

Recall of Elected Representatives

BELIZE:

BILL

for

AN ACT to provide for the recall of members of the House of Representatives before the expiry of their normal term of office; and to provide for matters connected therewith or incidental thereto.

(Gazetted.....2008).

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows: -

Short title. 1. This Act may be cited as the

RECALL OF ELECTED REPRESENTATIVES ACT, 2008.

Interpretation. 2. (1) In this Act, unless the context otherwise requires –

“Chief Elections Officer” means the Chief Elections Officer appointed under the Representation of the People Act;

CAP. 9

CAP. 9 “division” means an electoral division specified in the First Schedule to the Representation of the People Act;

“divisional representative” or “elected representative” means a person duly elected to represent a division in the House of Representatives;

CAP. 9 “duly registered” means registered in accordance with the provisions of the Representation of the People Act;

“election” means an election for the purpose of electing a member of the House of Representatives;

“elector” or “voter”, in relation to an election, means a person who has been duly registered as an elector to vote at an election;

CAP. 9 “electoral division” means an electoral division specified in the First Schedule to the Representation of the People Act;

“member” means a member of the House of Representatives;

“Minister” means the Minister responsible for elections;

“parliamentary term” means the period commencing on the date of the first sitting of the National Assembly after a general election and expiring at the date of the next ensuing dissolution of the National Assembly;

“recall” means removal from office;

“recall petition” or “petition” means a petition presented to the Governor-General under section 3 of this Act calling for the recall of a member;

“recall referendum” or “recall election” means a referendum to determine whether a member should be recalled;

“register” or “register of electors” means the register of electors for any particular electoral division;

“signature” or “signed” includes any mark or thumb impression.

(2) Other words and expressions used in this Act but not defined herein shall have the meanings respectively assigned to them in the Representation of the People Act.

CAP. 9

Petition to recall a member of the House of Representatives.

3. (1) Subject to the provisions of this Act, a member of the House of Representatives may be recalled before the expiry of his normal term of office.

(2) The recall of a divisional representative shall be initiated by a petition presented to the Governor-General signed by at least thirty percent (30%) of the registered electors in that division whose names appear on the approved voters' list existing at the time of presentation of the petition, calling for a referendum on the recall of the divisional representative of that division.

(3) Every petition presented to the Governor-General pursuant to subsection (2) above shall be in the form prescribed by regulations made under this Act.

(4) It shall not be necessary for the petitioners to set forth any reasons for the recall of a member.

(5) No petition for the recall of a member under this section shall be presented –

(a) before the expiry of at least eighteen months of that member's term of office; or

(b) within the last one year of that member's normal term of office; or

(c) more than once in the same division in the same parliamentary term.

Governor-General to refer the petition to the Chief Elections Officer.

4. Where a petition is presented to the Governor-General under section 3, the Governor-General shall forthwith refer the petition to the Chief Elections Officer for verification of the signatures of the petitioners, and for certification that at least thirty percent of the registered electors in that division have in fact appended their signatures to the petition.

Chief Elections Officer to verify signatures.

5. On the receipt of the petition from the Governor-General, the Chief Elections Officer shall proceed with due expedition to verify the signatures on the petition and return the petition to the Governor-General as soon as practicable but no later than one month after the date of receipt of the petition, with a certificate as to whether or not the petition has been duly signed by the requisite number of electors as specified in sections 3 and 4 above.

Writ of recall referendum.

6. (1) The Governor-General shall, **within fifteen days** of the receipt of the certificate from the Chief Elections Officer pursuant to section 5 above, verifying that the petition has been duly signed by the requisite number of electors as specified in sections 3 and 4, issue a Writ of Recall Referendum in a form similar to the Writ of Election in the Fifth Schedule to the Representation of the People Act, with such modifications and adaptations as may be necessary to satisfy the provisions of this Act, to the returning officer of the respective electoral division.

CAP. 9 Fifth Schedule.

(2) The day named in the Writ for the holding of a recall referendum shall not be less than fifteen days after the issue of the Writ.

CAP. 10 (3) Upon receipt of such Writ, the returning officer to whom the Writ is addressed shall proceed to hold the referendum in accordance with the Referendum Act and the directions of the Elections and Boundaries Commission.

CAP. 10 (4) Subject to this Act, sections 4, 5, 6, 7, and 8 of the Referendum Act, dealing, respectively, with the persons qualified to vote at a referendum, appointment of returning officers, CAP. 9 application of the Representation of the People Act and Regulations, the Governor-General's power to make regulations, and the expenses of a referendum, shall apply with necessary modifications to a recall referendum held pursuant to this Act.

Result of recall referendum and removal from office.

7. (1) The Chief Elections Officer shall, as soon as practicable after the holding of a recall referendum, issue a certificate under his hand stating the result of the referendum and forward the same to the Governor-General.

CAP. 10 (2) Notwithstanding section 5A of the Referendum Act or any other law, a recall referendum held under this Act shall not be valid unless at least sixty-five percent (65%) of the registered electors in the respective division have cast their votes.

CAP. 10 (3) Subject to the presence of the threshold of 65% as prescribed in subsection (2), if a simple majority of the total votes cast at the referendum favour the recall of a divisional representative from office, the Governor-General shall, by proclamation published in the Gazette, declare the seat of such representative vacant and the representative shall thereupon stand removed from office.

Filling of
vacancy.

CAP. 4 8. (1) A by-election to fill the vacancy caused by the recall of a divisional representative shall be held within three months of the occurrence of the vacancy, as provided in section 85 of the Belize Constitution.

(2) In any such by-election, the member so recalled or who resigned in consequence of a petition for his recall shall be ineligible to stand as a candidate for the seat to be filled in such by-election.

(3) The restriction contained in subsection (2) of this section shall not apply if the vacant seat is filled in a general election instead of a by-election.

Offences
and
penalties.

9. Every person who -

(a) forges a signature on a recall petition or who wilfully signs such petition more than once;

- (b) uses any threats, intimidation, coercion or other corrupt means to interfere or attempt to interfere with the right of any eligible voter to sign or not to sign a recall petition of his own free will;
- (c) signs or forbears to sign a recall petition for any consideration, compensation, gift, reward or thing of value or promise thereof;
- (d) intentionally makes any false entry on a recall petition or aids, abets, counsels or procures another person to do so,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment.

Regulations. 10. (1) The Governor-General, may on the advice of the Minister, make regulations for giving full effect to the provisions of this Act and for prescribing anything that needs to be prescribed.

(2) Without prejudice to the generality of the foregoing, such regulations may provide or prescribe: -

- (a) the form and contents of a recall petition, and

- (b) the form of a ballot paper for the purpose of a recall referendum.

Commencement. 11. This Act shall come into force on a day to be appointed by the Minister by Order published in the Gazette.

_____ ... _____