

2005 Bill 217

First Session, 26th Legislature, 54 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 217

**ELECTION (ELECTORAL REFORM)
AMENDMENT ACT, 2005**

MR. TAYLOR

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 217

2005

ELECTION (ELECTORAL REFORM) AMENDMENT ACT, 2005

(Assented to _____, 2005)

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

Amends RSA 2000 cE-1

1 The *Election Act* is amended by this Act.

2 Section 39 is renumbered as 39.1 and the following is added
before section 39.1:

Fixed election dates

39(1) Nothing in this section affects the powers of the
Lieutenant Governor, including the power to dissolve the
Legislature, by proclamation in Her Majesty's name, when the
Lieutenant Governor sees fit.

(2) Subject to the powers of the Lieutenant Governor referred to
in subsection (1),

- (a) a general election shall be held on April 1, 2008 unless a
general election has been held after the day on which the
Election (Electoral Reform) Amendment Act, 2005
receives Royal Assent and before April 1, 2008 because
of a dissolution of the Legislature; and
- (b) thereafter general elections shall be held on the first
Tuesday in April in the 4th calendar year following
polling day in the most recent general election.

(3) If the Chief Electoral Officer is of the opinion that a Tuesday that would otherwise be polling day is not suitable for that purpose because it is a day of cultural or religious significance, the Chief Electoral Officer shall choose an alternate day and recommend to the Lieutenant Governor in Council that polling day should be that alternate day, and the Lieutenant Governor in Council may make an order to that effect.

(4) The alternate day shall be one of the 7 days following the Tuesday that would otherwise be polling day.

3 The following sections are amended by striking out “section 39” and substituting “section 39.1”:

section 40(1);
section 66(1)(b).

4 The following is added after section 153:

Part 4.1 Citizens’ Assembly on Electoral Reform

Definitions

153.1 In this Part,

- (a) “Chair” means the Chair of the Citizens’ Assembly;
- (b) “Citizens’ Assembly” means the Citizens’ Assembly on Electoral Reform established under this Part.

Citizens’ Assembly

153.2 A Citizens’ Assembly on Electoral Reform shall be established in accordance with this Part not later than 6 months after the *Election (Electoral Reform) Amendment Act, 2005* comes into force.

Chair

153.3(1) There shall be a Chair of the Citizens’ Assembly who must be appointed by the Lieutenant Governor in Council on the recommendation of the Legislative Assembly.

(2) The Lieutenant Governor in Council may appoint a Chair at any time the Assembly is not sitting, but that appointment must be approved by the Assembly not later than 20 days after the

commencement of the sitting following the appointment or the position is deemed to be vacant.

- (3) The Chair is a member of the Citizens' Assembly.
- (4) The Chair has administrative responsibility for the Citizens' Assembly and will chair its meetings.
- (5) The Chair may select up to 4 Deputy Chairs to assist him or her in carrying out the Chair's duties.
- (6) The Chair must prepare rules of procedure for the conduct of the business of the Citizens' Assembly and present these rules for adoption by the Citizens' Assembly at its first meeting which must be consistent with
 - (a) the duties of the Chair, and
 - (b) the terms of reference of the Citizens' Assembly.
- (7) The Chair may set rules and procedures for the local selection meetings.

Selection of members

153.4(1) The Citizens' Assembly will be composed of 2 members from each electoral division identified in the *Electoral Divisions Act*.

- (2) In nominating persons to be members of the Citizens' Assembly, the Chair must ensure that the Citizens' Assembly is broadly representative of the adult population of Alberta, respecting age, gender and geographical distribution.
- (3) In selecting persons to serve on the Citizens' Assembly, and with the assistance of the Chief Electoral Officer, the Chair must use a sample of names drawn randomly from the list of electors according to the following criteria:
 - (a) an equal number of names for the 83 electoral divisions;
 - (b) an equal number of men's and women's names must be drawn;
 - (c) the names drawn must reflect the age distribution of the provincial population 18 years of age and older.
- (4) Those persons whose names are drawn and who are not ineligible for participation under subsection (13) must be invited

to indicate whether they are interested in becoming a member of the Citizens' Assembly.

(5) Those persons who are interested in becoming members of the Citizens' Assembly must be invited to attend a local selection meeting to be held in each electoral division within 45 days of the date on which the names of persons are drawn under subsection (4).

(6) In addition to those persons who are invited to attend the local selection meetings under subsection (5), invitations must be issued to persons who may have expressed interest in being members of the Citizens' Assembly but whose names were not drawn under subsection (4).

(7) A random selection of names from those interested must be held at or following each local selection meeting to choose the members to the Citizens' Assembly.

(8) If the Chair is satisfied, following the random selection described in subsection (7), that the membership of the Citizens' Assembly does not include any persons who are of aboriginal ancestry, the persons described in subsection (5) who have not been chosen to be members must be canvassed to ascertain those who

- (a) remain interested in becoming members, and
- (b) are of aboriginal ancestry.

(9) If subsection (8) applies, 2 further persons must be randomly selected to be members from among the persons ascertained under subsection 8(a) and (b).

(10) A random selection under subsection (9) must ensure that there will be one male and one female member of the Citizens' Assembly of aboriginal ancestry.

(11) Despite subsection (1), if subsection (9) applies, the Citizens' Assembly shall have 168 members plus the Chair.

(12) When the list of members for the Citizens' Assembly is complete, the Chair shall make public the names of the members and provide the list to the Speaker the same day which will constitute their date of appointment.

(13) For purposes of the selection process, the following persons are not eligible to be members of the Citizens' Assembly:

- (a) a person who is not a citizen of Canada;
- (b) a person who is not resident in Alberta;
- (c) a person under the age of 18;
- (d) a judge, justice or master;
- (e) a member or officer of the Parliament of Canada or of the Privy Council of Canada;
- (f) a Member of the Legislative Assembly, an officer of the Legislature or a member of the Executive Council;
- (g) an elected member of a municipal government or a school board;
- (h) a candidate in the last 2 federal, provincial or municipal elections;
- (i) an official representative or agent of a person identified in paragraph (h);
- (j) an immediate family member of a sitting Member of the Legislative Assembly;
- (k) a current officer or official representative of a registered provincial political party;
- (l) a chief or band councillor elected under the *Indian Act*.

Personal information

153.5(1) Personal information

- (a) as defined in the *Freedom of Information and Protection of Privacy Act*, and
- (b) contained in the list of electors

may be used for the purposes described in section 153.4.

(2) The Chief Electoral Officer may use the list of electors to provide the Chair with one or more selection lists for use under section 153.4.

(3) The Chair may identify and contact potential members of the Citizens' Assembly by using a selection list received from the Chief Electoral Officer under subsection (2).

Establishment of Citizens' Assembly

153.6(1) The date on which the members of the Citizens' Assembly are named pursuant to section 153.4(12) is the date on which the Citizens' Assembly is established.

(2) The date of appointment under subsection (1) is not invalidated by reason that one or more members appointed are unable to assume their duties as members of the Citizens' Assembly.

(3) In the event of the death or resignation of any member of the Citizens' Assembly, no replacement may be made until the total membership of the Citizens' Assembly is reduced by 25 per cent.

Function

153.7(1) The function of the Citizens' Assembly is to assess models for electing Members of the Legislative Assembly and issue a report recommending whether the current model for those elections should be retained or another model should be adopted.

(2) The assessment described in subsection (1) must

- (a) be limited to the manner by which voters' ballots are translated into elected members; and
- (b) take into account the potential effect of its recommended model on the government, the Legislative Assembly and the political parties.

(3) In performing its functions under subsection (1), the Citizens' Assembly must consult with Albertans and provide Albertans with the opportunity to make submissions in writing and orally at public meetings.

Recommendations and report

153.8(1) If the Citizens' Assembly recommends the adoption of a model for electing Members of the Legislative Assembly that is different from the current model,

- (a) the model must be consistent with both the Constitution of Canada and the Westminster parliamentary system;
and
 - (b) the model must be described clearly and in detail in the Citizens' Assembly's report.
- (2) The Chair must present the final report of the Citizens' Assembly described in subsection (1) to the Speaker no later than one year after it is established.
- (3) On presentation of the final report to the Speaker, the Chair must arrange for the publication of the report.

Referendum required if Citizens' Assembly recommends change

- 153.9(1)** If in its final report the Citizens' Assembly recommends a model for electing Members of the Legislative Assembly that is different from the current model, a referendum respecting the recommended model must be held in conjunction with the general election required under section 39(2)(a) to be held on April 1, 2008.
- (2) If a general election is held before April 1, 2008, then a referendum respecting the recommended model, should it be different from the current model, must be held in conjunction with the next general election following the presentation of the final report.
- (3) The question to be put to the electors under this section in the referendum shall be determined by a resolution of the Legislative Assembly on the motion of a member of the Executive Council.
- (4) Except for section 129, the provisions of this Act concerning plebiscites apply with all necessary modifications to a referendum under this section unless in conflict with this section in which case this section prevails.
- (5) The results of a referendum under subsection (1) are binding on the Government only if at least 60 per cent of the validly cast ballots vote the same way on the question that is stated for the referendum.
- (6) When the results of the referendum are binding on the Government pursuant to subsection (5), a member of the Executive Council must introduce legislation sufficient to

implement the results in sufficient time for the electoral model to be in place for the general election required under section 39(2)(b).

(7) Notwithstanding any other provision of this section, a referendum shall only be held if funds are voted for that purpose under a supply vote.

Explanatory Notes

- 1** Amends chapter E-1 of the Revised Statutes of Alberta 2000.
- 2** Adds new section for fixed election dates.

3 Consequential changes.

4 Adds new Part 4.1 establishing the Citizens' Assembly on Electoral Reform.

