



DIRECT LEGISLATION ACT

An Act to Provide Representative Government, the Initiation and Approval of Legislation by Electors and the Right of the Electors to Recall their Member of the Legislative Assembly

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts the following:

1. Short Title

1.1 This Act may be cited as the “Direct Legislation Act”.

2. Purpose

2.1 The purpose of this Act is to:

- (a) set the dates of provincial elections on a specific day at a specific interval;
- (b) allow Members of the Legislature to vote on Bills in accordance with the expressed or perceived views of their constituents;
- (c) propose legislation which shall be dealt with in the Legislature in the same manner as would a Bill proposed by the Government;
- (d) allow the electors of British Columbia to vote on a question submitted to them; and
- (e) recall Members of the Legislative Assembly.

3. Interpretation

3.1 In this Act:

- (a) “Clear language” means language that can be readily understood by ordinary people;
- (b) “Electors” means all people who have a right to vote under the *Elections Act*.

4. Fixed Election Dates

4.1 “Fixed election dates” means that elections for the Provincial Legislature shall be set for a specific day at a specific interval.

5. Free Votes in the Legislative Assembly

5.1 “Free votes in the Legislative Assembly” means allowing Members to vote in accordance with the expressed or perceived views of their constituents, notwithstanding instructions given by the Leader of their Party.

6. Initiative

- 6.1 “Initiative” means the right of the electors of British Columbia to propose the repeal of a bill or an existing law, or to propose a law of their own choosing.
- 6.2 An initiative to propose the repeal of a bill or an existing law shall be commenced by a petition which is certified to have been signed by electors equal in number to 3% of the votes cast for all candidates in the last provincial election.
- 6.3 An initiative to propose a law of the people’s choosing shall be commenced by a petition which is certified to have been signed by electors equal in number to 6% of the votes cast for all candidates in the last provincial election.

7. Referendum

- 7.1 “Referendum” means the referral to electors of measures proposed either by the Legislative Assembly or by the electors of British Columbia (as described in Article 6) for final, binding approval or rejection
- 7.2 Within ninety (90) days after receiving a petition either from the Legislative Assembly or from the electors (as described in Article 6), the Provincial Secretary will direct that a referendum be submitted to the electors for their vote.
- 7.3 If a municipal or provincial election is to be held within one hundred eighty (180) days from the date the petition is received by the Provincial Secretary, the referendum may also be held on that date.

8. Recall

- 8.1 “Recall” means the right of the electors from any provincial constituency to recall their Member of the Legislative Assembly.
- 8.2 Recall of a Member of the Legislative Assembly is initiated by presenting to the Provincial Secretary a petition alleging reason for recall. Sufficiency of reason is not subject to review. The petition must be signed by electors from the Member’s constituency in a number equal to 12% of all the votes cast for all candidates in the said constituency in the last provincial election.

9. Results of Referendum to be Announced and Implemented

- 9.1 The results of the referendum shall be announced immediately after the vote is taken in a manner that will inform the electorate.
- 9.2 The Provincial Secretary shall report the results of the referendum to the Legislative Assembly as soon as practicable after they are known.

- 9.3 If a majority of over 50% of the eligible voters approve the question stated, the measure is carried, and it will be passed in the Legislative Assembly as soon as practicable and receive assent from the Lieutenant Governor.

10. Approval of Petition Prior to Circulation

- 10.1 Prior to circulation, a petition shall be submitted to the Provincial Secretary for approval as to form. A group of electors presenting a petition shall be known as a “Sponsoring Committee” and shall nominate one of its number as Chairman. The request for approval as to the form of the petition shall be presented with the names and signatures of twenty-five (25) qualified electors residing in the Province.

11. Form of Ballot Title

- 11.1 The ballot title of any petition to be initiated shall consist of:
- (a) A caption of not more than ten (10) words by which the measure is commonly known;
 - (b) A question of not more than twenty (20) words which plainly states the purpose of the measure, and is phrased so that an affirmative response to the question corresponds to an affirmative vote on the measure; and
 - (c) A concise statement of the chief purpose of the measure not exceeding seventy-five (75) words.
- 11.2 To avoid confusion, the ballot title shall not resemble any title previously filed for submission at the same election.

Within five (5) business days of the submission of the petition, the Provincial Secretary shall approve the petition for circulation, if it is in the proper form, and contains the names and addresses of the sponsors.

12. Readability Test for Ballot Title

- 12.1 For all measures, the Provincial Secretary by rule shall designate a test of readability and adopt a standard of minimum readability for a ballot title. The ballot title shall comply to the fullest extent with the standard's requirements of impartiality, conciseness and accuracy.

13. Proper Form

- 13.1 A petition shall be considered in proper form if it contains language that is similar in import to the following:
- (a) Petition to Initiate:

“We, the undersigned electors, propose an Act, the full text of which is attached to this petition, and request that it be submitted to the electors by referendum.”
 - (b) Petition to Recall:

“We, the undersigned electors from the provincial constituency of _____, wish to recall _____, our Member of the Legislative Assembly, for the reasons listed and request that it be submitted to the electors of the said provincial constituency by referendum.”

14. Submitting Prospective Petition

- 14.1 (a) Each sheet of signatures on a petition shall contain the caption of the ballot title and contain the subject expressed in the title of the Act to be referred. The Provincial Secretary, by rule, shall adopt a method to ensure that all signature sheets of the petition contain the same subject reference and are being circulated during the same period.
- (b) The reverse side of the cover of the petition may be used for obtaining signatures. If both sides of a sheet are used, each side shall contain the information required under section (a) of this article.

- (c) Not more than twenty (20) signatures on the cover or on each side of the petition shall be counted.

15. Who May Circulate and Sign the Petition

- 15.1 Any elector may sign a petition for any measure on which the elector is entitled to vote.
- 15.2 The petition may be circulated by any person. The petition shall be supported by an affidavit of the person circulating the petition declaring:
 - (a) that the electors who have signed the petition did so in the presence of the person circulating the petition;
 - (b) that the signature of the elector is a genuine signature of the signing elector to the best knowledge of the person circulating the petition;
 - (c) the dates between which all signatures were obtained.
- 15.3 Each elector who signs a petition shall print in clear letters on the petition, his/her name, address, phone number, and the date of signing.
- 15.4 The Sponsoring Committee shall have the following time periods after the petition is approved by the Provincial Secretary for circulation of the petition:
 - (a) in the case of an initiative under Article 6.2, one hundred twenty (120) days from the date of approval for circulation by the Provincial Secretary;
 - (b) in the case of an initiative under Article 6.3, one hundred eighty (180) days from the date of approval for circulation by the Provincial Secretary;
 - (c) in the case of an initiative to recall, sixty (60) days from the date of approval for circulation by the Provincial Secretary.

- 15.5 The Queen's Printer shall supply to any person at no cost, a printed form of petition setting forth the text of the petition as described in Article 13 and in the format required by Article 14.

16. Offenses

- 16.1 No person shall circulate a petition for gain.
- 16.2 No person, as principal or agent in control of the circulation of a petition, shall intentionally misrepresent or make any false statement concerning the content, purpose or effect of the petition to any person to whom it is presented for his or her signature.
- 16.3 No person shall willfully and knowingly circulate, publish or exhibit any false statement or misrepresentation concerning the content, purpose or effect of any petition for the purpose of obtaining any signature to, or persuading or influencing any person to sign that petition.
- 16.4 No person shall refuse to allow a prospective signer to read the measure or sign the petition.
- 16.5 No person shall cover or otherwise obscure the summary of the measure from the view of the prospective signer.
- 16.6 No person shall solicit any person circulating the petition to affix to any petition any false or forged signature, or to cause or permit such signature to be affixed.

17. Penalty

- 17.1 Every person who commits an offense under this Act is punishable by imprisonment for a period of two (2) years.

18. Number of Copies of Petition

- 18.1 There shall be no limit to the number of copies of a petition. Copies shall become part of the original petition when submitted.

19. Number of Electors on Electors List

19.1 The Provincial Secretary shall provide to the Sponsoring Committee at the time of approval of the petition for circulation, at no cost, the total number of electors on the current electors' list, either for the Province, or, in the case of a recall petition, the total number of electors on the electors' list for the relevant provincial constituency used at the time of the election of the Member. In the case of a petition for an initiative, the Provincial Secretary shall also indicate the number of signatures required based on the total votes polled for all candidates at the last provincial election, and, in the case of a petition to recall, the number of signatures required based on the total of votes polled for all candidates in the constituency of the Member at the time of his/her election.

20. Filing of Petition

20.1 Once the requisite number of signatures are obtained, a petition shall be presented to the Provincial Secretary for filing. The petition shall be deemed to be filed on the date that it is forwarded to the office of the Provincial Secretary. Upon filing of a petition, the Provincial Secretary shall determine the total number of signatures affixed to the petition within five (5) business days. If the total number of signatures is less than 100% of the number of signatures required, the Provincial Secretary shall notify the Chairman of the Sponsoring Committee and indicate the number of additional signatures required. In the event that the total number of signatures is less than 100%, the Sponsoring Committee shall have an additional thirty (30) days from the date of notification by the Provincial Secretary to circulate the petition in an effort to gain the total number of signatures required to initiate a referendum.

21. Statistical Sampling

21.1 Within fifteen (15) days of the Provincial Secretary notifying the Chairman of the Sponsoring Committee that the number of required signatures on the petition is sufficient, the Provincial Secretary shall determine the number of qualified electors who have signed the petition by random sampling. Such random sampling shall include examination of at least 2% of the signatures on the petition. If the statistical sampling shows the number of valid signatures is within 90% of the number of signatures of electors needed to declare the petition sufficient, the petition shall be accepted by the Provincial Secretary. The Chairman of the Sponsoring Committee shall be notified by the Provincial Secretary and advised of the findings of the statistical sampling.

22. Effect of Vote

- 22.1 In the event that voters do not approve of a proposed piece of legislation with a majority, the proposed legislation automatically lapses and similar measures may not be introduced by the Legislative Assembly for a period of five (5) years.
- 22.2 In the event that a measure receives a majority vote, the Government shall, as soon practicable, take steps to implement the results of the referendum including any and all of the following:
- (a) introducing legislation in the Legislative Assembly during its first session after the results of such a referendum are known;
 - (b) changing programs or policies, or introducing new programs or policies, that are administered by or through the Government.
- 22.3 No measure that becomes an Act shall be repealed by the Legislative Assembly for five (5) years from the date it comes into force.

23. Effect of Vote: Recall

23.1 If a majority of over 50% of electors who voted approve a recall of their Member, a by-election shall be called within the same time period as prescribed in the *Elections Act*, and the recalled Member may not be a candidate in the same by-election. If a recall is not approved by the electors who voted, a Member shall not be challenged again under the provisions of this Act during the remaining term of office.

24. Appropriation

24.1 Administrative costs of conducting a referendum under this Act may be paid out of the consolidated revenue fund.

25. Initiated Measures

25.1 No initiated measure that is, in the opinion of the Provincial Secretary, substantially similar to an initiated measure which has been rejected by electors, shall be proposed for a period of four (4) years from the date of the vote that rejected the measure.

26. Regulations

26.1 The Provincial Secretary may make regulations not inconsistent with this Act for the proper carrying out of its provisions and in particular for regulating the procedure prior to, at and after the said voting, the advertising of the taking of said vote, the publication and dissemination of literature pertaining to the matters voted upon, the procedure as to a recount of scrutiny, and such other matters as may be deemed advisable.

27. Application of the *Elections Act*

27.1 The provisions of the *Elections Act* respecting the election of Members to the Legislative Assembly, including the qualifications of voters shall, subject to the provisions of this Act and any regulation made by the Lieutenant Governor in Council pursuant to the provisions of this Act, apply with the necessary changes to the conduct of such proceedings.

28. Amendments

28.1 This Act may not be amended or repealed without the consent of the electors, by a referendum.