

BILL

No. 84 of 1913.

An Act to Provide for the Initiation or Approval of Legislation by the Electors.

(Assented to 1913).

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

- 1.** This Act may be cited as "*The Direct Legislation Act.*" Title.
- 2.** In this Act, unless the context otherwise requires, the expression—

 - 1.** "Electoral Division" means any electoral division in the province entitled to return a member or members to the Legislative Assembly;
 - 2.** "Electors" means all persons whose names appear on the list of electors which would be used at the time of holding of the vote at a general election of members to serve in the Legislative Assembly were such election being then held.
- 3.** The Legislature, with reference to any Act, may declare that it shall not come into force until the ninetieth day after the close of the session during which the same is passed. Legislature may delay coming into force for 90 days.
- 4.** Any number of electors being not less than ten per centum in number of the total votes polled at the general provincial election then last held, may address a petition to the Lieutenant Governor-in-Council (provided that the said petition must be signed by a number of electors in each and every electoral division in the province equal in number in each electoral division to at least 5 per centum of the votes polled in said electoral division at the election then last held for the purpose of electing a member of the Legislative Assembly), praying that any Act or any part of parts of the said Act, the operation of which is deferred under the provisions of section 3 hereof be referred to a vote of the electors. Such petition shall be in form "A" in the schedule hereto or to the like effect and shall be presented to the clerk of the Executive Council before the ninetieth day after the close of the session of the Legislature at which said Act was passed. Referendum petition.
- 5.** When any such petition is presented under the provisions of section 4 hereof the operation of the Act therein referred to shall be and is hereby further deferred until a vote of the electors is taken thereon and the result of such vote finally determined as hereinafter provided. Operation of Act stayed 90 days.
- 6.** Any number of electors being not less than 10 per centum in number of the total votes polled at the general provincial election then last held may present to the Legislative Assembly, at any time before the expiration of the time for the presenting of petitions to the Legislative Assembly, a petition in the Form "B" in the schedule hereto or to the like effect praying that a proposed Act, a copy of which shall accompany the said petition, be enacted by the Legislature: Initiative petition.

Provided that the said petition must be signed by a number of electors in each and every electoral division in the Province equal in number in each electoral division to at least 5 per centum of the votes polled in said electoral division at the election then last held for the purpose of electing a member of the Legislative Assembly:

Provided however that no such proposed Act shall be considered by the Legislative Assembly which provides for any grant or charge upon the public revenue or which is not certified to by the Attorney General as being in his opinion within the legislative jurisdiction of the Legislature of Alberta.

7. Every proposed Act presented to the Legislative Assembly under the provisions of section 6 hereof and which complies with all the requirements of the said section shall, unless it is enacted during the session at which it is presented without amendment or with only such amendments as shall be certified to by the Speaker as not constituting a substantial alteration therein, or as not changing the meaning, intent or effect thereof, be submitted to a vote of the electors as hereinafter provided.

Proposed Act as substantially altered by Legislative Assembly must be submitted to electors.

8. The Lieutenant Governor-in-Council shall after each session of the Legislature issue a writ for the taking of a vote upon all Acts or proposed Acts or part or parts of any Act, if any, upon which a vote may be required under any provision of this Act; such writ shall issue not earlier than three months and not later than ten months after the close of the said session, and the date fixed therein for the taking of the vote shall be not less than twenty-three days and not more than twenty-seven days after the date of the writ, and the said writ shall be returned upon such date as shall be stated therein.

Lieutenant-Governor to issue writ to take vote.

9. The writ shall be addressed and forwarded by mail by the clerk of the Executive Council to the returning officer appointed by the Lieutenant Governor-in-Council for each electoral division.

Writ addressed to Returning Officer of each E.D.

10. Where a vote under the provisions of this Act is provided to be held upon the same day as the polling in a general election of members to serve in the Legislative Assembly, the returning officers, deputy returning officers, poll clerks and other officials appointed for the purposes of the said general election shall act in the same capacity for the purposes of the vote taken under this Act, and the same ballot boxes and polling booths shall be used for the purposes of the said vote as are used for the said election:

Officers appointed for general election purposes to act in certain cases.

Provided however that in every such case the ballots for the said vote shall be of a colour different from the ballots of the said election.

11. The clerk of the Executive Council shall forthwith upon the issue of such writ publish in *The Alberta Gazette* a notice of the same and a copy of the Act or parts of Acts upon which the vote is to be taken.

Publication of Act and notice of writ.

12. The clerk of the Executive Council shall forthwith after the issue of the said writ cause to be published in every newspaper published in the province a notice of the taking of the vote giving a description of the Act or Acts or parts thereof or of the proposed Act or Acts to be voted upon.

Notice of the vote to be published in all newspapers in Province.

13. For the purposes of the taking of the said vote all the provisions of *The Alberta Election Act* respecting the election of members of the Legislative Assembly, including the qualification of voters shall subject to the provisions of this Act and of any regulations that may be made by the Lieutenant Governor-in-Council pursuant hereto apply *mutatis mutandis* to the conduct of such proceedings.

The Alberta Election Act to apply.

14. The voting shall be by ballot and each voter shall indicate his vote by marking it on the ballot in accordance with the directions given therein:

Vote by ballot.

Provided that when more than one Act or proposed Act is being voted upon, a separate ballot shall be prepared for each said Act or proposed Act.

15. The ballot shall be shown in schedule "B" hereto, with such variations as are necessary. Ballot as in Schedule "B".

16. The ballots shall be prepared by the Government Printer and shall be forwarded to the returning officers in sufficient number for each electoral division by the clerk of the Executive Council together with such forms, notices and instructions as the Lieutenant Governor-in-Council may prescribe. Ballots shall be prepared by Government Printer.

17. Every returning officer shall in respect of each Act or proposed Act to be voted upon by writing under his hand, appoint from among the applicants for such appointment or on behalf of persons applying to have such appointments made, two agents to attend at each polling station and to act as scrutineers at the final summing up of the votes on behalf of those desirous of obtaining an affirmative answer to the question and two agents to so attend on behalf of those desirous of obtaining a negative answer, but no such agents shall be entitled to any remuneration from the public treasury. Appointment of agents.

(2) Before any person so appointed enters upon his duties as agent, he shall make and subscribe before the returning officer or any deputy returning officer, a declaration to the effect that he is interested in and desirous of obtaining an affirmative or negative answer, as the case may be, to the question, which declaration may be in the form "C" in the schedule to this Act. Agent shall make declaration.

(3) Every person so appointed, before being admitted to the polling station, or to the final summing up of the votes, as the case may be, shall produce to the deputy returning officer his written appointment. Agent shall produce appointment.

(4) In case no person has been appointed as aforesaid to attend at any polling station, or at the final summing up of the votes, or in the absence of any person so appointed, any electors not exceeding two in the same interest, may upon making and subscribing a declaration to the above effect before the deputy returning officer or the returning officer, as the case may be, be admitted to the polling station or to the final summing up of the votes, as agents on behalf of that interest. In absence of agents, electors may act.

(5) Whenever it is provided in *The Alberta Election Act* that anything may or shall be done in the presence of or by the candidate or his agent, such provision shall, as applied to proceedings under this Act, be taken to refer to agents appointed in the manner aforesaid. The Alberta Election Act applied.

18. At the close of the poll the deputy returning officer, in the presence of such agents as attend, shall with reference to each Act or part of an Act, count the ballots, placing them in three parcels, namely: affirmative ballots, negative ballots and rejected ballots; shall give to one agent representing the affirmative and to one agent representing the negative a statement showing the number of affirmative and negative votes respectively and the number of rejected ballots; shall seal the three parcels and forthwith forward or deliver to the returning officer the three parcels and also all unused ballot papers and a statement of the result of the poll. At close of poll, Deputy Returning Officer shall count ballots.

19. A ballot shall be rejected in each of the following cases: Definition of rejected ballots.

- (a) If it is not authenticated by the initials of the deputy returning officer, unless the said deputy has inadvertently omitted to initial the same;
- (b) If it is not marked with a cross;
- (c) If it has more than one cross; or any other mark in addition to a cross by which he thinks it was intended to be identified.

20. Each returning officer after he has received from each deputy returning officer a statement showing the voting on the ballots taken from the ballot box opened by him, shall indorse on the writ a statement certifying in relation to the votes given at the polling places in or for his electoral division upon each Act or proposed Act voted upon:

- (a) The number of votes in the affirmative;
- (b) The number of votes in the negative; and
- (c) The number of ballots rejected;

and shall within ten days after the holding of the vote transmit the writ as indorsed together with all sealed parcels of ballots and unused ballot papers to the clerk of the Executive Council.

Returning Officer shall indorse on writ result of poll in his E.D. and transmit to Clerk of Executive Council.

21. The clerk of the Executive Council shall prepare from the returns indorsed on the writ so returned to him, a statement of the number of votes in the affirmative, of the number of votes in the negative, and of the number of ballots rejected, and shall sign the statement and shall publish a copy of the same in The Alberta Gazette within thirty days after the taking of the vote and the statement so published shall be conclusive evidence of the result of the vote, unless a scrutiny or recount is demanded.

Clerk of Executive Council shall make and publish statement of vote.

22. Any elector may within ten days from the date of the publication in the Gazette of the said statement by the said clerk obtain an appointment from any Judge of the Supreme Court for a recount or scrutiny or both of the whole vote in the province; provided he, within said ten days, deposit with the said clerk the sum of \$, to be applied in payment of the expenses of such recount or scrutiny or both. In case no regulations are made under Section 25 as to such recount or scrutiny the said judge shall give all necessary directions and shall conduct said scrutiny or recount or both and shall certify the result to the said clerk and such certificate shall be conclusive evidence as to the result.

Electors may demand recount or scrutiny.

23. In the case of every Act or part thereof voted upon under the provisions of section 5 hereof and decided in the affirmative, the Lieutenant Governor-in-Council may provide by proclamation the date from and after which the said Act or part thereof shall come into force; and any such Act or part thereof decided in the negative shall not come into force and shall be repealed and removed from the statutes of the province at the next ensuing session of the Legislature.

Proclamation by Lieutenant-Governor.

24. In the case of every proposed Act voted upon under the provisions of section 7 hereof and decided in the affirmative, the said proposed Act shall be enacted by the Legislature at its next session without amendment, save such amendments as may be certified to by the Speaker as not constituting a substantial alteration therein, or as not changing the meaning, effect or intent thereof, and notwithstanding the provisions of section 3 hereof shall come into force upon receiving the royal assent and in the case of every such proposed Act decided in the negative, no petition praying for the enactment of the same proposed Act or one which is certified to by the Speaker as being substantially similar thereto shall be presented to the Legislative Assembly for a period of three years after the taking of the said vote.

As to a proposed Act, if vote is in affirmative, Legislature shall pass. If negative, no further petition for 3 years.

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

Lieutenant-Governor may make regulations.

26. The Lieutenant Governor-in-Council shall proclaim the date of the coming into force of this Act.

Date of coming into force.

FORM A.

Writ For a Referendum.

Province of Alberta.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominion beyond the Seas, King, Defender of the Faith, etc.

To of in the Province of Alberta, and to all others whom it may concern: Greeting:

We command you that you cause the Act or Acts or parts of Acts or the proposed Act or Acts (copies of which are attached hereto) to be submitted according to law to the electors qualified to vote for the election of a member of the Legislative Assembly for the electoral division of, And we appoint the following dates for the purposes of the said submission:

- 1. For taking the votes of the electors the day of, 19
2. For the return of the writ on or before the day of 19

In testimony whereof, we have caused these our letters to be made patent, and the Great Seal of our said Province of Alberta to be hereunder affixed.

Witness our trusty and well-beloved Lieutenant-Governor (or administrator) of our Province of Alberta, at our City of Edmonton, the day of in the year of our reign, and in the year of our Lord 19.....

(By Order) Clerk of the Executive Council.

FORM B.

The Province of Alberta.

The Direct Legislation Act.

Submission of a proposed Act (or an Act or part of an Act as the case may be) entitled (here insert title) to electors.

Direction of voters: The voter shall indicate his vote as follows:

If he approves of the proposed Act (or of the Act, or part of said Act, as the case may be) he shall make a cross in the square opposite the word "Yes".

If he does not approve of the proposed Act (or of the Act or part of Act, as the case may be) he shall make a cross in the square opposite the word "No".

BALLOT.

Question: Do you approve of the proposed Act (or do you approve of the Act or part of the Act, as the case may be), (here set out the title of the proposed Act or the title of the Act or part of said Act, as the case may be).

[Empty square box for YES vote]

YES.

[Empty square box for NO vote]

NO.

FORM C.

In the Matter of The Direct Legislation Act.

I, do solemnly declare
that I am interested in and desirous of obtaining an affirmative
(or a negative, *as the case may be*) answer to the question stated
in the ballot paper.

Solemnly declared at
..... this
day of
19 Before me

.....
Returning Officer or Deputy Returning Officer
(as the case may be).

No. 84

FOURTH SESSION
SECOND LEGISLATURE

3 GEORGE V
1913

BILL

An Act to provide for the Initiation or
Approval of Legislation by
the Electors.

~~Received and read the~~

First time

Second time

Third time

HON. CHAS. STEWART

EDMONTON :
J. W. JEFFERY, Government Printer
A.D. 1913