member was elected.

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

Offence **12(1)** No person shall

- (a) make a false or misleading statement concerning the contents or effect of a recall petition,
- (b) directly or indirectly accept any inducement for canvassing for signatures on a recall petition,

(c) refuse to allow another person to read the recall petition, or

(d) affix a false or forged signature on a recall petition.

(2) A person who contravenes subsection (1) is guilty of an offence and liable to a fine of not less than \$5000.

Regulations

13 The Lieutenant Governor in Council may make regulations

(a) governing the duties of the Chief Electoral Officer under this Act;

(b) setting out procedures for the verification of signatures and eligibility to sign a recall petition under this Act;

(c) governing the conduct of persons who canvas for signatures on petition;

(d) prescribing forms for the purposes of this Act and information that may be included on them;

(e) prescribing fees for the purposes of this Act.

Application of
the Election Act

14 The provisions of the *Election 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.

Coming Into Force

Coming into
force

15 This Act comes into force on Proclamation.