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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 493

## **Recall Act**

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### **Introduction**

**Introduced by  
Mr. Éric Caire  
Member for La Peltrie**

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## **EXPLANATORY NOTES**

*This bill provides that a qualified elector may apply to the Chief Electoral Officer for the issue of a petition for the recall of the Member representing the elector's electoral division. The requirements to be met by the originator of the recall petition and the supporters of the recall application, the time for making an application, and the content of the application are specified.*

*If the Chief Electoral Officer judges that the recall application is in compliance with the specified requirements, the originator of the recall petition and the persons described in the bill may begin to canvass for signatures on the conditions and for the period determined in the bill.*

*On the expiry of the petition signing period, the Chief Electoral Officer verifies whether the absolute majority of electors from the electoral division concerned have signed it. The Chief Electoral Officer sends a report to the originator of the recall petition, to the Member concerned and to the President and the Secretary General of the National Assembly. The President of the National Assembly tables the report in the Assembly if it states that the recall petition is in compliance.*

*Finally, the provisions of the Election Act that apply on the issue of a recall petition are listed and the Act respecting the National Assembly is amended to provide that receipt, by the Secretary General of the National Assembly, of the Chief Electoral Officer's report stating that the recall petition is in compliance results in the Member's seat becoming vacant and, consequently, a by-election being held.*

## **LEGISLATION AMENDED BY THIS BILL:**

– Act respecting the National Assembly (R.S.Q., chapter A-23.1).

# **Bill 493**

## **RECALL ACT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### **CHAPTER I**

#### **RECALL APPLICATION**

**1.** A person who is a qualified elector within the meaning of section 1 of the Election Act (R.S.Q., chapter E-3.3) and whose name is entered on the permanent list of electors may, by a recall application, ask the Chief Electoral Officer to issue a petition for the recall of the Member representing the electoral division in which the qualified elector is domiciled.

**2.** Despite section 1, no candidate in the previous election in the electoral division concerned may make a recall application.

The same holds for any person having acted, during that election, as an official agent, official representative or mandatary of such a candidate, or as the deputy returning officer, poll clerk, officer in charge of the list of electors or member of the identity verification panel recommended by such a candidate.

**3.** No recall application may be made during the year following the election of the Member whose recall is sought, or during the year preceding the expiry of the current Legislature. The duration of the Legislature is determined in accordance with section 6 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1).

**4.** A recall application must be supported by at least 10 persons who, like the originator of the recall petition, meet the requirements of sections 1 and 2.

**5.** A recall application must contain the following elements:

(1) the name of the Member whose recall is sought and the electoral division the Member represents;

(2) a statement not exceeding 250 words setting out why the Member's recall is warranted, including grievances and a conclusion asking for the Member's recall; and

(3) the name, occupation, civic address and, if applicable, the political party affiliation of the originator of the recall petition and of each supporter.

The statement must be drafted in temperate terms. It must not refer to any matter that is under adjudication before a court of law or a quasi-judicial body, or that is the subject of an inquiry, if such a reference may be prejudicial to the interests of any person or party concerned.

**6.** The Chief Electoral Officer determines whether the recall application is in compliance with this chapter and informs the Member concerned, the President of the National Assembly and the originator of the recall petition as soon as possible.

If the application is in compliance, the originator of the recall petition may canvass for signatures.

## **CHAPTER II**

### **SIGNING OF RECALL PETITION**

**7.** A recall petition must be submitted on paper, be an original and repeat, on all the signature sheets, the elements listed in section 5 and the information to be provided by those signing the petition, that is, their surname and given name in capital letters, civic address, signature and the date of signature.

**8.** The originator of the recall petition, the supporters and any person of their choice who meets the requirements of sections 1 and 2 may canvass for signatures.

All must be registered with the Chief Electoral Officer, who issues special identification.

None may request, accept or receive any remuneration or benefit directly or indirectly related to canvassing for signatures.

**9.** The petition signing period lasts 60 days. It begins the day after special identification is issued to the originator of the recall petition.

**10.** During the petition signing period, the Chief Electoral Officer makes public by any appropriate means the text of the recall petition, the identity of the originator and of the supporters, and the signing period.

**11.** Any person who is a qualified elector within the meaning of section 1 of the Election Act, whose name is entered on the permanent list of electors and who is domiciled in the electoral division represented by the Member whose recall is sought may sign the recall petition.

**12.** The day after the petition signing period expires, the originator of the recall petition must, without delay and on pain of dismissal of the petition,

send the signature sheets to the Chief Electoral Officer in the manner the latter determines.

### **CHAPTER III**

#### **RESULT OF RECALL PETITION**

**13.** To be successful, the recall petition must be signed by the absolute majority of persons qualified to sign it under section 11.

**14.** Within 30 days after receiving the signature sheets, the Chief Electoral Officer must verify the number of signatures and their validity and state, in a report, whether the recall petition is in compliance with the requirements of section 13.

The report is sent to the originator of the recall petition, to the Member whose recall is sought and to the President and the Secretary General of the National Assembly.

**15.** If the report of the Chief Electoral Officer states that the recall petition is in compliance, the President of the National Assembly tables the report in the Assembly on the first sitting after it is received.

### **CHAPTER IV**

#### **MISCELLANEOUS PROVISIONS**

**16.** Only the originator of the recall petition and the Member whose recall is sought are authorized to solicit or collect contributions, incur expenses, contract loans and make advertisements.

When consistent with this Act, sections 41 to 46, 59 to 66, 87 to 106, 259.1 to 259.9, 401 to 448 and 551 to 569 of the Election Act apply, with the necessary modifications, with respect to the matters referred to in the first paragraph.

**17.** Section 17 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended by adding the following paragraph at the end:

“Moreover, a Member’s seat becomes vacant from the receipt by the Secretary General of a report sent by the Chief Electoral Officer under section 14 of the Recall Act (*insert the year and chapter number of this Act*) stating that a petition for the Member’s recall is in compliance.”

**18.** The Chief Electoral Officer must, no later than (*insert the date that is five years after the coming into force of this Act*), report to the President of the National Assembly on the implementation of this Act and on the advisability of maintaining it in force or amending it.

The report must be tabled in the National Assembly by the President of the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

The report must be referred to the appropriate parliamentary committee for consideration within 15 days of its tabling in the National Assembly.

**19.** This Act comes into force on the thirtieth day after it is assented to.



