

1992 BILL 1

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA,

BILL 1

CONSTITUTIONAL REFERENDUM ACT

THE PREMIER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 1

1992

CONSTITUTIONAL REFERENDUM ACT

(Assented to , 1992)

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

Holding referendums **1** The Lieutenant Governor in Council may order that a referendum be held on any question relating to the Constitution of Canada or relating to or arising out of a possible change to the Constitution of Canada.

Referendum to precede constitutional change **2(1)** The Lieutenant Governor in Council shall order the holding of a referendum before a resolution authorizing an amendment to the Constitution of Canada is voted upon by the Legislative Assembly.

(2) The motion for the resolution may be introduced in the Legislative Assembly before the referendum is held.

Question to be asked **3** The question or questions to be put to the electors at a referendum shall be determined by a resolution of the Legislative Assembly on the motion of a member of the Executive Council.

When referendum binding	<p>4(1) If a majority of the ballots validly cast at a referendum vote the same way on a question stated, the result is binding, within the meaning of subsection (2), on the government that initiated the referendum.</p> <p>(2) If the results of a referendum are binding, the government that initiated the referendum shall, as soon as practicable, take any steps within the competence of the Government of Alberta that it considers necessary or advisable to implement the results of the referendum.</p>
Time of referendum	<p>5 An order under section 1 or 2 shall specify whether the referendum is to be held</p> <ul style="list-style-type: none"> (a) in conjunction with a general election under the <i>Election Act</i>, (b) separately on a date provided in the order, or (c) in conjunction with the general elections under the <i>Local Authorities Election Act</i>.
Application of Election Act	<p>6(1) If a referendum is to be held in conjunction with a general election under the <i>Election Act</i> or separately on a date provided for under section 5(b), the <i>Election Act</i> and the regulations under it apply, with all necessary modifications, to the referendum except as otherwise provided by the regulations under this Act.</p> <p>(2) The persons eligible to vote at a referendum to which the <i>Election Act</i> applies are the persons who would be eligible to vote at an election under the <i>Election Act</i> on the day the referendum is held.</p>
Application of Local Authorities Election Act	<p>7(1) If a referendum is to be held in conjunction with the general elections under the <i>Local Authorities Election Act</i>, the <i>Local Authorities Election Act</i> and the regulations under it apply, with all necessary modifications, to the referendum except as otherwise provided by the regulations under this Act.</p> <p>(2) The persons eligible to vote at a referendum to which the <i>Local Authorities Election Act</i> applies are the persons who would be eligible to vote at an election under the <i>Local Authorities Election Act</i> on the day the referendum is held.</p>

When
councils to
conduct vote

8(1) When a referendum is to be held under the *Local Authorities Election Act*, every council shall conduct the referendum of the electors residing in the municipality, except as otherwise provided in this section.

(2) The council shall conduct the referendum notwithstanding that a general election under the *Local Authorities Election Act* is not required in that municipality.

(3) If a council has entered into an agreement with one or more elected authorities in the same area for the conduct of a general election under the *Local Authorities Election Act*, the elected authority that is responsible for the conduct of the general election under the agreement shall conduct the referendum and has all the rights, powers and duties of the council to conduct the referendum.

(4) The Minister of Municipal Affairs is responsible for conducting a referendum of the electors residing in improvement districts, special areas, Metis settlements, summer villages, new towns, Indian reserves and national parks and for the purposes of the referendum has all the rights, powers and duties of a council to conduct the referendum, including the authority to appoint returning officers and other election officers.

(5) The Minister of Municipal Affairs may enter into an agreement

- (a) with any elected authority in the area or in an area adjacent to an improvement district, special area, Metis settlement, summer village, new town, Indian reserve or national park, or
- (b) with the advisory council of an improvement district or the advisory committee of a special area, the settlement council of a Metis settlement, the board of administrators of a new town or the council of a summer village

to conduct the referendum on the Minister's behalf, and the elected authority, advisory council, advisory committee, settlement council, board of administrators or council has authority to enter into such an agreement.

(6) An elected authority, advisory council, advisory committee, settlement council, board of administrators or council that enters into an agreement under subsection (5) has all the rights, powers and duties of the Minister of Municipal Affairs to conduct the referendum.

(7) In accordance with the regulations, payments shall be made to elected authorities and other bodies that conduct a referendum.

(8) In this section, “council” and “elected authority” include the council of the City of Lloydminster.

Results of referendum

9(1) The Chief Electoral Officer shall announce the results of a referendum in accordance with the regulations.

(2) The minister responsible for the administration of this Act shall report the results of a referendum to the Legislative Assembly as soon after they are known as practicable.

Regulations

10 The Lieutenant Governor in Council may make regulations

- (a) modifying the provisions of the *Election Act* and the *Local Authorities Election Act* and the regulations under those Acts to make them applicable to the requirements of a referendum, including adding to and declaring any provisions of those Acts and regulations to be or not to be applicable to the referendum;
- (b) prescribing the duties and powers of the Chief Electoral Officer in connection with referendums;
- (c) respecting amounts that are payable to elected authorities and other bodies conducting a referendum under section 8;
- (d) prohibiting or regulating, for the purposes of campaigning for or against any question put to the electors at a referendum,
 - (i) contributions that may be made to political parties, persons and groups of persons, and
 - (ii) expenses that may be incurred by political parties, persons and groups of persons;
- (e) generally respecting any other matters and things relating to the holding and conduct of a referendum that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

Appropriation

11 The cost of conducting a referendum may be paid out of the General Revenue Fund.