

Recall of Elected Representatives Bill

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Permit voters to recall their elected representatives in specified circumstances; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Petition for recall of elected representatives

- (1) If 10% or more of the registered voters in the constituency of an elected representative sign a relevant recall petition then a recall election must be held within 4 months.
- (2) In order for a recall petition to be relevant the appropriate Returning Officer must be satisfied that—
 - (a) the petition has been submitted in accordance with the rules provided for in subsection (3); and
 - (b) there is evidence contained in the petition that the elected representative has—
 - (i) acted in a way which is financially dishonest or disreputable,
 - (ii) intentionally misled the body to which he or she was elected,
 - (iii) broken any promises made by him or her in an election address,
 - (iv) behaved in a way that is likely to bring his or her office into disrepute, or
 - (v) lost the confidence of his or her electorate.
- (3) The Secretary of State must make rules by statutory instrument within 6 months of the passing of this Act setting out—
 - (a) how notice of intent to petition for recall is to be given,
 - (b) how “registered voters” are to be defined in this Act for different types of constituency,
 - (c) the definition of “appropriate Returning Officer”,
 - (d) the ways in which registered voters can sign a recall petition, and
 - (e) the ways in which signatures to such petitions will be verified.

- (4) The Secretary of State must issue guidance to Returning Officers relating to how to make assessments under subsection (2)(b) within 6 months of the passing of this Act.

2 Recall elections

- (1) The question that is to appear on the ballot papers in a recall election is “Should [name of elected representative] be recalled from [name of body or office]?”. 5
- (2) The Secretary of State must make rules by statutory instrument within 6 months of the passing of this Act making provision relating to entitlement to vote in, and the conduct of, the recall election.
- (3) If at a recall election more votes are cast in favour of the answer “Yes” than in favour of the answer “No”, then – 10
- (a) if the elected representative has been elected under a first past the post or alternative vote electoral system, he or she is recalled and a by-election must be held within 3 months in which the recalled candidate may stand, or 15
- (b) if the elected representative has been elected under a system of proportional representation, the next candidate on the relevant party list shall take the seat.

3 Interpretation

In this Act “elected representative” means any person elected in England to serve as a Member of Parliament, a Member of the European Parliament, a member of a local or parish council, or an elected Mayor. 20

4 Rules

A statutory instrument containing rules under this Act is subject to annulment in pursuance of a resolution of either House of Parliament. 25

5 Financial provisions

There shall be paid out of money provided by Parliament –

- (a) *any sums to be paid by the Secretary of State for or in connection with the carrying out of his functions under this Act; and*
- (b) *any increase attributable to this Act in the sums which are payable out of money so provided under any other Act.* 30

6 Short title, commencement and extent

- (1) This Act may be cited as the Recall of Elected Representatives Act 2011.
- (2) Section 1(1) of this Act comes into force at the end of the period of 18 months beginning with the day on which this Act is passed. 35
- (3) The remaining provisions of this Act come into force on the day it is passed.
- (4) This Act extends to England and Wales.

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Presented by Zac Goldsmith

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