

2002 BILL 209

Second Session, 25th Legislature, 51 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 209

ELECTORAL FAIRNESS COMMISSION ACT

DR. PANNU

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 209

2002

ELECTORAL FAIRNESS COMMISSION ACT

(Assented to _____, 2002)

Preamble

WHEREAS the existing first-past-the-post voting system leads to distortions such as lopsided majorities, strategic voting and wasted votes which result in lower voter turnout and increased cynicism;

WHEREAS the vast majority of western democracies have voting systems that better reflect the public will by basing representation on each party's share of the popular vote;

WHEREAS there are a number of different models for incorporating proportionality that should be examined in designing a voting system that best meets Alberta's needs; and

WHEREAS voters should have the final say through a referendum prior to implementing such a fundamental change to the electoral system;

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

Purpose

1 The purpose of this Act is to establish a voting system ensuring that each political party's representation in the Legislative Assembly is broadly proportionate to its share of the province-wide popular vote.

Definition

2 In this Act, "Commission" means the Electoral Fairness Commission appointed under section 3.

3(1) An Electoral Fairness Commission is to be appointed consisting of

- (a) a chair appointed by the Lieutenant Governor in Council, who must be one of the following:
 - (i) a judge or retired judge of any court in Alberta;
 - (ii) the president of a public post-secondary educational institution in Alberta;
 - (iii) a person whose stature and qualifications are, in the opinion of the Lieutenant Governor in Council, similar to those of the persons referred to in subclauses (i) and (ii),
- (b) one person who is not a member of the Legislative Assembly, appointed by the Speaker of the Legislative Assembly on the nomination of the Leader of Her Majesty's loyal opposition,
- (c) one person who is not a member of the Legislative Assembly, appointed by the Speaker on the nomination of the leaders of the other opposition parties represented in the Legislative Assembly, and
- (d) two persons who are not Members of the Legislative Assembly, appointed by the Speaker of the Legislative Assembly on the nomination of the President of the Executive Council.

(2) Persons appointed under subsection (1) must be Canadian citizens, residents of Alberta and at least 18 years of age.

(3) The Chief Electoral Officer is to provide advice, information and assistance to the Commission.

(4) If there is not a third party represented in the Legislative Assembly then a 2nd person may be appointed on the recommendation of the Leader of Her Majesty's loyal opposition pursuant to subsection (1)(b).

4 The Commission must

- (a) review alternatives to the first-past-the-post electoral system, and
- (b) make proposals to the Legislative Assembly on what form

of proportional representation should be adopted to complement the present electoral system.

Remuneration **5** Provided funds are allocated by the Legislative Assembly for the purpose, members of the Commission may receive

- (a) remuneration prescribed by the Lieutenant Governor in Council for their services on the Commission,
- (b) reasonable travelling and living expenses incurred while away from their ordinary place of residence in the course of their duties as members.

Considerations for the Commission **6(1)** In reviewing alternatives to the first-past-the-post electoral system the Commission shall consider a mixed member proportional electoral system where each voter has 1 vote for a political party and 1 vote for an individual candidate in the voter's electoral division.

(2) In any electoral system recommended by the Commission, the number of members in the Legislative Assembly must not exceed 83.

Time of appointment **7** The Commission must be appointed on or before December 31, 2002.

Report to Speaker **8(1)** The Commission shall, after considering any representations to it and within 7 months of the date on which the Commission is appointed, submit to the Speaker of the Legislative Assembly a report that

- (a) sets out alternatives to complement the present electoral system,
- (b) sets out the reasons for those alternatives,
- (c) sets out the number of Members of the Legislative Assembly to be elected based on the present first-past-the-post electoral system and the number to hold office by a proportional representation electoral system,
- (d) outlines what the party standings in the Legislative Assembly would have been after the past 4 general provincial elections had a system of proportional representation been in place.

(2) On receipt of the report, the Speaker shall make the report

public and publish the Commission's proposals in The Alberta Gazette as soon as possible.

(3) If the office of the Speaker is vacant, the report shall be submitted to the Clerk of the Legislative Assembly, who shall comply with subsection (2).

Public
hearings

9(1) The Commission must hold public hearings both

- (a) before its report is submitted to the Speaker, and
- (b) after its report has been made public,

at the places and times it considers appropriate to enable representations to be made by any person as to the area and boundaries of any proposed electoral division.

(2) The Commission shall give reasonable public notice of the time, place and purpose of any public hearings held by it.

Amendment of
report

10(1) The Commission may, after considering any further representations made to it and within 5 months of the date it submitted its report, submit to the Speaker a final report.

(2) On receipt of the report, the Speaker shall make it public and publish it in The Alberta Gazette.

(3) If the office of the Speaker is vacant, the report shall be submitted to the Clerk of the Legislative Assembly, who shall comply with subsection (2).

Commission
report

11 If there is more than one report submitted under section 8 or 10, the report of a majority of the members of the Commission is the report of the Commission, but if there is no majority, the report of the chair is the report of the Commission.

Report to
Assembly

12 After the Commission has complied with sections 8 to 10 the final report of the Commission shall,

- (a) if the Legislative Assembly is sitting when the report is submitted, be laid before the Assembly immediately, or
- (b) if the Legislative Assembly is not then sitting, be laid before the Assembly within 7 days after the beginning of the next sitting.

Referendum

13(1) There must be a referendum on the recommendations of the Commission within 6 months of the Commission's report being presented in the Legislative Assembly.

(2) The question or questions to be put to the electors at a referendum shall be determined by a resolution of the Legislative Assembly on a motion by a member of the Executive Council.

(3) The *Constitutional Referendum Act* applies to a referendum under this Act with all necessary modifications.

Successful referendum

14 If a majority of those voting support the question or questions asked in the referendum held under section 13, a member of the Executive Council must introduce a Bill in the Legislative Assembly not later than the session following the referendum giving effect to the results of that referendum.