

1994 BILL 203

Second Session, 23rd Legislature, 43 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 203

CITIZEN'S INITIATIVE ACT

MR. HAVELOCK

First Reading.....

Second Reading.....

Committee of the Whole

Third Reading.....

Royal Assent

Bill 203
Mr. Havelock

BILL 203

1994

CITIZEN'S INITIATIVE ACT

(Assented to , 1994)

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

Interpretation

1 In this Act,

- (a) "Clerk" means Clerk of the Legislative Assembly;
- (b) "elector" means a person who, on the relevant date, is a Canadian citizen, is eighteen years of age or older and is, and has been for at least the immediately preceding 6 months, ordinarily resident in Alberta;
- (c) "electoral division" means the electoral divisions set out in the Schedule to the *Electoral Divisions Act*;
- (d) "proposal" means the proposal referred to in section 2;
- (e) "sponsor" means an elector who sponsors a proposal pursuant to section 2;

PART 1

PROPOSALS FOR AN INITIATIVE REFERENDUM

Proposals

2(1) Subject to this section, any elector may propose that an initiative referendum be held to require the Legislative Assembly to introduce a bill.

(2) The bill referred to in subsection (1) may, subject to section 4, propose to amend an existing statute, repeal an existing statute, or it may be a bill to enact a new statute.

(3) A proposal under this section shall be made in writing, addressed to the Clerk and shall consist of

- (a) the name and address of the sponsor,
- (b) a draft of the bill,
- (c) an affidavit that the sponsor is an elector, and
- (d) a filing fee in the amount of \$200.

3(1) Upon receipt of a proposal under section 2, the Clerk shall refer the proposal to Parliamentary Counsel and give notice of the referral to the sponsor.

(2) Parliamentary Counsel shall, within 10 days of receipt of the proposal,

- (a) review the proposal and recommend revisions or alterations of the proposal to the sponsor, and
- (b) decide whether the proposal is acceptable pursuant to section 4 and advise the Clerk, in writing, accordingly.

(3) In preparing his recommendations under subsection (2)(a), Parliamentary Counsel may meet with the sponsor or such representatives as the sponsor may designate.

(4) The recommendations of Parliamentary Counsel under subsection (2)(a) shall not be binding on the sponsor.

Unacceptable
Proposals

4 A proposal is not acceptable if it

- (a) appropriates any part of the public revenue,
- (b) imposes any tax or impost,
- (c) falls outside of the powers of a provincial legislature as enumerated in the Constitution of Canada, or
- (d) contravenes the Canadian Charter of Rights and Freedoms.

5 If Parliamentary Counsel advises the Clerk that a proposal is

not acceptable within the meaning of section 4, the Clerk shall within 5 days serve written notice upon the sponsor that his proposal cannot proceed further.

Appeals

6 The sponsor may appeal a decision of Parliamentary Counsel, the Clerk or the Chief Electoral Officer under this Act to the Court of Queen's Bench by way of originating notice, returnable within 30 days after the date of service of the notice referred to in section 5, on the sponsor showing the Parliamentary Counsel, the Clerk or the Chief Electoral Officer as the respondent.

PART 2

PETITIONS

Notice of
Acceptance of
Proposal

7 If Parliamentary Counsel decides that a proposal is acceptable within the meaning of section 4, the Clerk shall, within 5 days

(a) serve written notice upon the sponsor that he may commence to solicit petitions pursuant to Part 2 of this Act,

(b) assign the proposal a serial number by which it shall thereafter be known and designated on all petitions, ballots and proceedings, and

(c) ask the Parliamentary Counsel to prepare a title and summary pursuant to section 8.

Formulation of
Summary of
Proposal

8(1) Within 7 days of receiving a request for a title and summary from the Clerk, Parliamentary Counsel shall formulate and provide to the Clerk

(a) a concise statement bearing the serial number of the proposal, posed as a question, not to exceed 20 words, giving an accurate and impartial summary of the proposal, and

(b) a summary of the proposal, not to exceed 250 words, which is not argumentative nor which is likely to create prejudice either for or against the proposal.

(2) The statement referred to in subsection (1)(a) shall constitute the ballot title.

(3) When practicable, the question posed by the statement referred to in subsection (1) shall be worded in such a way that an affirmative vote on the proposal would result in a bill being introduced in the Legislative Assembly.

Notification of
Summary

9 Upon receipt of the statement and summary the Clerk shall, within 5 days, notify the sponsor in writing of the exact language of the statement and summary and thereafter the statement shall be the ballot title of the proposal in all petitions, ballots and other proceedings relating thereto.

Solicitation of
Signatures

10 The sponsor shall have no more than 360 days from the date of receipt of the statement and summary from the Clerk, to solicit the necessary signatures for an initiative petition.

Form of Petition

11 An initiative petition shall

(a) be printed on good quality paper not less than 219 millimetres in width and 279 millimetres in length,

(b) consist of not more than one sheet with numbered lines for not more than 20 signatures,

(c) contain the statement and serial number, together with the warning and prayer substantially in the form set out in Schedule 1 to this Act,

(d) contain the summary printed on the back of the sheet, and

(e) clearly indicate the name of the electoral division from which the signatures are obtained.

Prohibition

12 No person who is not an elector shall sign a petition.

Required Number
of Signatures

13(1) When the sponsor has secured upon the initiative petition a number of signatures of electors equal to or exceeding

(a) 10% of the votes cast in the immediately preceding provincial general election, and

(b) 10% of the votes cast in each of two-thirds of the electoral divisions in the immediately preceding provincial general election,

he may submit the petition to the Chief Electoral Officer.

(2) Any initiative petition submitted to the Chief Electoral Officer shall be accompanied by full disclosure of the financing and expenditures related to the initiative petition as follows:

(a) all money or real or personal property that was provided to the sponsor with its or his consent, without compensation from the sponsor, for the purpose of financing the solicitation of names for the initiative petition including the name of the person providing the money or property and the amount of the money or the property contributed;

(b) the amount and all other sources of income obtained by the sponsor for the purpose of financing the solicitation of names for the initiative petition; and,

(c) all expenditures incurred, including the name of the person to whom the expenditure was incurred for the purpose of the solicitation of names for the initiative petition.

(3) Such disclosure shall take the form of an affidavit attested to by the sponsor.

(4) The Chief Electoral Officer shall make the disclosure referred to in subsection (2) available for inspection by any member of the public.

Unacceptable
Petitions

14 The Chief Electoral Officer may refuse to accept any initiative petition which

(a) is not in the required form,

(b) clearly bears insufficient signatures,

(c) is not accompanied by the disclosure required by section 13(2),

(d) is submitted later than 360 days after the date upon which the sponsor received the statement and summary from the Clerk pursuant to section 9.

Consolidation of
Petitions

15 If the Chief Electoral Officer accepts the initiative petition, he shall arrange and assemble the sheets containing the signatures into such volumes as will be convenient for verification and shall

consecutively number the volumes and stamp the date of filing on each volume.

**Verification of
Petitions**

16(1) Subject to this section, upon accepting the initiative petition, the Chief Electoral Officer shall verify the names of the electors on the petition.

(2) The Chief Electoral Officer shall verify not less than 10% of the names on the petition and satisfy himself that the initiative petition contains the number of signatures of electors required by section 13(1).

(3) If the Chief Electoral Officer finds the same name signed to more than one petition, he shall reject all but the first such valid signature.

(4) The Chief Electoral Officer shall reject any signature of a person who is not a resident of the electoral division to which the petition he signed applies.

Observes

17(1) The verification may be observed by such persons representing the sponsor of the proposal as request permission of the Chief Electoral Officer to be present.

(2) The Chief Electoral Officer may limit the number of observers present pursuant to subsection (1) to 2 persons if, in his opinion, a greater number would cause undue delay or disruption of the verification process.

Failed Petition

18(1) If the Chief Electoral Officer determines that the initiative petition does not contain the number of signatures of electors required by section 13(1), he shall advise the sponsor in writing that the petition has failed.

(2) The sponsor, upon being advised that the petition has failed, may, within 30 days of such advice, submit to the Chief Electoral Officer additional sheets of the initiative petition containing signatures which the Chief Electoral Officer shall verify and canvass pursuant to section 16.

Successful Petition

19 If the Chief Electoral Officer determines that the initiative petition, including any additional sheets submitted pursuant to section 18, does contain the number of signatures of electors required by section 13(1), he shall advise the sponsor in writing that the initiative petition has succeeded.

PART 3

VOTING

Declaration of
initiative
referendum

20(1) Where the Chief Electoral Officer advises the sponsor that the initiative petition has succeeded, the Chief Electoral Officer shall declare that an initiative referendum shall be held with respect to the proposal in conjunction with the next general election under the *Election Act*.

(2) Upon the Lieutenant Governor in Council passing an order authorizing the issue of writs for a general election, no further petitions shall be declared under this section until after polling day.

(3) No more than 5 proposals may be put to the electors in any one initiative referendum declared pursuant to subsection (1).

Dates of initiative
referendum

21 Where the Chief Electoral Officer makes a declaration pursuant to section 20(1), he shall issue a writ for the initiative referendum at the same time as the writ is issued for the general election and the voting shall take place the day fixed for voting in the provincial general election.

Conduct of
initiative
referendum

22(1) The question or questions to be put by an initiative referendum held pursuant to section 20 shall be the statement or statements referred to in section 8(1)(a).

(2) The *Election Act* and the regulations under it shall apply, with all necessary modifications, except as otherwise provided by regulations under this Act, to an initiative referendum held pursuant to section 20.

(3) The persons eligible to vote at an initiative referendum held pursuant to section 20 shall be persons who would be eligible to vote at an election under the *Election Act* on the day the initiative referendum is held.

Preparation of
Statements

23 Upon the Chief Electoral Officer making declaration of an initiative referendum pursuant to section 20,

(a) the sponsor shall, within 5 days, prepare and submit to the Chief Electoral Officer a summary of the proposal, not to exceed 250 words, entitled "Statement of the Sponsor", and,

(b) the Chief Electoral Officer shall provide a copy of the statement referred to in clause (a) to the Minister of Justice, and

(c) the Minister of Justice shall, within 5 days of receipt of the statement referred to in clause (a), prepare and submit to the Chief Electoral Officer a reply to the statement, not to exceed 250 words, entitled "Reply to the Statement of the Sponsor".

Voter's Pamphlet

24 Upon receipt of the statement and the reply referred to in section 23, the Chief Electoral Officer shall cause to be printed a Voter's Pamphlet which shall be distributed throughout the province and shall contain

(a) the summary and reply referred to in section 23,

(b) the summary referred to in section 8(1)(b),

(c) the bill referred to in section 2(2), and

(d) the question to be put pursuant to section 22(1).

**Results of
initiative
referendum**

25 In order for a question to succeed in an initiative referendum,

(a) 50% plus 1 of the persons voting in the initiative referendum, and

(b) 50% plus 1 of the persons voting in each of two-thirds of the electoral divisions

must have voted in favour of the question.

26 Upon being advised by the Chief Electoral Officer that a question has succeeded in the initiative referendum, the Speaker of the Legislative Assembly shall cause to be prepared, without substantial modification to the meaning or effect of the proposal, and introduced in the next session of the Legislature, a bill embodying the proposal upon which the question is based.

27 If a question does not succeed, within the meaning of section 25, the same proposal, or a proposal which is, in the opinion of the Clerk, substantially the same, may not be made under this Act for a period of 3 years.

PART 4

MISCELLANEOUS PROVISIONS

28 The Lieutenant Governor in Council may make regulations

- (a) prescribing offences and prohibited practices under this Act and penalties for any contravention of this Act;
- (b) prescribing the amounts of honoraria and fees;
- (c) prescribing required forms;
- (d) prescribing required oaths to be used;
- (e) establishing rates for the payment of expenses;
- (f) governing any necessary matter for which no provision is made in this Act.

SCHEDULE 1

WARNING

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not an elector, or makes any false statement on this petition, may be punished by fine or imprisonment or both.

INITIATIVE PETITION ELECTORAL DIVISION OF _____

To the Chief Electoral Officer of Alberta,

We, the undersigned electors of the Province of Alberta, respectively direct that the proposed measure known as Initiative Measure No. _____, entitled (here insert the established ballot title of the measure), a full, true and correct copy of which is printed on the reverse side of this petition, be submitted to the electors of the Province of Alberta for their approval or rejection; and each of us for himself or herself says: I have personally signed this petition; I am a resident in the electoral division to which this sheet refers, my residence address is correctly stated, and I have knowingly signed this petition only once.

Petitioners Signature	Print name	Address	City or Town	Date	Ph. No.
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(Here follow 20 numbered lines divided into columns as below)

1. _____
2. _____
3. _____
- etc.