2025 Bill 14

Second Session, 31st Legislature, 4 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 14

JUSTICE STATUTES AMENDMENT ACT, 2025

THE MINISTER OF JUSTICE

First Reading . . . . . .

Second Reading . . . . . .

Committee of the Whole . . . . . .

Third Reading . . . . . .

Royal Assent . . . . . .

BILL 14

2025

JUSTICE STATUTES AMENDMENT ACT, 2025

(Assented to , 2025)

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

Citizen Initiative Act

Amends SA 2021 cC-13.2

1(1) The *Citizen Initiative Act* is amended by this section.

NOTE: 1(1) Amends chapter C-13.2 of the Statutes of Alberta, 2021.

(2) Section 1(1) is amended

(a) in clause (b) by striking out "by a proponent pursuant to section 21" **and substituting** "by an elector under section 1.2";

(b) by adding the following after clause (g):

(g.1) "initiative petition process" means the process established by this Act for an initiative petition commencing with an elector submitting a notice of intent under section 1.1(1) and ending with the Chief Electoral Officer submitting a copy of the proposal to the Speaker of the Legislative Assembly or the Minister under section 12(1);

(c) by adding the following after clause (j):

(j.1) "notice of intent" means a notice of intent to apply for the issuance of an initiative petition submitted under section 1.1(1);

(d) by repealing clause (n) and substituting the following:

(n) "proponent" means the elector who has submitted a notice of intent that has been filed or the proponent referred to in a notice published under section 9(6) and, in relation to Part 3, includes an individual who was a proponent;

NOTE: (2) Section 1(1) presently reads in part:

1(1) In this Act,

(b) "chief financial officer" means an individual so appointed by a proponent pursuant to section 21 or by a third party pursuant to section 38(2), as applicable;

(n) "proponent" means the elector who applied for the issuance of an initiative petition, or is referred to in a notice published under section 9(6) and, in relation to Part 3, includes an individual who applies to become a proponent or who was a proponent;

(3) The following is added after the heading to Division 1 of Part 1:

Notice of intent

1.1(1) An elector may submit to the Chief Electoral Officer a notice of intent to apply for the issuance of an initiative petition.

(2) The notice of intent must be in a form acceptable to the Chief Electoral Officer and must include

(a) the name of the elector submitting the notice of intent,

(b) the contact information of the elector submitting the notice of intent, including the residential address and postal code of the elector's ordinary residence, the

elector's mailing address, if different, and the elector's telephone number,

(c) a signed statement of the elector submitting the notice of intent that the individual is not disqualified under this Act from submitting the notice of intent,

(d) a statement of the subject-matter of the intended application that identifies whether the initiative petition will concern a legislative proposal, policy proposal or constitutional referendum proposal,

(e) in the case of a legislative proposal, a statement setting out the subject-matter of the proposed legislation,

(f) in the case of a policy proposal, a statement setting out the subject-matter of the proposed policy,

(g) in the case of a constitutional referendum proposal, a proposed question relating to the Constitution of Canada or relating to or arising out of a possible change to the Constitution of Canada, and

(h) any other information that may be prescribed.

(3) The notice of intent must be accompanied by the following with respect to the person who will be the chief financial officer for the proponent:

(a) a copy of the written appointment referred to in section 1.2(1), the consent and statement required by section 1.2(2)(b)(i) and (ii) and any other information prescribed under section 1.2(2)(b)(iii);

(b) the contact information to be used for the purposes of any contact with the chief financial officer under this Act.

(4) An elector who is submitting a notice of intent shall, on the request of the Chief Electoral Officer, produce proof of the elector's identity and status as an elector consisting of

(a) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of

the elector and the elector's name and current residential address, or

(b) 2 pieces of identification authorized by the Chief Electoral Officer for the purposes of this section, each of which establishes the elector's name and at least one of which establishes the elector's current residential address.

(5) After a notice of intent is filed by the Chief Electoral Officer, the Chief Electoral officer shall immediately

(a) provide a written notice to the elector that

(i) confirms that the notice of intent has been filed, and

(ii) contains

(A) the name of the elector,

(B) in the case of a legislative proposal, the statement setting out the subject-matter of the proposed legislation, as set out in the notice of intent,

(C) in the case of a policy proposal, the statement setting out the subject-matter of the proposed policy, as set out in the notice of intent,

(D) in the case of a constitutional referendum proposal, the proposed question as set out in the notice of intent,

(E) the start and end dates of the 30-day period referred to in section 2(1), and

(F) the website where the information referred to in clause (b) will be published,

and

(b) publish the following on the Chief Electoral Officer's website:

(i) a copy of the filed notice of intent;

(ii) the start and end dates of the 30-day period referred to in section 2(1);

(iii) any other information the Chief Electoral Officer considers appropriate.

(6) A written notice provided under subsection (5)(a) shall be provided to the elector at the time the elector submits the notice of intent or be served on the elector by

(a) personal service, or

(b) recorded mail.

(7) A proponent who has submitted a notice of intent that has been filed may collect funds during the 30-day period referred to in section 2(1) for the purposes of paying

(a) the application fee required under section 2(2)(h), and

(b) expenses related to the intended initiative petition the notice of intent relates to.

(8) For greater certainty,

(a) until an elector's notice of intent has been filed, the elector may not collect funds for a purpose referred to in subsection (7), and

(b) until an initiative petition has been issued under section 3(3)(a), an elector who has submitted a notice of intent that has not been filed or a proponent may not canvass for the purpose of collecting signatures in respect of the initiative petition.

(9) The following are disqualified from submitting a notice of intent:

(a) a sitting member of the Legislature;

(b) the Chief Electoral Officer, the Election Commissioner, an election officer or an individual who is otherwise a member of the Chief Electoral Officer's office staff;

(c) an individual who is prohibited from being a chief financial officer under section 29(4) of the *Election Finances and Contributions Disclosure Act*;

(d) an individual who, at any time within the previous 8 years, has been convicted of an offence under this Act, the *Election Act* or the *Election Finances and Contributions Disclosure Act*.

(10) If an elector is disqualified from submitting a notice of intent, the Chief Electoral Officer will not file the notice of intent.

Chief financial officer

1.2(1) An elector intending to submit a notice of intent shall, in writing, appoint a chief financial officer in accordance with this section.

(2) The appointment of a chief financial officer shall

(a) include

(i) the name of the individual appointed and the date of appointment,

(ii) the individual's contact information for the purposes of section 1.1(3)(b), and

(iii) any other information that may be prescribed,

and

(b) be accompanied by

(i) a signed consent of the individual being appointed to act as chief financial officer with an affidavit of an attesting witness to the signature,

(ii) a signed statement of the individual being appointed affirming that the individual is not disqualified from acting as a chief financial officer, with an affidavit of an attesting witness to the signature, and

(iii) any other information that may be prescribed.

(3) The appointment of a chief financial officer is effective on the filing of the notice of intent by the Chief Electoral Officer under section 1.1.

(4) The following are disqualified from acting as a chief financial officer:

(a) the elector who appoints the chief financial officer;

(b) the Chief Electoral Officer, an election officer or an individual who is otherwise a member of the staff of the Chief Electoral Officer;

(c) an individual who is prohibited from being a chief financial officer under section 29(4) of the *Election Finances and Contributions Disclosure Act*;

(d) an individual who, at any time within the previous 8 years, has been convicted of an offence under this Act, the *Election Act* or the *Election Finances and Contributions Disclosure Act*;

(e) an individual identified by the regulations as being disqualified.

NOTE: (3) Notice of intent; chief financial officer.

(4) Section 2 is amended

(a) by repealing subsection (1) and substituting the following:

Application for issuance of initiative petition

2(1) A proponent who has submitted a notice of intent that has been filed may, no later than 30 days after receiving written notice that the notice of intent has been filed, apply to the Chief Electoral Officer in accordance with this section for the issuance of an initiative petition concerning one of the following as identified in the notice of intent:

(a) a legislative proposal;

(b) a policy proposal;

(c) a constitutional referendum proposal.

(b) in subsection (2)

(i) in clause (a) by striking out "applicant" **and substituting** "proponent";

(ii) in clause (b)

(A) by striking out "applicant" **and substituting** "proponent";

(B) by striking out "applicant's" **wherever it occurs and substituting** "proponent's";

(iii) in clause (c)

(A) by striking out "applicant" **wherever it occurs and substituting** "proponent";

(B) by striking out "making" **and substituting** "submitting";

(iv) by repealing clause (d) and substituting the following:

(d) a statement of the subject-matter of the application, which must correspond to the statement in the notice of intent;

(v) in clause (e) by adding ", which must correspond to the statement in the notice of intent" **after** "proposed legislation";

(vi) by adding the following after clause (e):

(e.1) in the case of a policy proposal, a statement setting out the subject-matter of the proposed policy, which must correspond to the statement in the notice of intent;

(vii) by repealing clause (f) and substituting the following:

(f) in the case of a constitutional referendum proposal, a proposed question relating to the Constitution of Canada or arising out of a possible change to the

Constitution of Canada, which must correspond to the proposed question in the notice of intent;

(c) by adding the following after subsection (2):

(2.1) On receiving an application for the issuance of an initiative petition, the Chief Electoral Officer must provide a copy of the application to the Minister.

(d) by repealing subsections (3) and (4);

(e) by repealing subsection (5) and substituting the following:

(5) An application for the issuance of an initiative petition must not relate to a proposal that, in the opinion of the Minister, is the same as or substantially similar to a proposal that, within the last 5 years, was the subject of an unsuccessful referendum under section 15 or 16 or an unsuccessful initiative vote under section 18.

(f) by repealing subsection (6);

(g) in subsection (7)

(i) in the portion preceding clause (a)

(A) by striking out "An applicant" **and substituting** "A proponent";

(B) by striking out "his or her" **and substituting** "the proponent's";

(ii) in clause (a)

(A) by striking out "elector" **and substituting** "proponent";

(B) by striking out "his or her" **and substituting** "the proponent's";

(C) by adding "residential" **after** "current";

(iii) in clause (b)

(A) by striking out "applicant's" **and substituting** "proponent's";

(B) by striking out "elector's current" **and substituting** "proponent's current residential";

(h) by repealing subsection (9) and substituting the following:

(9) The Chief Electoral Officer may, as the Chief Electoral Officer considers appropriate, consult with and advise a proponent on whether the application and proponent meet the requirements of subsections (2) and (8), respectively.

NOTE: (4) Section 2 presently reads in part:

2(1) An elector may apply to the Chief Electoral Officer in accordance with this section for the issuance of an initiative petition concerning

(a) a legislative proposal,

(b) a policy proposal, or

(c) a constitutional referendum proposal.

(2) The application must include the following:

(a) the name of the applicant;

(b) the contact information of the applicant, including the residential address and postal code of the applicant's ordinary residence, the applicant's mailing address, if different, and the applicant's telephone number;

(c) a signed statement of the applicant that the applicant is not disqualified under this Act from making the application;

(d) a statement of the subject-matter of the application that, in the opinion of the Chief Electoral Officer, is

(i) clear and unambiguous, and

(ii) shows that the subject-matter conforms to subsection (3) and otherwise meets the applicable requirements of this section;

(e) in the case of a legislative proposal, a statement setting out the subject-matter of the proposed legislation;

(f) in the case of a constitutional referendum proposal, a proposed question relating to the Constitution of Canada or relating to or arising out of a possible change to the Constitution of Canada that, in the opinion of the Chief Electoral Officer, is factually accurate, states the question in such a way as to require a "yes" or "no" answer and is otherwise suitable to be put to the electors at a constitutional referendum;

(3) An application with respect to a legislative proposal must not exceed the jurisdiction of the Legislature.

(4) An initiative petition proposal must not contravene sections 1 to 35.1 of the Constitution Act, 1982.

(5) An application must not relate to a proposal that in the opinion of the Chief Electoral Officer is the same as or substantially similar to

(a) a proposal that, within the last 5 years, was the subject of an unsuccessful referendum under section 15 or 16 or an unsuccessful initiative vote under section 18, or

(b) subject to subsection (4), a proposal that is the subject of another initiative petition, or would result in a conflict with the outcome of another initiative petition, if

(i) the initiative petition signing period for that other initiative petition has not ended, or

(ii) the signature sheets for that other initiative petition have been submitted to the Chief Electoral Officer in accordance with section 6 but that other initiative petition has not been completed by way of an initiative vote,

constitutional referendum or otherwise resolved under that section and Division 4 or Part 2, as applicable.

(6) Subsection (5) does not apply if, in the opinion of the Chief Electoral Officer,

(a) the proponent of the other initiative petition has delayed unduly in advancing the other initiative petition, or

(b) the other initiative petition is otherwise an abuse of the process under this Act.

(7) An applicant shall, on the request of the Chief Electoral Officer, produce proof of his or her identity and status as an elector consisting of

(a) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the elector and his or her name and current address, or

(b) 2 pieces of identification authorized by the Chief Electoral Officer for the purposes of this section, each of which establishes the applicant's name and at least one of which establishes the elector's current address.

(9) The Chief Electoral Officer may, as the Chief Electoral Officer considers appropriate with respect to an application, information and materials referred to in subsection (2),

(a) consult with the applicant and any other person, and

(b) provide advice and assistance and make recommendations to an applicant as to the form and substance of proposals and proposed constitutional questions.

(5) Section 2.1 is repealed.

NOTE: (5) Section 2.1 presently reads:

2.1(1) The Chief Electoral Officer may, with respect to a legislative proposal, a policy proposal or a constitutional referendum proposal, state a question in the form of a special case to the Court seeking the opinion of the Court as to whether the proposal conforms with the requirements of section 2(3) and (4), as applicable.

(2) If the Chief Electoral Officer states a question in the form of a special case to the Court under subsection (1),

(a) the Administrative Procedures and Jurisdiction Act applies as if the question were a question under section 13(1)(b) of that Act,

(b) the Chief Electoral Officer shall provide written notice of the decision to state the question, no later than 7 days after stating the question,

(i) to the applicant, and

(ii) to the Minister of Justice of Alberta,

and

(c) the clerk of the Court shall set the date on which the question will be heard by the Court to be no later than the 10th day after the Chief Electoral Officer stated the question to the Court.

(3) In a proceeding relating to the determination of a question referred to in subsection (1), the applicant may appear and participate, and if the applicant appears, the applicant is deemed to be a party to the proceeding and has the same rights as any other party.

(4) The Chief Electoral Officer must state a question in the form of a special case to the Court under subsection (1) no later than 30 days after the date on which an elector applied for the issuance of an initiative petition.

(6) Section 2.2 is repealed and the following is substituted:

Determination of invalid application

2.2(1) The Chief Electoral Officer must determine whether an application and proponent meet the requirements in section 2 in accordance with this section.

(2) Prior to determining whether an application and proponent meet the requirements in section 2, the Chief Electoral Officer must request in writing that the Minister confirm whether the Minister is of the opinion that the application relates to a proposal that is the same as or substantially similar to a proposal that, within the last 5 years, was the subject of an unsuccessful referendum under section 15 or 16 or an unsuccessful initiative vote under section 18.

(3) The Chief Electoral Officer must not determine whether the application and proponent meet the requirements in section 2 until the Minister confirms whether, in the Minister's opinion, the application relates to a proposal that is the same as or substantially similar to a proposal that, within the last 5 years, was the subject of an unsuccessful referendum under section 15 or 16 or an unsuccessful initiative vote under section 18.

(4) If the Minister confirms that, in the Minister's opinion, the application relates to a proposal that is the same as or substantially similar to a proposal that, within the last 5 years, was the subject of an unsuccessful referendum under section 15 or 16 or an unsuccessful initiative vote under section 18, the Chief Electoral Officer must reject the application and notify the proponent in writing of the rejection and the reasons for the rejection.

(5) If the Minister confirms that, in the Minister's opinion, the application relates to a proposal that is not the same as or substantially similar to a proposal that, within the last 5 years, was the subject of an unsuccessful referendum under section 15 or 16 or an unsuccessful initiative vote under section 18, the Chief Electoral Officer must, within 7 days of receiving the Minister's confirmation, determine whether the application and proponent meet the requirements in section 2, and if the requirements have not been met, the Chief Electoral Officer must reject the application and notify the proponent in writing of the rejection and the reasons for the rejection.

NOTE: (6) Section 2.2 presently reads:

2.2(1) Subject to subsection (2), the Chief Electoral Officer must determine, no later than 30 days after the date on which an elector applied for the issuance of an initiative petition, if the requirements in section 2 have been met.

(2) If the Chief Electoral Officer has stated a question in the form of a special case to the Court under section 2.1, the Chief Electoral Officer must determine, no later than 30 days after the date on which the Court gives its decision, if the requirements in section 2 have been met.

(7) Section 3 is amended

(a) by repealing subsection (1);

(b) in subsection (2)(b)(ii) by striking out "section 2(2)(d) and (e)" **and substituting** "section 2(2)(d), (e) and (e.1)";

(c) in subsection (3) by striking out "section 21(1)" **and substituting** "section 1.2".

NOTE: (7) Section 3 presently reads in part:

3(1) If the Chief Electoral Officer is not satisfied that the requirements of section 2 have been met, the Chief Electoral Officer shall reject the application and notify the applicant of the rejection and the reasons for the rejection.

(2) If the Chief Electoral Officer is satisfied that the requirements of section 2 have been met, the Chief Electoral Officer shall, within 7 days of the date of determination,

(b) publish on the Chief Electoral Officer's website a notice of initiative petition to be issued that includes

(ii) a copy of the statements referred to in section 2(2)(d) and (e) and, if applicable, the constitutional question accompanying the application.

(3) If satisfied that the requirements under section 21(1) with respect to the appointment of a chief financial officer

have been complied with, the Chief Electoral Officer shall, 7 days after the date on which the notice of initiative petition to be issued is published,

(8) Section 4 is amended

(a) by adding the following after subsection (2):

(2.1) Before an individual signs an initiative petition, the individual must produce proof of the individual's identity and status as an elector consisting of

(a) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the individual and the individual's name and current residential address, or

(b) 2 pieces of identification authorized by the Chief Electoral Officer for the purposes of this section, each of which establishes the individual's name and at least one of which establishes the individual's current residential address.

(b) in subsection (4) by striking out "section 9(4)" **and substituting** "section 7(3), 9(4), 13(2)(b) or 13.1(10)(c)".

NOTE: (8) Section 4(4) presently reads:

(4) Except as provided under section 9(4), an individual shall sign a signature sheet only within the 120 days following the date on which the initiative petition is issued by the Chief Electoral Officer.

(9) Section 6(4) is repealed and the following is substituted:

(4) To be counted for the purpose of subsection (2),

(a) a signature on the initiative petition must be witnessed by the individual who canvassed the signature in the

form and manner determined by the Chief Electoral Officer,

(b) the individual who canvassed the signature must sign on each page of the initiative petition that contains signatures witnessed by that individual a statement confirming that

(i) to the best knowledge of that individual, the witnessed signatures were provided by individuals who were eligible to sign the initiative petition, and

(ii) each individual produced proof of the individual's identity and status as an elector in accordance with section 4(2.1),

and

(c) a signature on the initiative petition must be accompanied by

(i) the information required under section 4(3) for the individual who signed the initiative petition,

(ii) the name, residential address and telephone number of the individual who canvassed the signature, and

(iii) any other information that may be prescribed.

NOTE: (9) Section 6(4) presently reads:

(4) To be counted for the purpose of subsection (2), a signature on the initiative petition shall be witnessed by the individual who canvassed the signature and be accompanied by

(a) the information required under section 4(3) for the individual who signed the initiative petition,

(b) the name and contact information of the individual who canvassed the signature, and

(c) any other information that may be prescribed.

(10) Section 7(2)(b) and (3) are amended by striking out "not later than" **and substituting** "no later than".

NOTE: (10) Section 7(2)(b) and (3) presently read:

(2) In order to continue the initiative petition, the proponent shall

(b) as soon as practicable and not later than 30 days after election day, notify the Chief Electoral Officer in the form and manner determined by the Chief Electoral Officer that the proponent seeks to continue the initiative petition.

(3) If satisfied that the proponent has met the requirements to continue the initiative, the Chief Electoral Officer shall, as soon as practicable, and not later than 60 days after election day, continue the petition by

(a) publishing on the Chief Electoral Officer's website

(i) a notice that the petition has been continued, and

(ii) the dates of the extended initiative petition signing period,

and

(b) issuing new signature sheets that are marked as being provided under this section.

(11) Section 9 is amended

(a) in subsection (1) by striking out "the applicant or the proponent, as the case may be," **and substituting** "the proponent";

(b) in subsection (2)(b) by adding "that have not been destroyed" **after** "signature sheets";

(c) in subsection (4)

(i) by striking out "the proponent of an initiative petition" **and substituting** "a proponent";

(ii) in clause (a)(ii) by striking out "section 21(2)" **and substituting** "section 1.2";

(iii) in clause (b) by striking out "initiative petition has been withdrawn" **and substituting** "notice of intent, application for the issuance of an initiative petition or initiative petition has been withdrawn, as the case may be";

(d) by repealing subsection (7) and substituting the following:

(7) The publication of a notice referred to in subsection (3) or (4)(b) has the following consequences:

(a) if a notice of intent has been filed but an application for the issuance of an initiative petition has not been submitted, the notice of intent is deemed to have been withdrawn;

(b) if an application for the issuance of an initiative petition has been submitted but an initiative petition has not been issued, the application is rejected;

(c) if an initiative petition has been issued,

(i) the initiative petition signing period ends at the end of the day on which the notice is published, and

(ii) the initiative petition is unsuccessful.

(e) by repealing subsection (8) and substituting the following:

(8) The chief financial officer for an initiative petition referred to in subsection (4)(b) shall, as soon as practicable and no later than 14 days from the date of a notice published under subsection (4)(b), submit the following to the Chief Electoral Officer if an initiative petition has been issued under section 3:

(a) all of the signature sheets containing original signatures;

(b) any copies of the signature sheets that have not been destroyed, including any additional copies made by the proponent or any person canvassing or acting on behalf of the proponent;

(c) an affidavit confirming that all signature sheets containing original signatures have been returned and all copies have been returned or destroyed.

(f) by repealing subsection (9) and substituting the following:

(9) All funds received by a proponent or third party in relation to a notice of intent, an application for the issuance of an initiative petition or an initiative petition referred to in subsection (3) or (4) and not expended shall be dealt with in accordance with the regulations, in the case of the proponent, or section 43, in the case of a third party.

NOTE: (11) Section 9 presently reads in part:

9(1) An initiative petition may be withdrawn by the applicant or the proponent, as the case may be, by giving written notice to the Chief Electoral Officer in the form and manner determined by the Chief Electoral Officer at any time after making an application under section 2 and before the Chief Electoral Officer's determination under section 10.

(2) If an initiative petition was issued under section 3, the proponent shall submit the following with the notice referred to in subsection (1) and confirm in the notice that the following are being submitted with the notice:

(b) any copies of the signature sheets, including any additional copies made by the proponent or any person canvassing or acting on behalf of the proponent;

(4) If the proponent of an initiative petition dies, resigns or in the opinion of the Chief Electoral Officer becomes ineligible or incapacitated,

(a) the chief financial officer shall, as soon as practicable, deliver a notice in writing

(ii) providing the appointment, information, consent, statement and prescribed information referred to in section 21(2) with respect to the replacement proponent's chief financial officer,

(b) if the Chief Electoral Officer has not received the notice referred to in clause (a) after the expiry of 14 days from the date on which the Chief Electoral Officer becomes aware of a vacancy in the role of proponent, within the meaning of this subsection the Chief Electoral Officer shall publish a notice that the initiative petition has been withdrawn.

(7) The publication of a notice referred to in subsection (3) or (4)(b) has the following consequences:

(a) the initiative petition signing period ends at the end of the day on which the notice is published;

(b) the initiative petition is unsuccessful.

(8) The chief financial officer for an initiative petition referred to in subsection (3) or (4)(b) shall, as soon as practicable and not later than 14 days from the date of a notice published under subsection (3) or (4)(b), submit to the Chief Electoral Officer

(a) all of the signature sheets containing original signatures,

(b) any copies of the signature sheets, including any additional copies made by the proponent or any person canvassing or acting on behalf of the proponent, and

(c) an affidavit confirming that all signature sheets containing original signatures have been returned and all copies will be destroyed in accordance with section 13.

(9) All funds received by a proponent or third party in relation to an initiative petition referred to in subsection (3) or (4) and not expended shall be dealt with in accordance with section 43.

(12) Section 12 is amended

(a) in subsections (1) and (2) by adding ", subject to subsections (3) to (7)," **after** "the Chief Electoral Officer shall";

(b) by adding the following after subsection (2):

(3) Prior to taking any steps under subsection (1) or (2), the Chief Electoral Officer must request in writing that the Minister confirm whether the Minister has referred a matter to the Court under section 13.1 relating to the proposal and, if the Minister has, whether the Chief Electoral Officer may proceed to take any steps under subsection (1) or (2).

(4) Subject to subsection (7), within 15 days of receiving the Chief Electoral Officer's request, the Minister must, in writing, notify the Chief Electoral Officer whether the Minister has referred a matter to the Court relating to the proposal.

(5) The Minister's notice to the Chief Electoral Officer must contain the following:

(a) if the Minister has referred a matter to the Court but has not received the Court's decision, notice that the Chief Electoral Officer must not take any steps under subsection (1) or (2) unless the Minister confirms under subsection (6)(b) that the Chief Electoral Officer may proceed to take those steps;

(b) if the Minister has referred a matter to the Court and received the Court's decision,

(i) notice that the Minister has issued an order under section 13.1(5) terminating the initiative petition process, or

(ii) notice that the Chief Electoral Officer may proceed under subsections (1) and (2).

(6) Subject to subsection (7), if the Minister has notified the Chief Electoral Officer under subsection (5)(a) that the Chief Electoral Officer must not take any steps under subsection (1) or (2), the Minister must, within 15 days of receiving the

Court's decision, notify the Chief Electoral Officer in writing that the Minister has received the Court's decision and that

(a) the Minister has issued an order under section 13.1(5) terminating the initiative petition process, or

(b) the Chief Electoral Officer may proceed under subsections (1) and (2).

(7) Notwithstanding anything to the contrary in this section, if the Minister issues an order under section 13.1(5) terminating the initiative petition process, the Minister must notify the Chief Electoral Officer immediately.

NOTE: (12) Section 12 presently reads in part:

12(1) If the Chief Electoral Officer determines under section 10 that the requirements of section 6 have been met and that the prescribed reports under Part 3 are complete with respect to an initiative petition, the Chief Electoral Officer shall

(a) in the case of a legislative proposal or policy proposal, submit a copy of the proposal to the Speaker of the Legislative Assembly,

(b) in the case of a constitutional referendum proposal, submit a copy of the proposal to the Minister, and

(c) in either case, publish a notice on the Chief Electoral Officer's website indicating that the petition was successful.

(2) With respect to a successful initiative petition, the Chief Electoral Officer shall disclose or publish on the Chief Electoral Officer's website, as the Chief Electoral Officer considers appropriate,

(13) Section 13(2) is repealed and the following is substituted:

(2) In the case of a judicial review of a decision of the Chief Electoral Officer,

(a) if a decision of the Chief Electoral Officer that led to the termination of the initiative petition process is upheld, the proponent shall, as soon as practicable following the conclusion of proceedings relating to the judicial review,

(i) destroy all originals and copies of any signature sheets, including any additional copies made by the proponent or any person canvassing or acting on behalf of the proponent, and

(ii) submit to the Chief Electoral Officer an affidavit confirming that any signature sheets and all copies have been destroyed in accordance with this section,

(b) if a decision of the Chief Electoral Officer that led to the termination of the initiative petition process is vacated, subject to the Court's directions,

(i) the initiative petition process will continue as if the vacated decision had not been made,

(ii) a time limit or period for the doing of a thing under this Act is deemed to have been suspended commencing on the date when the application for judicial review was filed and ending on the date the Court issued its decision on the judicial review application, and

(iii) the Chief Electoral Officer must, within 7 days of the Court issuing its decision,

(A) notify the proponent in writing of any revised dates applicable to the initiative petition process, and

(B) publish on the Chief Electoral Officer's website a notice of any revised dates,

and

(c) if a decision of the Chief Electoral Officer related to a matter other than a decision of the Chief Electoral Officer that led to the termination of the initiative petition process, the initiative petition process will continue in accordance with the Court's directions.

NOTE: (13) Section 13(2) presently reads:

(2) In the case of a judicial review, the proponent shall as soon as practicable following the conclusion of proceedings relating to the judicial review

(a) destroy all originals and copies of all signature sheets, including any additional copies made by the proponent, or any person canvassing or acting on behalf of the proponent, and

(b) submit to the Chief Electoral Officer an affidavit confirming that all signature sheets have been returned and all copies have been destroyed in accordance with this section.

(14) The following is added after section 13:

Division 3.1
Referral to the Court

Referral to the Court

13.1(1) Subject to subsection (12), the Minister may, with respect to a legislative proposal, policy proposal or constitutional referendum proposal, refer to the Court for hearing and consideration any matter relating to the proposal the Minister thinks fit to refer, and the Court shall hear and decide the matter that is referred.

(2) If the Minister has referred a matter relating to a proposal to the Court, the Minister must, within 7 days of referring the matter to the Court, notify the proponent in writing that the matter has been referred to the Court.

(3) If the Minister refers a matter to the Court under subsection (1),

(a) the *Administrative Procedures and Jurisdiction Act* applies as if the matter referred to the Court were a question under section 13(1)(b) of that Act if the matter referred to the Court states a question of constitutional law within the meaning of that Act, and

(b) the clerk of the Court shall set the date on which the Court will hear the matter, to be no later than the 10th day after the date on which the Minister referred the matter to the Court.

(4) In a proceeding relating to the determination of a matter referred to in subsection (1), the proponent may appear and participate, and if the proponent appears, the proponent is deemed to be a party to the proceeding and has the same rights as any other party.

(5) After receiving the Court's decision, the Minister may, within 15 days of receiving the decision, issue an order terminating the initiative petition process.

(6) If the Minister issues an order terminating the initiative petition process, the Minister must notify the Chief Electoral Officer in writing immediately.

(7) Within 7 days of being notified by the Minister, the Chief Electoral Officer must

(a) notify the proponent in writing that the initiative petition process has been terminated, and

(b) as the Chief Electoral Officer considers necessary for the purposes of this Act, publish on the Chief Electoral Officer's website a notice that the initiative petition process has been terminated.

(8) On the publication of a notice under subsection (7)(b),

(a) if a notice of intent has been filed but an application for the issuance of an initiative petition has not been submitted, the notice of intent is deemed to have been withdrawn,

(b) if an application for the issuance of an initiative petition has been submitted but an initiative petition has not been issued under section 3, the application for the issuance of the initiative petition is rejected, or

(c) if an initiative petition has been issued under section 3,

(i) the initiative petition signing period ends, and

(ii) the initiative petition is unsuccessful.

(9) If an initiative petition has been issued, and the proponent has not already done so under section 6(1), 7(2) or (4), 9 or 13, the proponent shall, subject to subsection (10), within 15 days of receiving the termination notice under subsection (7)(a), submit the following to the Chief Electoral Officer:

(a) the initiative petition and all of the signature sheets containing original signatures;

(b) any copies of the signature sheets that have not been destroyed, including any additional copies made by the proponent or any person canvassing or acting on behalf of the proponent;

(c) an affidavit confirming that all signature sheets containing original signatures have been returned and all copies have been returned or destroyed.

(10) In the case of a judicial review of the Minister's decision to terminate the initiative petition process,

(a) a time limit or period for the doing of a thing under this Act is deemed to have been suspended commencing on the date when the application for judicial review was filed and ending on the date the Court issued its decision on the judicial review application,

(b) if the Minister's decision to terminate the initiative petition process is upheld, the proponent shall, as soon as practicable after the conclusion of proceedings relating to the judicial review,

(i) destroy all originals and copies of all signature sheets, including any additional copies made by the proponent or any person canvassing or acting on behalf of the proponent, and

(ii) submit to the Chief Electoral Officer an affidavit confirming that all signature sheets and all copies have been destroyed in accordance with this section,

and

(c) if the Minister's decision to terminate the initiative petition process is vacated, subject to the Court's directions,

(i) the initiative petition process will continue as if the Minister's decision had not been made, and

(ii) the Chief Electoral Officer must, within 7 days of the Court issuing its decision,

(A) notify the proponent in writing of any revised dates applicable to the initiative petition process, and

(B) publish on the Chief Electoral Officer's website a notice of any revised dates.

(11) All funds a proponent or third party received in relation to a terminated initiative petition process that have not been expended shall be dealt with in accordance with the regulations, in the case of a proponent, or section 43, in the case of a third party.

(12) The Minister may not refer a matter to the Court after the Chief Electoral Officer has submitted a copy of the proposal to the Speaker of the Legislative Assembly or the Minister under section 12(1)(a) or (b), as the case may be.

Digital copies

13.2 For greater certainty, the requirement in sections 9, 13 and 13.1 to destroy copies of signature sheets includes the requirement to destroy or permanently delete all digital copies of the signature sheets, whether created through scans, photographs, digital transcriptions or any other method.

NOTE: (14) Division 3.1 Referral to the Court.

(15) Section 15 is amended by adding the following after subsection (2):

(2.1) A report tabled under subsection (2)(b) may include recommendations respecting the form and substance of the question or questions to be put to the electors in a referendum.

NOTE: (15) Adds committee ability to make recommendations re referendum.

(16) Section 16 is amended by adding the following after subsection (1):

(1.1) On referring a constitutional referendum proposal in accordance with subsection (1), the Minister may make recommendations to the Lieutenant Governor in Council respecting changes to the form or substance of the proposed constitutional question that the Minister considers necessary or advisable to ensure that

(a) the constitutional referendum will result in a clear expression of the will of the electors, and

(b) the question is otherwise suitable to be put to the electors at a constitutional referendum.

NOTE: (16) Adds Minister's ability to make recommendations re constitutional referendum.

(17) Section 17 is amended

(a) in clause (b) by adding "1.1(2)(h), 1.2(2)(a)(iii) and (b)(iii)," **after** "sections";

(b) by adding the following after clause (b):

(b.1) identifying individuals or classes of individuals who are disqualified for the purposes of section 1.2(4)(e);

(c) in clause (c) by adding "and respecting" **after** "prescribing";

(d) in clause (f) by striking out "sections 6(2) and (3) and 9" **and substituting** "sections 6(2) and 10".

NOTE: (17) Section 17 presently reads in part:

17 The Lieutenant Governor in Council may make regulations for the purposes of this Part

(b) prescribing information for the purposes of sections 2(2)(g), 4(3)(e) and 6(4)(c);

(c) prescribing the fee referred to in section 2(2)(h);

(f) respecting the verification of signature sheets and of signatures by the Chief Electoral Officer for the purposes of sections 6(2) and (3) and 9;

(18) Section 20 is amended

(a) in subsection (1) by striking out "an initiative petition" **and substituting** "a notice of intent, an application for the issuance of an initiative petition or an initiative petition";

(b) in subsection (3) by striking out "an initiative petition" **and substituting** "a notice of intent, an application for the issuance of an initiative petition or an initiative petition";

(c) by repealing subsection (4) and substituting the following:

(4) A proponent shall not accept any contributions and an elector who has submitted a notice of intent that has not been filed or a proponent shall not incur any expenses in respect of a notice of intent, an application for the issuance of an initiative petition or an initiative petition except through the elector's or proponent's chief financial officer.

NOTE: (18) Section 20 presently reads in part:

20(1) No person or organization shall contribute in respect of an initiative petition except in accordance with this Part and the regulations.

(3) The total amount of all contributions by a person or an organization referred to in subsection (2) to a proponent, or that may otherwise occur as prescribed in respect of an initiative petition, shall not exceed the prescribed amount.

(4) A proponent shall not accept any contributions or incur any initiative petition expenses except through the chief financial officer who is appointed in accordance with section 21 in respect of the initiative petition.

(19) Sections 21 to 23 are repealed and the following is substituted:

Application of Election Act and Election Finances and Contributions Disclosure Act

21 The *Election Act* and *Election Finances and Contributions Disclosure Act* apply with all necessary modifications, subject to this Part and the regulations, with respect to

(a) a notice of intent,

(b) an application for the issuance of an initiative petition,

(c) an initiative petition,

(d) the elector or proponent in respect of a notice of intent and the proponent in respect of an application for the issuance of an initiative petition or an initiative petition,

(e) the duties of an elector's or proponent's chief financial officer,

(f) an elector, elector's chief financial officer, proponent or proponent's chief financial officer in respect of advertising within the meaning of sections 134 to 135 of the *Election Act* with respect to a notice of intent, an application for the issuance of an initiative petition or an initiative petition, and

(g) any investigation, offences, penalties, administrative penalties and other administrative action in respect of finances and contributions relating to a notice of intent, an application for the issuance of an initiative petition or an initiative petition.

Expense limits

22 An elector who has submitted a notice of intent that has not been filed or a proponent shall not incur expenses relating to a notice of intent, an application for the issuance of an initiative petition or an initiative petition exceeding the prescribed expense limits.

Regulations — initiative petition contributions and finances

23(1) The Lieutenant Governor in Council may make regulations for the purposes of this Part

(a) modifying provisions of the *Election Act* and the regulations under that Act to make them applicable in respect of a notice of intent, an application for the issuance of an initiative petition or an initiative petition, or any other matter described in section 21(a) to (g), including specifying or setting out provisions applicable to a notice of intent, an application for the issuance of an initiative petition or an initiative petition in addition to, or instead of, any provision of that Act and its regulations;

(b) modifying the provisions of the *Election Finances and Contributions Disclosure Act* and the regulations under that Act to make them applicable to a notice of intent, an application for the issuance of an initiative petition or an initiative petition, or any other matter described in section 21(a) to (g), including specifying or setting out provisions applicable to a notice of intent, an application for the issuance of initiative petition or an initiative petition in addition to, or instead of, any provision of that Act and its regulations.

(2) Without limiting the general powers conferred by this section, the Lieutenant Governor may make regulations for the purposes of this Part

(a) defining words or expressions, including a word or expression used in this Part;

(b) respecting the duties and powers of the Chief Electoral Officer concerning an elector, proponent, chief financial officer, contribution, expense, report, return or disclosure required with respect to a notice of intent, an application for the issuance of an initiative petition or an initiative petition;

(c) respecting the duties of an elector, proponent or chief financial officer, including with respect to contributions, expenses and the reports, returns or disclosure required with respect to a notice of intent, an application for the issuance of an initiative petition or an initiative petition;

(d) respecting the duties of an elector, proponent, chief financial officer or any other person or organization with

respect to advertising within the meaning of sections 134 to 135 of the *Election Act*;

(e) prescribing the total amount of all contributions by a person or an organization referred to in section 20(2) to an elector or proponent or that may otherwise occur in respect of a notice of intent, an application for the issuance of an initiative petition or an initiative petition for the purposes of section 20(3);

(f) respecting the expense limits relating to a notice of intent, an application for the issuance of an initiative petition or an initiative petition that apply in respect of an elector, proponent or other person or organization;

(g) generally respecting any other matters and things relating to the regulation of contributions, expenses, reporting, returns and disclosure in relation to a notice of intent, an application for the issuance of an initiative petition or an initiative petition that the Lieutenant Governor in Council considers appropriate.

NOTE: (19) Sections 21 to 23 presently read:

21(1) The Election Act and Election Finances and Contributions Disclosure Act apply with all necessary modifications, subject to this Part and the regulations, with respect to

(a) an initiative petition,

(b) the proponent in respect of an initiative petition,

(c) the duties of a chief financial officer appointed under this section in respect of an initiative petition,

(d) the proponent or a chief financial officer appointed under this section in respect of initiative advertising and opinion surveys within the meaning of sections 134 to 135.4 of the Election Act, and

(e) any investigation, offences, penalties, administrative penalties and other administrative action in respect of finances and contributions relating to an initiative petition.

(2) A proponent shall provide the following to the Chief Electoral Officer with respect to the proponent's chief financial officer:

(a) a copy of the appointment and the consent and statement referred to in subsection (3)(b);

(b) the contact information to be used for the purposes of section 20(4) and to which notices under this Act may be delivered to the chief financial officer or the proponent for the purposes of section 46.

(3) The appointment of a chief financial officer for a proponent shall be made in writing and shall

(a) include

(i) the name of the individual appointed and the effective date of the appointment,

(ii) the individual's contact information for the purposes of subsection (2)(b), and

(iii) any other information that may be prescribed,

and

(b) be accompanied by

(i) a signed consent of the individual appointed to act as chief financial officer with an affidavit of an attesting witness to the signature,

(ii) a signed statement of the individual appointed that the individual is not disqualified from acting as a chief financial officer, and an affidavit of an attesting witness to the signature, and

(iii) any other information that may be prescribed.

(4) The following are disqualified from acting as a chief financial officer:

(a) the proponent who appoints the chief financial officer;

(b) the Chief Electoral Officer, an election officer or an individual who is otherwise a member of the staff of the Chief Electoral Officer;

(c) an individual who is prohibited from being a chief financial officer under section 29(4) of the Election Finances and Contributions Disclosure Act;

(d) an individual who, at any time within the previous 8 years, has been convicted of an offence under this Act, the Election Act or the Election Finances and Contributions Disclosure Act;

(e) an individual identified by the regulations as being disqualified.

22 A proponent shall not incur initiative petition expenses exceeding the prescribed initiative petition expense limits.

23(1) The Lieutenant Governor in Council may make regulations for the purposes of this Part

(a) modifying provisions of the Election Act and the regulations under that Act to make them applicable in respect of an initiative petition or any other matter described in section 21(1)(a) to (e), including specifying or setting out provisions applicable to an initiative petition in addition to, or instead of, any provision of that Act and regulations;

(b) modifying the provisions of the Election Finances and Contributions Disclosure Act and the regulations under that Act to make them applicable to an initiative petition or any other matter described in section 21(1)(a) to (e), including specifying or setting out provisions applicable to an initiative petition in addition to, or instead of, any provision of that Act and regulations.

(2) Without limiting the general powers conferred by this section, the Lieutenant Governor may make regulations for the purposes of this Part

(a) defining words or expressions, including a word or expression used in this Part;

(b) respecting the duties and powers of the Chief Electoral Officer concerning a proponent, chief financial officer, contribution, expense, report, return or disclosure required with respect to an initiative petition;

(c) respecting the duties of a proponent or a chief financial officer, including with respect to contributions, expenses and the reports, returns or disclosure required with respect to an initiative petition;

(d) respecting the duties of a proponent, a chief financial officer or any other person or organization with respect to advertising and opinion surveys within the meaning of sections 134 to 135.4 of the Election Act;

(e) prescribing the total amount of all contributions by a person or an organization referred to in section 20(2) to a proponent or that may otherwise occur in respect of an initiative petition for the purposes of section 20(3);

(f) prescribing the information referred to in section 21(3)(a)(iii) and (b)(iii);

(g) respecting individuals who are disqualified for the purposes of section 21(4)(e);

(h) respecting the initiative petition expense limits that apply in respect of a proponent or other person or organization;

(i) generally respecting any other matters and things relating to the regulation of contributions, expenses, reporting, returns and disclosure in relation to an initiative petition that the Lieutenant Governor in Council considers appropriate.

(20) Section 25(6) is amended by adding the following after clause (g):

(h) an individual, corporation or entity who, at any time within the previous 8 years, has been convicted of an offence under this Act, the *Election Act* or the *Election Finances and Contributions Disclosure Act;*

(i) a corporation, if the officer who has signing authority for it has, at any time within the previous 8 years, been convicted of an offence under this Act, the *Election Act* or the *Election Finances and Contributions Disclosure Act*;

(j) a group, if a principal officer of the group or, if there are no principal officers, a principal member of the group has, at any time within the previous 8 years, been convicted of an offence under this Act, the *Election Act* or the *Election Finances and Contributions Disclosure Act*.

NOTE: (20) Adds to third party registration ineligibility.

(21) Section 38 is amended by adding the following after subsection (2):

(2.1) A person disqualified from acting as a chief financial officer under section 1.2(4) is disqualified from being appointed in accordance with subsection (2).

NOTE: (21) Adds to third party initiative chief financial officer appointee ineligibility.

(22) Section 53 is amended by adding the following after subsection (2):

(3) Despite anything to the contrary in this Act, the Chief Electoral Officer must retain all records relating to a notice of intent, an application for the issuance of an initiative petition or an initiative petition, or any decision of the Chief Electoral Officer in connection with a notice of intent, an application for the issuance of an initiative petition or an initiative petition, until the 30-day period referred to in subsection (2) has expired or, if a judicial review application is filed during that period, until the Court issues its decision on the judicial review application.

NOTE: (22) Adds requirement for Chief Electoral Officer to retain records.

(23) Section 57 is amended

(a) in subsection (3) by striking out "or discloses" **and substituting** ", discloses or retains";

(b) in subsection (4) by striking out "this section" **and substituting** "subsection (1) or (2)";

(c) by adding the following after subsection (4):

(5) A person who contravenes subsection (3) is guilty of an offence and liable to a fine

(a) of not less than $50 000 and not more than $500 000, in the case of an individual, and

(b) of not less than $500 000 and not more than $1 000 000, in the case of a corporation, organization or group.

NOTE: (23) Section 57 presently reads in part:

(3) A person that collects, uses or discloses personal information, except as authorized under this Act or the regulations, commits an offence.

(4) A person who contravenes this section is guilty of an offence and liable to a fine of not more than the amount prescribed in respect of that offence.

(24) The following is added after section 71:

Part 7.1
Transitional and Causes of Action

Transitional

71.1(1) An application for the issuance of an initiative petition made before the coming into force of this section for which an

initiative petition has not been issued under section 3(3)(a) as of the coming into force of this section is deemed to have never been made.

(2) If an application is deemed to have never been made under subsection (1), the applicant may submit a notice of intent with the same subject-matter as the application deemed to have never been made, and if the applicant does so within 30 days of the coming into force of this section, the application fee required under section 2(2)(h) is waived in respect of a new application submitted in respect of the notice of intent.

(3) If the Chief Electoral Officer has stated a question in the form of a special case to the Court under section 2.1 as it read immediately before the coming into force of this section, the special case is discontinued without costs to any party or any person granted status to intervene in the special case.

(4) Except as otherwise provided in this section, this Act as it read when an application for the issuance of an initiative petition was submitted shall apply in respect of that application and any resulting initiative petition.

No cause of action

71.2 No cause of action lies against and no action or proceeding may be commenced against any person in respect of any act or thing done or omitted to be done in connection with the termination of an initiative petition process by the Minister or in respect of the operation of section 71.1, including any act or thing done or omitted to be done by any of the following:

(a) the Government of Alberta;

(b) the Minister;

(c) the Chief Electoral Officer;

(d) Elections Alberta.

NOTE: (24) Part 7.1 Transitional and Causes of Action.

Conflicts of Interest Act

Amends RSA 2000 cC-23

2(1) The *Conflicts of Interest Act* is amended by this section.

NOTE: 2(1) Amends chapter C-23 of the Revised Statutes of Alberta 2000.

(2) Section 7 is amended

(a) by adding the following before subsection (1):

Gifts, benefits from persons other than the Crown

7(0.1) In this section,

(a) "constituency association" means a constituency association as defined in the *Election Finances and Contributions Disclosure Act*;

(b) "prospective candidate association" means a prospective candidate association as defined in the *Election Finances and Contributions Disclosure Act*.

(b) by repealing subsection (2) and substituting the following:

(2) Subsection (1) does not apply to a non-monetary gift or other non-monetary benefit accepted by the Member or the Member's spouse, adult interdependent partner or minor child from

(a) the Member's political party, constituency association or prospective candidate association,

(b) a charitable organization, or

(c) a Canadian government, whether federal, provincial, territorial or municipal.

NOTE: (2) Section 7(2) presently reads:

(2) Subsection (1) does not apply to a non-monetary gift or other non-monetary benefit that is accepted by the Member or the Member's spouse or adult interdependent partner or minor child from the Member's political party or constituency association, a charitable organization or a Canadian government, whether federal, provincial, territorial or municipal.

Election Act

Amends RSA 2000 cE-1

3(1) The *Election Act* is amended by this section.

NOTE: 3(1) Amends chapter E-1 of the Revised Statutes of Alberta 2000.

(2) Section 59 is amended

(a) in subsection (1) by striking out "25" **and substituting** "100";

(b) by adding the following after subsection (1.01):

(1.02) No elector may sign more than one nomination paper in respect of the same election.

(1.03) No person may directly or indirectly induce or attempt to induce an elector to sign more than one nomination paper in respect of the same election.

NOTE: (2) Section 59(1) presently reads:

59(1) At any time during the period referred to in subsection (1.01), any 25 or more electors of an electoral division may nominate a person eligible to be a candidate as a candidate in that electoral division by signing a nomination paper in the prescribed form.

(3) The following is added after section 59:

Verifying signatures

59.1(1) In determining if a nomination paper contains the number of signatures required in accordance with section 59(1), the Chief Electoral Officer must not include in the count the signature of

(a) an individual who is not an elector in the electoral division, or

(b) an individual who has signed more than one nomination paper in respect of the same election.

(2) For greater certainty, a nomination paper referred to in section 59(1) is valid if, after discounting signatures that are not included under subsection (1), the nomination paper contains the number of signatures required under section 59(1).

NOTE: (3) Verifying signatures.

(4) Section 83(2) is amended by striking out "section 7(1)(b)" **and substituting** "section 7(1.2)(b)".

NOTE: (4) Section 83(2) presently reads:

(2) Notwithstanding subsection (1)(a), an abbreviated form of the name of the registered political party or recognizable initials representing that party as directed by the leader of the registered political party under section 7(1)(b) of the Election Finances and Contributions Disclosure Act may be used.

(5) Section 118(4) is amended by striking out "day,," **and substituting** "day,".

NOTE: (5) Section 118(4) presently reads in part:

(4) No later than 5:00 p.m. on the Sunday immediately preceding the election day,, the returning officer, election

clerk or person designated by the Chief Electoral Officer shall determine

Election Finances and Contributions Disclosure Act

Amends RSA 2000 cE-2

4(1) The *Election Finances and Contributions Disclosure Act* is amended by this section.

NOTE: 4(1) Amends chapter E-2 of the Revised Statutes of Alberta 2000.

(2) Section 7 is amended

(a) in subsection (3)

(i) by repealing clause (a) and substituting the following:

(a) the proposed name or abbreviation of the name of the political party

(i) so nearly resembles the name or abbreviation of the name of a registered party or local political party that the proposed name or abbreviation of the name has the potential to be confused with the name or abbreviation of the name of that registered party or local political party, or

(ii) uses a distinctive word or phrase that is uniquely associated with a registered party,

(ii) by repealing clause (a.2) and substituting the following:

(a.2) subject to subsection (3.2), the proposed name or abbreviation of the name of the political party

(i) was the name or abbreviation of the name of a predecessor party or is the name or abbreviation of the name of a registered predecessor party,

(ii) so nearly resembles the name or abbreviation of the name of a predecessor party or registered predecessor party that the proposed name has the potential to be confused with the name or abbreviation of the name of that predecessor party or registered predecessor party, or

(iii) uses a distinctive word or phrase that is uniquely associated with a predecessor party or registered predecessor party,

or

(b) in subsection (3.1)

(i) by repealing clause (a) and substituting the following:

(a) the proposed name or abbreviation of the name of the registered party

(i) so nearly resembles the name or abbreviation of the name of another registered party or a local political party that the proposed name or abbreviation of the name has the potential to be confused with the name or abbreviation of the name of the other registered party or the local political party, or

(ii) uses a distinctive word or phrase that is uniquely associated with another registered party,

(ii) by striking out "or" **at the end of clause (b.1) and adding the following after clause (b.1):**

(b.2) subject to subsection (3.2), the proposed name or abbreviation of the name of the registered party

(i) was the name or abbreviation of the name of a predecessor party or is the name or abbreviation of the name of a registered predecessor party,

(ii) so nearly resembles the name or abbreviation of the name of a predecessor party or registered predecessor party that the proposed name has the potential to be confused with the name or abbreviation of the name of that predecessor party or registered predecessor party, or

(iii) uses a distinctive word or phrase that is uniquely associated with a predecessor party or registered predecessor party,

or

(c) by adding the following after subsection (3.1):

(3.2) Subsections (3)(a.2) and (3.1)(b.2) do not apply if the proposed name or abbreviation of the name of the political party or registered party, as the case may be, is the name or abbreviation of the name, resembles the name or abbreviation of the name or uses a distinctive word or phrase that is uniquely associated with the name of a predecessor party or registered predecessor party to the political party or registered party, as the case may be.

(d) by adding the following after subsection (5):

(6) For the purposes of this section, a distinctive word or phrase includes the following, or a combination, abbreviation, other part of speech or other grammatical form of the following:

(a) advantage;

(b) communist;

(c) conservative;

(d) democratic;

(e) green;

(f) independence;

(g) liberal;

(h) pro-life;

(i) reform;

(j) republican;

(k) solidarity;

(l) wildrose.

NOTE: (2) Section 7 presently reads in part:

(3) The Chief Electoral Officer shall not register a political party if, in the Chief Electoral Officer's opinion,

(a) the name or the abbreviation of the name of the applying party so nearly resembles the name or abbreviation of the name of a registered party or local political party as to be likely to be confused with the name or abbreviation of that registered party or local political party,

(a.2) other than in relation to the registration of a successor party, the proposed name was the name of any registered predecessor party or so nearly resembles the name or the abbreviation of the name of any registered predecessor party as to be likely to be confused with the name or the abbreviation of the name of that registered predecessor party, or

(3.1) If a registered party changes its name, the Chief Electoral Officer shall not vary the register accordingly if, in the Chief Electoral Officer's opinion,

(a) the name or the abbreviation of the name of the applying party so nearly resembles the name or abbreviation of the name of a registered party or local political party as to be likely to be confused with the name or abbreviation of that registered party or local political party,

(b.1) the proposed name was the name of a local political party whose registration was cancelled or whose name was changed since the last general election held under the Local Authorities Election Act, or

(3) Section 9(2.1) is amended

(a) in clause (a)(i) by striking out "one of the principal officers of the registered party or the applicable constituency association" **and substituting** "the leader of the registered party";

(b) in clause (b)(i) by striking out "one of the principal officers" **and substituting** "the leader".

NOTE: (3) Section 9(2.1) presently reads in part:

(2.1) An application for registration must set out the following:

(a) that, in the case of a candidate under the Election Act, the candidate

(i) has been endorsed as the candidate of a named registered party in a named electoral division and has enclosed with the candidate's application a statement to that effect attested to by one of the principal officers of the registered party or the applicable constituency association, or

(b) that, in the case of a candidate under the Alberta Senate Election Act, the candidate

(i) has been endorsed as the candidate of a named registered party and has enclosed with the candidate's application a statement to that effect attested to by one of the principal officers of the registered party, or

(4) Section 10(1.2) is amended by striking out "registered predecessor" **and substituting** "predecessor".

NOTE: (4) Section 10(1.2) presently reads:

(1.2) For the purposes of subsection (1.1), a registered successor party is deemed to have endorsed a candidate in a general election if a registered predecessor party of the registered successor party endorsed a candidate in the general election.

(5) Section 11.6(b) is amended by striking out "registered" **before** "predecessor".

NOTE: (5) Section 11.6(b) presently reads in part:

11.6 Within 6 months after the registration of a successor party, the chief financial officer of the registered successor party shall file with the Chief Electoral Officer

(b) in respect of each of the constituency associations of each of its registered predecessor parties, the documents referred to in section 42(1)(b) for

(6) Section 44.2(2)(h) is amended by striking out "(a) to (h)" **and substituting** "(a) to (g)".

NOTE: (6) Section 44.2(2)(h) presently reads:

(2) No political advertising contribution shall be made to a third party by any of the following:

(h) a group that includes a person referred to in clauses (a) to (h) as a member.

(7) Section 44.95(a)(v) is amended by striking out the period at the end of paragraph (E) and substituting a comma.

NOTE: (7) Section 44.95(a)(v)(E) presently reads:

44.95 The Election Commissioner, in addition to the Election Commissioner's powers and duties under the Election Act,

(a) may conduct periodic investigations of the financial affairs and records of

(v) registered third parties in relation to

(E) recall advertising under the Recall Act.

(8) The following is added after section 56:

Transitional — registration of political parties

57(1) In this section,

(a) "amended Act" means the *Election Finances and Contributions Disclosure Act* as it reads on transition day;

(b) "former Act" means the *Election Finances and Contributions Disclosure Act* as it would have read on July 4, 2025 if the *Justice Statutes Amendment Act, 2025* did not receive Royal Assent;

(c) "transition day" means the day the *Justice Statutes Amendment Act, 2025* receives Royal Assent.

(2) Subsections (3) and (4) apply if

(a) a political party filed an application for registration under section 7(1.1) on or after the coming into force of this section and before transition day, and

(b) the proposed name or abbreviation of the name of the political party did not prohibit the Chief Electoral Officer from registering the political party under section 7(3) of the former Act but prohibits the Chief Electoral Officer from registering the political party under section 7(3) of the amended Act.

(3) A political party referred to in subsection (2) may, within 60 days from transition day, amend its application for registration to reflect a proposed name or abbreviation of the name that does not prohibit the Chief Electoral Officer from registering the political party under section 7(3) of the amended Act, and section 7 of the amended Act applies in respect of the amended application.

(4) If a political party referred to in subsection (2) does not amend its application for registration in accordance with subsection (3) or, under subsection (3), amends its application to reflect a proposed name or abbreviation of the name of the political party that prohibits the Chief Electoral Officer from

registering the political party under section 7(3) of the amended Act,

(a) if the Chief Electoral Officer has not registered the political party, the application is deemed to have never been made, or

(b) if the Chief Electoral Officer has registered the political party, the Chief Electoral Officer shall cancel its registration under section 10 of the amended Act.

(5) Subsections (6) and (7) apply if

(a) a registered party notified the Chief Electoral Officer under section 7(4) on or after the coming into force of this section and before transition day of a change referred to in section 7(1.2)(a) or (b), and

(b) the proposed name or abbreviation of the name of the registered party did not prohibit the Chief Electoral Officer from varying the register under section 7(3.1) of the former Act but prohibits the Chief Electoral Officer from varying the register under section 7(3.1) of the amended Act.

(6) A registered party referred to in subsection (5) may, within 60 days from transition day, amend its notification to reflect a proposed name or abbreviation of the name that does not prohibit the Chief Electoral Officer from varying the register under section 7(3.1) of the amended Act, and section 7 of the amended Act applies in respect of the amended notification.

(7) If a registered party referred to in subsection (5) does not amend its notification in accordance with subsection (6), the notification is deemed to have never been made and, if the Chief Electoral Officer has varied the register of political parties in accordance with the notification, the Chief Electoral Officer shall vary the register again to reflect the name or abbreviation of the registered party as it was before the notification.

NOTE: (8) Transitional — registration of political parties.

(9) This section, except subsection (3), is deemed to have come into force on July 4, 2025.

NOTE: (9) Coming into force.

Justice of the Peace Act

Amends RSA 2000 cJ-4

5(1) The *Justice of the Peace Act* is amended by this section.

NOTE: 5(1) Amends chapter J-4 of the Revised Statutes of Alberta 2000.

(2) Section 1 is amended by adding the following after clause (b.1):

(b.2) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

NOTE: (2) Adds definition.

(3) Section 4 is amended

(a) in subsection (1) by striking out "if the Judicial Council has determined that the person is qualified";

(b) by repealing subsection (3) and substituting the following:

(3) A designation under subsection (2) may not be changed except in accordance with section 7.01.

(c) by repealing subsections (4) to (4.2);

(d) in subsection (5)(f) by striking out "subject to sections 7.1(1) and 7.2(1)";

(e) by adding the following after subsection (6):

(6.1) Notwithstanding subsections (5)(f) and (6), a person who is 70 years of age or older is eligible to remain as a justice of the peace if the person has been approved to

(a) remain in office past the age of 70 years under section 7.1,

(b) continue as an ad hoc justice of the peace under section 7.2, or

(c) continue as a part-time justice of the peace or remain in office as such under section 7.3.

NOTE: (3) Section 4 presently reads in part:

4(1) The Lieutenant Governor in Council may appoint a person as a justice of the peace if the Judicial Council has determined that the person is qualified.

(3) Subject to subsections (4) and (4.1), a designation under subsection (2) may not be changed except with the consent of the Judicial Council and the justice of the peace.

(4) A person whose appointment has been designated as a full-time justice of the peace and whose term of appointment has not yet expired may apply in writing to the Chief Justice to have the appointment designated as a part-time justice of the peace for the remaining term of the appointment.

(4.01) The Chief Justice may designate an appointment referred to in subsection (4) as part time if

(a) the justice of the peace consents to have the remaining term of the appointment designated as part time,

(b) the Chief Justice determines that the designation will enhance the efficient and effective administration of the Court, and

(c) the designation is made in accordance with and subject to the criteria established by the Chief Justice and approved by the Judicial Council.

(4.1) A person whose appointment has been designated as a part-time justice of the peace and whose term of

appointment has not yet expired may apply in writing to the Chief Justice to be designated as a full-time justice of the peace for the remaining term of the appointment.

(4.11) The Chief Justice may designate an appointment referred to in subsection (4.1) as full time if

(a) the justice of the peace consents to have the remaining term of the appointment designated as full time,

(b) the Chief Justice determines that the designation will enhance the efficient and effective administration of the Court, and

(c) the designation is made in accordance with and subject to criteria established by the Chief Justice and approved by the Judicial Council.

(4.2) The Chief Justice shall provide notice, in the form approved by the Minister of Justice, of a designation under subsection (4.01) or (4.11) to the person designated by the Minister at least 20 days before the effective date of the designation by the Chief Justice.

(5) The following are not eligible to be appointed or to remain as justices of the peace appointed under this section:

(f) subject to sections 7.1(1) and 7.2(1) a person who is 70 years of age or older.

(4) Sections 7 and 7.1 are repealed and the following is substituted:

Term of appointment

7(1) Subject to section 4(6) and this section, a justice of the peace appointed under section 4(1) is appointed for a term of 10 years.

(2) An appointment made under section 4(1)

(a) expires when 10 years have elapsed from the date on which the appointment was effective,

(b) may not be renewed or extended, and

(c) may only be continued under section 7.03, 7.2 or 7.3.

(3) A justice of the peace appointed under section 4(1) may only be removed from office in accordance with Part 6 of the *Judicature Act*.

(4) A non-presiding justice of the peace holds office at the discretion of the Minister.

(5) Notwithstanding anything in this Act, the appointment of a justice of the peace terminates when the justice of the peace attains the age of 75 years.

Change of designation

7.01(1) A justice of the peace may apply in writing to the Chief Justice to have the justice of the peace's appointment designation changed for the remaining term of the appointment from

(a) a full-time to a part-time justice of the peace designation, or

(b) a part-time to a full-time justice of the peace designation.

(2) The Chief Justice may change the appointment designation if

(a) the Chief Justice determines that the change will enhance the efficient and effective administration of the Court, and

(b) the change is made in accordance with and subject to the criteria established and approved under section 9.1(2)(a).

(3) If a change in designation is approved, the Chief Justice shall notify a person designated by the Minister at least 20 days before the effective date of the change of designation in the form approved by the Minister.

Approval to continue or remain in office

7.02(1) A justice of the peace appointed under section 4(1) whose appointment has not terminated under section 4(6) or 7(5) and has not expired under section 7(2)(a) may request in writing approval to

(a) continue in office in accordance with section 7.03, 7.2 or 7.3, or

(b) remain in office in accordance with section 7.1 or 7.3.

(2) If a justice of the peace is approved to continue or remain in office, the Chief Justice shall notify a person designated by the Minister no later than 20 days before the effective date of the approval in the form approved by the Minister.

(3) The appointment of a justice of the peace who was approved to continue or remain in office terminates if the justice of the peace becomes ineligible

(a) under section 4(5)(a) to (e), or

(b) under section 4(5)(f) and the justice of the peace has not been approved to

(i) remain in office under section 7.1,

(ii) continue as an ad hoc justice of the peace under section 7.2, or

(iii) continue as a part-time justice of the peace or remain in office as such under section 7.3.

Continuation — full time or part time

7.03(1) A justice of the peace appointed under section 4(1) who is approaching the expiry of the 10-year term of appointment referred to in section 7(1) may request in writing approval from the Judicial Council to continue in office for a term of 5 additional years effective from the date on which the 10-year term of appointment would otherwise expire.

(2) The Judicial Council may approve a justice of the peace to continue in office for a term of 5 years if

(a) the Chief Justice and the Judicial Council determine that the approval will enhance the efficient and effective administration of the Court, and

(b) the approval is given in accordance with and subject to the criteria established under section 9.1(1).

(3) An appointment designated as a full-time or part-time justice of the peace appointment remains unchanged on the continuation

of the appointment under this section and may only be changed in accordance with section 7.01.

(4) A justice of the peace who was approved to continue in office for a 5-year term and who is approaching the expiry of the 5-year term may request in writing approval to continue in office in accordance with subsections (2) and (3) for a subsequent term of 5 years.

(5) Subject to receiving approval for each 5-year term in accordance with subsection (4), a justice of the peace is not limited as to the number of 5-year terms that the justice of the peace may serve under this section.

Remain in office after 70

7.1(1) A justice of the peace appointed under section 4(1) who is approaching the age of 70 years but whose term of appointment under section 7(1) or 7.03 has not expired may request in writing approval from the Chief Justice to remain in office for a period of one year effective from the date on which the appointment would otherwise terminate under section 4(5)(f) and (6).

(2) The Chief Justice may approve a justice of the peace to remain in office for a period of one year if

(a) the Chief Justice determines that the approval will enhance the efficient and effective administration of the Court, and

(b) the approval is given in accordance with and subject to the criteria established and approved under section 9.1(2)(b).

(3) An appointment designated as a full-time or part-time justice of the peace appointment remains unchanged on the approval of the justice of the peace to remain in office under this section and may only be changed in accordance with section 7.01.

(4) A justice of the peace who was approved to remain in office for a one-year period and who is approaching the expiry of the one-year period may request in writing approval to remain in office in accordance with subsections (2) and (3) for a subsequent period of one year until,

(a) if the justice of the peace has not yet completed the 10-year term of office under section 7(1), 10 years have elapsed from the date on which the appointment of the justice of the peace under section 4(1) was effective, or

(b) if the appointment of the justice of the peace was continued under section 7.03, 5 years have elapsed from the date on which the appointment of the justice of the peace was last continued under section 7.03.

NOTE: (4) Sections 7 and 7.1 presently read:

7(1) Subject to sections 4(6), 7.1(1) and 7.2(1), a justice of the peace appointed under section 4(1) holds office for 10 years and may be removed from office only in accordance with Part 6 of the Judicature Act.

(2) An appointment referred to in subsection (1) may not be renewed, extended or continued except in accordance with section 7.1 or 7.2.

(3) A non-presiding justice of the peace holds office at the discretion of the Minister.

7.1(1) A justice of the peace appointed under section 4(1) may, if the justice of the peace is not disqualified under section 4(5)(a) to (e), be approved to continue in office as a justice of the peace in accordance with this section.

(2) Where a justice of the peace referred to in subsection (1) is approaching the age of 70 years but the term of appointment of that justice of the peace under section 7(1) has not expired, the Chief Justice may approve the justice of the peace to continue in office for a term of one year.

(3) Where a justice of the peace has been approved to continue in office under this section, the Chief Justice may approve that person to continue in office for a term of one year.

(4) The Chief Justice may approve a justice of the peace to continue in office under this section if

(a) the Chief Justice determines that approving that person to continue in office will enhance the

efficient and effective administration of the Court, and

(b) the approval is given in accordance with and subject to the criteria established by the Chief Justice and approved by the Judicial Council.

(6) Subject to section 4(3), (4) and (4.1), a justice of the peace approved to continue in office under this section must be designated as a full-time or part-time justice of the peace.

(7) A justice of the peace shall only be approved to continue in office under this section if

(b) the justice of the peace has consented to continue in office, and

(c) the justice of the peace has not attained the age of 75 years.

(8) A justice of the peace who has been approved to continue in office under this section may, subject to subsection (7), be approved to continue in office under subsection (5) for further terms of one year until 10 years has elapsed from the date on which the justice of the peace was appointed under section 4(1).

(9) Notwithstanding anything in this section, the term of a justice of the peace who is approved to continue in office under this section expires when

(a) the justice of the peace attains the age of 75 years, or

(b) 10 years has elapsed from the date on which the justice of the peace was appointed under section 4(1),

whichever occurs first.

(9.1) If a justice of the peace is approved to continue in office under this section, the Chief Justice shall notify the person designated by the Minister of Justice no later than 20 days before the effective date of the approval in the form approved by the Minister.

(10) Subject to Part 6 of the Judicature Act, no justice of the peace approved to continue in office under this section may be removed from office before the expiry of the justice of the peace's term.

(11) A justice of the peace who, on the coming into force of this subsection, is serving a term of office after having been reappointed under subsection (2) or (3), as they read at any time before the coming into force of this subsection, is deemed, on the coming into force of this subsection, to have been approved to continue in office for the same term.

(5) Section 7.2 is amended

(a) by repealing subsections (1) to (3) and substituting the following:

Continuation — ad hoc

7.2(1) A justice of the peace appointed under section 4(1) who will have served at least 10 years in office as of the date on which the current term of appointment expires under section 7(1) or 7.03 but whose term of appointment has not expired may request in writing approval from the Chief Justice to continue in office as an ad hoc justice of the peace for a term of one year effective from

(a) the date on which the term of appointment would otherwise expire, or

(b) if the appointment of the justice of the peace was continued under section 7.03, a date agreed to by the justice of the peace and the Chief Justice that occurs before the date on which the term of appointment would otherwise expire.

(b) in subsection (4)

(i) by striking out "under this section" **and substituting** "for a term of one year";

(ii) in clause (b) by striking out "by the Chief Justice and approved by the Judicial Council" **and substituting** "and approved under section 9.1(2)(c)";

(c) by repealing subsections (6) and (7) and substituting the following:

(7) Subject to section 7.3, a justice of the peace who was approved to continue as an ad hoc justice of the peace for a one-year term and who is approaching the expiry of the one-year term may request in writing approval to continue in office in accordance with subsection (4) for a subsequent term of one year until the justice of the peace has served a maximum of 5 terms as an ad hoc justice of the peace.

(d) in subsection (7.1) by striking out ", subject to subsection (6), be approved to continue in office under subsection (2) or (3)" **and substituting** "be approved to continue in office in accordance with this section";

(e) by repealing subsections (8) to (10).

NOTE: (5) Section 7.2 presently reads in part:

7.2(1) A justice of the peace appointed under section 4(1) or approved to continue in office under section 7.1(1) may, if the justice of the peace is not disqualified under section 4(5)(a) to (e), be approved to continue in office as an ad hoc justice of the peace in accordance with this section.

(2) Where 10 years has elapsed from the date on which a justice of the peace referred to in subsection (1) was appointed under section 4(1), the Chief Justice may approve the justice of the peace to continue in office as an ad hoc justice of the peace for a term of one year.

(3) Where an ad hoc justice of the peace has been approved to continue in office under this section, the Chief Justice may approve that person to continue in office for a term of one year.

(4) The Chief Justice may approve a person to continue in office as an ad hoc justice of the peace under this section if

(b) the approval is given in accordance with and subject to the criteria established by the Chief Justice and approved by the Judicial Council.

(6) A justice of the peace shall only be approved to continue in office under this section if

(b) the justice of the peace has consented to continue in office as an ad hoc justice of the peace, and

(c) the justice of the peace has not attained the age of 75 years.

(7) A justice of the peace may, subject to subsection (6), be approved to continue in office under subsection (2) or (3) for a maximum of 5 terms of one year.

(7.1) Notwithstanding subsection (7), during the period commencing on January 1, 2024 and ending on December 31, 2025, a justice of the peace may, subject to subsection (6), be approved to continue in office under subsection (2) or (3) for a maximum of 7 terms of one year.

(8) Notwithstanding anything in this section, a term of a justice of the peace who is approved to continue in office under this section expires when

(a) the justice of the peace attains the age of 75 years, or

(b) the justice of the peace has served the maximum number of terms as an ad hoc justice of the peace under subsection (7) or (7.1), as the case may be,

whichever occurs first.

(8.1) If a justice of the peace is approved to continue in office under this section, the Chief Justice shall notify the person designated by the Minister of Justice no later than 20 days before the effective date of the approval in the form approved by the Minister.

(9) Subject to Part 6 of the Judicature Act, no justice of the peace approved to continue in office under this section may be removed from office before the expiry of the justice of the peace's term.

(10) A justice of the peace who, on the coming into force of this subsection, is serving a term of office after having been appointed under subsection (2) or (3), as they read at any time before the coming into force of this subsection, is deemed, on the coming into force of this subsection, to have been approved to continue in office for the same term.

(6) The following is added after section 7.2:

Ad hoc to part time

7.3(1) A justice of the peace who is serving a term as an ad hoc justice of the peace on December 31, 2025 may request in writing approval from the Judicial Council to continue in office as a part-time justice of the peace for a term of 5 years effective from the date on which the Judicial Council approves the request.

(2) The Judicial Council may approve an ad hoc justice of the peace to continue in office as a part-time justice of the peace for a term of 5 years if

(a) the Chief Justice and the Judicial Council determine that the approval will enhance the efficient and effective administration of the Court, and

(b) the approval is given in accordance with and subject to the criteria established under section 9.1(1).

(3) Subject to this section, if an ad hoc justice of the peace is approved to continue as a part-time justice of the peace under subsection (2), the Act applies to the justice of the peace as if the justice of the peace was continued under section 7.03.

(4) Notwithstanding anything to the contrary in section 7.1, if an ad hoc justice of the peace was 70 years of age or older at the time the justice of the peace was approved to continue as a part-time justice of the peace, the appointment of that justice of the peace terminates one year from the date on which the approval was effective unless, before the appointment of the justice of the peace would otherwise terminate, the justice of the peace requests in writing approval from the Chief Justice to remain in office for a period of one year effective from the date on which the appointment would otherwise terminate.

(5) The Chief Justice may approve a justice of the peace to remain in office for a period of one year if

(a) the Chief Justice determines that the approval will enhance the efficient and effective administration of the Court, and

(b) the approval is given in accordance with and subject to the criteria established and approved under section 9.1(2)(b).

(6) A part-time justice of the peace who was approved to remain in office for a one-year period under subsection (5) and who is approaching the expiry of the one-year period may request in writing approval to remain in office in accordance with subsection (5) for a subsequent period of one year until 5 years have elapsed from the date on which the appointment was continued under subsection (2).

(7) Notwithstanding that a justice of the peace has continued in office as an ad hoc justice of the peace for up to 7 terms of one year under section 7.2, if that justice of the peace is continued under this section as a part-time justice of the peace, that justice of the peace may, at any time after approval is given under subsection (2) but before the appointment terminates or expires, request in writing approval to continue in office as an ad hoc justice of the peace in accordance with section 7.2.

(8) For the purpose of determining the number of terms served under section 7.2(7), a term served by an ad hoc justice of the peace that was served prior to that justice of the peace being approved to continue as a part-time justice of the peace under this section is not counted towards the maximum number of terms permitted under section 7.2(7).

(9) A request made under subsection (1) must be made no later than December 31, 2026.

NOTE: (6) Ad hoc to part time.

(7) The following is added after section 9:

Approval criteria

9.1(1) The Judicial Council may establish criteria for the purpose of approving a justice of the peace to continue in office under section 7.03 or 7.3(2).

(2) The Chief Justice may establish criteria, and the Judicial Council may approve those criteria, for the purpose of approving

(a) a change in designation under section 7.01,

(b) a justice of the peace to remain in office under section 7.1 or 7.3(5), and

(c) a justice of the peace to continue in office under section 7.2.

NOTE: (7) Approval criteria.

(8) Section 10 is repealed and the following is substituted:

Complaints

10(1) A complaint about the competence, conduct, misbehaviour or neglect of duty of a justice of the peace or the inability of a justice of the peace to perform duties shall be dealt with in accordance with Part 6 of the *Judicature Act*.

(2) This section does not apply to a non-presiding justice of the peace.

NOTE: (8) Section 10 presently reads:

10(1) This section applies only to justices of the peace appointed under section 4, reappointed under section 7.1 or appointed or reappointed under section 7.2.

***(2)** A complaint about the competence, conduct, misbehaviour or neglect of duty of a justice of the peace or the inability of a justice of the peace to perform duties shall be dealt with in accordance with Part 6 of the Judicature Act.*

Legal Profession Act

Amends RSA 2000 cL-8

6(1) The *Legal Profession Act* is amended by this section.

NOTE: **6**(1) Amends chapter L-8 of the Revised Statutes of Alberta 2000.

(2) The following is added after section 2:

Purpose of Society

2.1 The purpose of the Society is to uphold and protect the public interest in the administration of justice by

(a) ensuring the independence, integrity, competence and ethical conduct of lawyers,

(b) establishing standards, programs and education and training with respect to the competence, ethical conduct and professional responsibility of lawyers and students-at-law,

(c) regulating the practice of law, and

(d) supporting and assisting lawyers and students-at-law in fulfilling their duties in the practice of law.

NOTE: (2) Purpose of Society.

(3) Section 4(1) is repealed and the following is substituted:

Legal aid plan

4(1) The Minister, the Society and the Legal Aid Society of Alberta shall enter into an agreement respecting the operation by the Legal Aid Society of Alberta of a plan to provide legal aid to persons in need of it in civil matters, criminal matters or both if no such agreement is in effect.

NOTE: (3) Section 4(1) presently reads:

4(1) Subject to the approval of the Lieutenant Governor in Council, the Minister, the Society and the Legal Aid Society of Alberta may enter into an agreement respecting the operation by the Legal Aid Society of Alberta of a plan to provide legal aid to persons in need of it in civil matters or criminal matters or both.

(4) Section 7 is amended

(a) in subsection (2) by adding the following after clause (k):

(k.1) respecting education or training requirements for members, students-at-law or applicants for admission as students-at-law or for enrolment as members of the Society but, subject to the regulations, may only establish education or training requirements that

(i) are imposed on a member or student-at-law as part of a disciplinary proceeding, or

(ii) relate to

(A) a degree in law or a certificate issued by the Federation of Law Societies of Canada demonstrating competence in Canadian law,

(B) the bar admission course, including the period of articles to be served before an applicant's enrolment as a member,

(C) a member's responsibility for and handling of trust monies,

(D) a member acting as a principal to a student-at-law, or

(E) any other matter specified in the regulations made under subsection (3).

(b) by adding the following after subsection (2):

(3) The Minister may make regulations respecting education and training requirements for members, students-at-law or applicants for admission as students-at-law or for enrolment as members of the Society.

NOTE: (4) Adds rules.

(5) Section 13(4)(a) is amended by striking out "the Benchers" **and substituting** "the Court of King's Bench".

NOTE: (5) Section 13(4)(a) presently reads:

(4) A member is ineligible for nomination or election as a Bencher if, within the 5-year period immediately before the date of the election,

(a) the member was found guilty of conduct deserving of sanction without an order being made for the member's disbarment as a result of the finding, unless the Hearing Committee, the Benchers or the Court of Appeal, as the case may be, made an order directing that the member is not ineligible by reason of the finding,

(6) Section 18 is amended

(a) in subsection (1)

(i) in clause (c) by striking out "82,";

(ii) by adding "or" **at the end of clause (c);**

(iii) by striking out ", or" **at the end of clause (d);**

(iv) by repealing clause (e);

(b) in subsection (3)(b) by striking out "Benchers" **and substituting** "Court of King's Bench";

(c) in subsection (4) by striking out "a panel of Benchers under Part 3, the Benchers may, on application," **and substituting** "the Court of King's Bench under Part 3, the Court of King's Bench may";

(d) in subsection (5) by striking out "Court of Appeal under section 82" **and substituting** "Court of King's Bench under section 77";

(e) by repealing subsection (6).

NOTE: (6) Section 18 presently reads in part:

18(1) A person ceases to hold office as a Bencher if

(c) that person's membership in the Society is suspended under section 72(1)(b), 77, 82, 83(4), 83(7) or 84(3),

(d) an order of reprimand is made against that person under Part 3, or

(e) the Court of Appeal makes an order against that person under subsection (6).

(3) A person resumes office as a Bencher if

(b) the finding of guilt on which the order was based was revoked by the Benchers or the Court of Appeal under Part 3,

(4) If a member ceases to hold office as a Bencher by reason of a reprimand order made by a Hearing Committee or a panel of Benchers under Part 3, the Benchers may, on application, order that the member resume office as a Bencher.

(5) If a member ceases to hold office as a Bencher by reason of a replacement reprimand order made by the Court of Appeal under section 82, the Court, on application or on its own motion, may order that the member resume office as a Bencher.

(6) If the Benchers make an order under subsection (4) in favour of a member who appeals the reprimand order to the Court of Appeal under section 80, the Court may, on the appeal, revoke the order of the Benchers.

(7) Section 48(3)(d) is amended by striking out "Court of Appeal" **and substituting** "Court of King's Bench".

NOTE: (7) Section 48(3)(d) presently reads:

(3) Rules under subsection (2)(h) may, without limitation, provide for

(d) appeals from adjudications to the Court of Appeal.

(8) The following is added before section 50:

Attorney General of Alberta immunity

49.2 A person who is or has been the Attorney General of Alberta is not subject to any proceedings of the Society or to any sanction imposed under this Act for anything done by the person while exercising the powers and carrying out the duties and functions of the Attorney General of Alberta.

NOTE: (8) Attorney General of Alberta immunity.

(9) Section 53 is amended by adding the following after subsection (1):

(1.1) The Executive Director may, at any time during the Executive Director's review of a complaint under subsection (1), direct that the complaint be dismissed if the Executive Director has reasonable grounds to conclude that the complaint

(a) is frivolous or vexatious,

(b) was made in bad faith or for an improper purpose or motive, or

(c) is entirely without merit.

(1.2) In determining whether a complaint may be dismissed under subsection (1.1), the Executive Director may consider whether the complaint was made by a third party who has had no dealings with the member or who has no connection to the subject-matter of the complaint.

(1.3) A direction the Executive Director makes to dismiss a complaint under subsection (1.1) is final, and there is no appeal from that direction.

NOTE: (9) Adds criteria for dismissing a complaint.

(10) Section 54 is repealed and the following is substituted:

Request for appeal to Appeal Committee

54(1) If the Executive Director makes a direction under section 53(4)(a) dismissing a complaint, the complainant may request an appeal of the direction, in accordance with the process set out in the rules.

(2) The Executive Director may, in accordance with criteria approved by the Benchers, allow or dismiss a request for an appeal made under subsection (1).

(3) If the Executive Director allows a request for an appeal under subsection (2), the Appeal Committee must hear the appeal.

(4) On hearing an appeal, the Appeal Committee shall either

(a) direct that the complaint be dismissed, or

(b) refer the matter to the Conduct Committee.

(5) The Benchers must establish criteria for the purposes of subsection (2).

NOTE: (10) Section 54 presently reads:

54(1) If a direction is made by the Executive Director under section 53(4)(a) dismissing a complaint, the complainant may appeal the direction to the Appeal Committee in accordance with the rules.

(2) On hearing the appeal, the Appeal Committee shall either

(a) direct that the complaint be dismissed, or

(b) refer the matter to the Conduct Committee.

(11) Section 73(5) is amended by striking out "chair of the panel of Benchers" **and substituting** "Court of King's Bench".

NOTE: (11) Section 73(5) presently reads:

(5) A Board of Examiners shall be appointed by the chair of the Hearing Committee, the chair of the panel of Benchers or the Court of Appeal, as the case requires.

(12) Section 74 is amended

(a) in subsection (5) by striking out "Benchers" **and substituting** "Court of King's Bench";

(b) by repealing subsection (6).

NOTE: (12) Section 74 presently reads in part:

(5) If an appeal is taken by the member to the Benchers under this Part, the Executive Director shall, at the expense of the member, arrange for the preparation of the hearing record of the hearing.

(6) Notwithstanding subsection (5), the Benchers may

(a) waive the payment of all or part of the cost of the preparation of the hearing record, or

(b) in the event that the appeal is wholly or partly successful, direct that all or part of the cost of preparation of the hearing record be repaid to the member or be applied to reduce the amount of any penalties or costs otherwise payable by the member.

(13) Section 75 is repealed and the following is substituted:

Appeal to Court of King's Bench

75(1) If the Hearing Committee makes an order under section 72(1), the member in respect of whom the order is made may appeal to the Court of King's Bench.

(2) An appeal to the Court of King's Bench under this section may relate to all or any of the following:

(a) a finding of guilt by the Hearing Committee under section 71(1) on which the order under section 72(1) was based;

(b) a determination by the Hearing Committee under section 71(4) that the member's conduct arose from incompetence;

(c) all or any part of an order the Hearing Committee made against the member under section 72.

(3) On appeal to the Court of King's Bench under this section, the standard of review the Court is to apply is correctness.

(4) At any time after the Hearing Committee informs the member of its decision to make an order against the member under section 72(1) and on notice to the Executive Director, the member may apply to the Hearing Committee for a stay of the operation of the order, pending the conclusion of the appeal to the Court of King's Bench.

(5) The Hearing Committee may make an order applied for under subsection (4) with or without imposing conditions on the member, but the Committee shall refuse to make the order if

(a) it is satisfied that the conduct of the member involves the conversion or misappropriation of property, or

(b) having regard to the nature of the member's conduct, it is proper to refuse to make the order.

NOTE: (13) Section 75 presently reads:

75(1) If the Hearing Committee makes an order under section 72(1), the member in respect of whom the order is made may appeal to the Benchers in accordance with this section.

(2) An appeal to the Benchers under this section may relate to all or any of the following:

(a) any finding of guilt by the Hearing Committee under section 71(1) on which the order under section 72(1) was based;

(b) a determination by the Hearing Committee under section 71(4) that the member's conduct arose from incompetence;

(c) all or any part of an order made by the Hearing Committee against the member pursuant to section 72.

(3) An appeal under this section shall be commenced by filing a notice of appeal with the Executive Director within the 30-day period after the date on which a copy of the hearing report was given to the member or the member's counsel.

(4) If an appeal is taken to the Benchers under this section, the Executive Director shall

- *(a) serve a notice on the member or the member's counsel showing the time and place at which the hearing report and the hearing record are to be considered by the Benchers and stating that the member may appear before the Benchers at that time and place in person or by the member's counsel,*

- *(b) serve on the member concerned or the member's counsel a copy of the hearing report and the hearing record, and*

- *(c) give copies of the hearing report and the hearing record to those Benchers who, to the Executive Director's knowledge, are expected to form the panel of Benchers who will hear the matter or who may be included in that panel.*

(4.1) Where an application is being brought under section 76(11)(c) to dismiss an appeal, copies of the hearing record are not required to be served or given under subsection (4)(b) and (c).

(5) If it is not reasonably practical for the Executive Director to serve or give a copy of an exhibit or a recording forming part of the hearing record, the Executive Director shall

- *(a) with the authorization of the President, make the original exhibit available for examination and inspection, or the recording for listening, by the member or the member's counsel prior to the hearing of the appeal, and*

- *(b) make the original exhibit available for examination and inspection, or the recording for listening, by the Benchers at the hearing of the appeal.*

(6) At any time after the Hearing Committee informs the member of its decision to make an order against the member under section 72(1) and on notice to the Executive Director, the member may apply to the Hearing Committee for a stay of the operation of the order, pending the conclusion of the appeal to the Benchers.

(7) The Hearing Committee may make an order applied for under subsection (6) with or without imposing conditions on the member, but the Committee shall refuse to make the order if it is satisfied that the conduct of the member involves the conversion or misappropriation of property or that, having regard to the nature of the member's conduct, it is proper to refuse to make the order.

(14) Section 76 is repealed.

NOTE: (14) Section 76 presently reads:

76(1) If an appeal is taken to the Benchers under section 75, the Benchers shall, as soon as practicable and subject to compliance with section 75, hold a hearing to

(a) consider the hearing report and the hearing record, and

(b) hear any representations of the member or the member's counsel respecting the appeal.

(2) A Bencher is qualified to participate in or vote at proceedings before the Benchers under this section unless that Bencher

(a) was a member of the Hearing Committee from which the appeal is taken,

(b) participated as a member of the Conduct Committee, the Practice Review Committee or the Appeal Committee in proceedings of that Committee relating to the same matter that was the subject of the hearing by the Hearing Committee from which the appeal is taken,

(c) except in the case of an application under subsection (11)(c), did not receive a copy of the hearing report and the hearing record before the hearing commenced, or

(d) is otherwise disqualified.

(3) A member of a panel of Benchers hearing an appeal under this section may continue to act until the appeal is concluded notwithstanding that the member ceases to be a Bencher after the commencement of the hearing unless the member ceases to hold office as a Bencher because of section 18.

(4) If after the commencement of a hearing of an appeal under this section the membership of the panel of Benchers is reduced, the remaining members of the panel may continue to act as the panel for the purpose of concluding the appeal if at least 5 members of the panel remain.

(5) The commencement of a hearing under this section may be adjourned from time to time

(a) by the Benchers, or

(b) by a committee of the Benchers pursuant to the rules.

(6) The panel of Benchers holding a hearing under this section may, on application for leave to receive fresh evidence, inquire into the nature of that evidence and, on granting leave, may

(a) direct that all or part of the fresh evidence will be received by the panel,

(b) direct the Hearing Committee from which the appeal was taken to hold a further hearing to hear the fresh evidence, or

(c) quash a finding of guilt made by the Hearing Committee and direct that the conduct that was the subject of the finding be dealt with at a new hearing by a different Hearing Committee.

(7) If the panel of Benchers receives fresh evidence pursuant to subsection (6)(a), sections 68 to 70 apply with

respect to the proceedings of the panel at which the fresh evidence is received, and for that purpose a reference in those sections to a Hearing Committee shall be read as a reference to the panel.

(8) If the panel of Benchers directs a further hearing before the Hearing Committee pursuant to subsection (6)(b),

- *(a) the Hearing Committee shall receive evidence at the further hearing in accordance with the instructions and conditions given or imposed by the panel;*

- *(b) the Hearing Committee may revoke any finding of guilt or any determination respecting incompetence previously made by it or amend or replace any order made by it under section 72 or 73;*

- *(c) section 74 applies with respect to the further hearing and the hearing record of the further hearing;*

- *(d) section 75(4)(b) and (c) and (5) apply with respect to the hearing report and the hearing record of the further hearing;*

- *(e) a panel of the Benchers shall reconvene the hearing of the appeal and shall dispose of the appeal having regard also to the hearing report and the hearing record of the further hearing.*

(9) If the panel of Benchers directs a new hearing before a different Hearing Committee pursuant to subsection (6)(c),

- *(a) section 59 applies to the new hearing as if that section referred to the Benchers rather than to the Conduct Committee, and*

- *(b) each member of the panel is disqualified from being a member of the new Hearing Committee but is not disqualified merely because of that membership on the panel from being a member of the panel of Benchers that hears any appeal from the new Hearing Committee.*

(10) If a meeting of the panel of Benchers is held after the conclusion of a hearing under this section to consider its

decision on the appeal, the only persons who may be present at the meeting are

(a) the members of the panel, and

(b) the Executive Director, or some other person designated by the panel, only for the purpose of recording minutes of the meeting.

(11) The Benchers may make an order dismissing the appeal, with or without a further order requiring the member to pay to the Society all or part of the costs of the proceedings relating to the appeal, if

(a) neither the member nor the member's counsel appears before the Benchers at the time and place at which the hearing is to be held and the Benchers determine that the Executive Director has complied with section 75(4)(a) and (b),

(b) the member or the member's counsel appears before the Benchers for the purpose of applying for an adjournment of the hearing and the Benchers consider the adjournment unjustified in the circumstances, or

(c) the Benchers are satisfied that the member has otherwise abandoned the appeal.

(15) Section 77 is repealed and the following is substituted:

Order by Court of King's Bench

77(1) Within a reasonable time after the conclusion of an appeal under section 75, a judge of the Court of King's Bench may, in respect of any conduct that resulted in the order of the Hearing Committee under section 72(1), make one or more of the following orders:

(a) an order

(i) confirming the Hearing Committee's finding of guilt in respect of the member's conduct, or

(ii) quashing the finding of guilt, with or without a further order under subsection (2);

(b) an order confirming or quashing a determination by the Hearing Committee that the member's conduct arose from incompetence;

(c) if the judge confirms the Hearing Committee's finding of guilt, an order confirming or varying the Committee's order under section 72 or replacing it with any other order that the Committee could have made under that section;

(d) if the judge replaces the Hearing Committee's order under section 72(1)(a) or (b) with an order of reprimand under section 72(1)(c),

(i) an order confirming the Committee's determination, or making the judge's own determination, that the member's conduct arose from incompetence, and

(ii) any order under section 73 against the member that the Hearing Committee could have made;

(e) if the appeal does not result in the confirmation or making of an order of disbarment, an order

(i) confirming the Committee's order under section 72(4), or

(ii) directing that the member is not ineligible for nomination or election as a Bencher because of the finding of guilt on which the order under section 72 is based.

(2) If a judge of the Court of King's Bench quashes a finding of guilt under subsection (1)(a)(ii),

(a) the judge may also make an order directing that the member's conduct that was the subject of the finding be dealt with at a new hearing by a different Hearing Committee, and

(b) section 59 applies to the matter except that

(i) the reference to the Conduct Committee in the portion of section 59(1) preceding clause (a) is to be read as a reference to the Court of King's Bench, and

(ii) a reference to the chair of the Conduct Committee is to be read as a reference to the Benchers.

NOTE: (15) Section 77 presently reads:

77(1) Within a reasonable time after the conclusion of their appeal hearing under section 76, the Benchers may, in respect of any conduct that resulted in the order of the Hearing Committee under section 72(1), make one or more of the following orders:

(a) an order

(i) confirming the Hearing Committee's finding of guilt in respect of the member's conduct, or

(ii) quashing the finding of guilt, with or without a further order under subsection (3);

(b) an order confirming or quashing a determination by the Hearing Committee that the member's conduct arose from incompetence;

(c) where the Benchers confirm the Hearing Committee's finding of guilt, an order confirming or varying the Committee's order under section 72 or replacing it with any other order that the Committee could have made under that section;

(d) where the Benchers replace the Hearing Committee's order under section 72(1)(a) or (b) with an order of reprimand under section 72(1)(c),

(i) an order confirming the Committee's determination, or making their own determination, that the member's conduct arose from incompetence, and

(ii) any order under section 73 against the member that the Hearing Committee could have made;

(e) if the appeal does not result in the confirmation or making of an order of disbarment, an order

(i) confirming the Committee's order under section 72(4), or

(ii) directing that the member is not ineligible for nomination or election as a Bencher because of the finding of guilt on which the order under section 72 is based.

(2) Notwithstanding section 21, if the Benchers vote on a motion to make an order under subsection (1) either to confirm or to quash a finding, determination or order of a Hearing Committee and there is an equality of votes on the motion, the Benchers are deemed to have voted in favour of confirming the finding, determination or order.

(3) If the Benchers under subsection (1)(a) quash a finding of guilt,

(a) the Benchers may also make an order directing that the member's conduct that was the subject of the finding be dealt with at a new hearing by a different Hearing Committee, and

(b) section 59 applies to the matter as though that section referred to the Benchers rather than to the Conduct Committee.

(4) An order for the suspension of the membership of a member that is confirmed or made by the Benchers under subsection (1) may, at any time after the Benchers' order, be terminated by the Benchers on their own motion or, subject to the rules, on application.

(5) After the Benchers have made an order under section 76(11) or this section, the Executive Director shall

(a) prepare a summary of the order,

(b) give a copy of the summary to the member or the member's counsel, and

(c) send a copy of the summary to the complainant, if any.

(16) Section 78 is amended

(a) in subsection (1) by striking out "or an appeal under section 76";

(b) in subsection (3) by adding "the Court of King's Bench and" **after** "before".

NOTE: (16) Section 78 presently reads in part:

78(1) The public may attend and observe a hearing before a Hearing Committee or an application under section 61 or an appeal under section 76 except to the extent that the hearing is directed to be held in private under subsection (2).

(3) Proceedings under this Division, other than hearings referred to in subsection (1) and hearings before the Court of Appeal, shall be held in private.

(17) Section 79(1)(a) is amended by striking out "Benchers" **and substituting** "Court of King's Bench".

NOTE: (17) Section 79(1)(a) presently reads:

79(1) Unless the Conduct Committee otherwise directs before the expiration of the period prescribed by the order, the membership of a member is automatically suspended until payment is made in full if

(a) an order is made against the member by a Hearing Committee or the Benchers for the payment of a penalty or of all or part of the costs of any proceedings under this Division, and

(18) Sections 80 to 82 are repealed.

NOTE: (18) Sections 80 to 82 presently read:

80(1) A person found guilty of conduct deserving of sanction may appeal to the Court of Appeal any or all of the following:

(a) a finding, determination or order made by a Hearing Committee that may not be appealed to the Benchers under section 75;

(b) an order of the Benchers under section 76(11);

(c) all or part of an order made against the member by the Benchers under section 77(1).

(2) The appeal shall be commenced not more than 30 days after the date on which the finding, determination or order appealed from was made by

(a) filing a notice of appeal with the Registrar of the Court at Edmonton or Calgary, and

(b) serving a copy of the notice of appeal on the Executive Director.

(3) A judge of the Court of Appeal may, within the 30-day period referred to in subsection (2), extend the time for filing or service under subsection (2).

(4) The Society shall be named as the sole respondent in an appeal under this section.

(5) The Executive Director, at the expense of an appellant under this section, shall arrange for the preparation of the hearing record of the hearing before the Hearing Committee.

(6) Notwithstanding subsection (5), the Benchers may waive the payment of all or part of the cost of the preparation of the hearing record.

(7) The appellant, after commencing the appeal and on notice to the Executive Director, may apply to the Court of King's Bench for a stay, pending the conclusion of the appeal under this section, of the operation of any order appealed from that is

(a) an order of the Benchers

(i) disbarring the appellant or confirming the Hearing Committee's disbarment order, or

(ii) suspending the membership of the appellant during the period prescribed in the order or confirming the Hearing Committee's order suspending the membership of the appellant during the period prescribed in the Committee's order,

or

(b) an order under section 72(2) or 73.

(8) The Court of King's Bench may make an order applied for under subsection (7) with or without imposing conditions on the appellant, but shall refuse to make the order if the Court is satisfied that the conduct of the appellant involves the conversion or misappropriation of property or that, having regard to the nature of the conduct of the appellant, it is proper to refuse to make the order.

81(1) An appeal to the Court of Appeal shall be founded on copies certified by the Executive Director of the following:

(a) in the case of an appeal from a decision of a Hearing Committee, the hearing report and the hearing record;

(b) in the case of an appeal taken from the Benchers pursuant to section 80(1)(b) or (c),

(i) the hearing report, the hearing record and the Executive Director's summary prepared pursuant to section 77(5), and

(ii) if the Benchers received fresh evidence under section 76(6), a transcription of the proceedings at which the fresh evidence was received, a transcription of any recording entered as an exhibit at those proceedings and any exhibit entered in evidence at those proceedings.

(2) The Executive Director, on being paid the fees prescribed by the rules and any disbursements and expenses

in connection with those fees, shall, on request, give the appellant or the appellant's counsel not more than 9 copies of the documents mentioned in subsection (1) in accordance with the request.

(3) The Alberta Rules of Court for appeals from a judgment or order of the Court of King's Bench to the Court of Appeal apply to an appeal to the Court of Appeal under section 80.

82(1) The Court of Appeal on hearing the appeal may

(a) in the case of an appeal taken under section 80(1)(a),

(i) confirm or quash any finding or determination of the Hearing Committee,

(ii) confirm, quash or vary any order of the Hearing Committee under section 72 or replace it with any other order the Committee could have made under that section, or

(iii) confirm, quash or vary any order of the Hearing Committee under section 73, replace it with any other order the Committee could have made under that section or direct the Benchers to make a replacement order under section 73 in accordance with the instructions of the Court;

(b) in the case of an appeal taken under section 80(1)(b), confirm the order of the Benchers under section 76(11) or quash it and direct the Benchers to proceed with the appeal that was dismissed by that order;

(c) in a case of an appeal taken pursuant to section 80(1)(c), confirm, quash or vary the order of the Benchers or replace it with any other order the Benchers could have made under section 77(1);

(d) where the Court quashes a finding of guilt, direct the Benchers to make an order under section 77(3) to have the matter regarding the member's conduct that was the subject of the finding dealt with at a new hearing by a different Hearing Committee;

(e) in the event that the appeal is wholly or partly successful, direct that all or part of the cost of preparation of the documents referred to in section 81(1) be repaid by the Society to the member or be applied to reduce the amount of penalties or costs otherwise payable to the Society by the member.

(2) In making an order under subsection (1), the Court may give the Benchers any directions the Court considers just in the circumstances as a consequence of its decision or considers necessary to carry out its decision.

(19) Section 85(3) is amended by striking out "section 72, 77, 82, 83 or 84" **and substituting** "section 72, 77, 83 or 84".

NOTE: (19) Section 85(3) presently reads in part:

(3) If an order is made against a member under section 72, 77, 82, 83 or 84 or an application is granted under section 61, the Hearing Committee or the Benchers may give directions to the Executive Director in accordance with the rules respecting

(20) Section 86(1)(b) is amended

(a) by adding "or" **at the end of subclause (i) and repealing subclause (ii) and substituting the following:**

(ii) if the operation of an order of a Hearing Committee to disbar the person is stayed under section 75(4) and the order was confirmed by the Court of King's Bench on appeal, the date of the Court's confirmation order.

(b) by repealing subclause (iii).

NOTE: (20) Section 86(1)(b) presently reads:

86(1) If a person is disbarred,

(b) no order for that person's reinstatement as a member shall be made within one year after

(i) the date on which the person was disbarred,

(ii) if the operation of an order of a Hearing Committee to disbar the person was stayed under section 75(7) and the order was confirmed by the Benchers on appeal, the date of the Benchers' confirmation order, or

(iii) if the operation of the Benchers' confirmation order referred to in subclause (ii) was stayed under section 80(8) and the Hearing Committee's order was confirmed by the Court of Appeal, the date on which the Court of Appeal made its confirmation order.

(21) Section 120 is amended

(a) in subsection (1)(d) by adding "subject to subsection (1.1)," **before** "2 persons";

(b) by adding the following after subsection (1):

(1.1) Notwithstanding subsection (1)(d), the bylaws may establish who may appoint the 2 persons referred to in subsection (1)(d).

NOTE: (21) Section 120 presently reads in part:

120(1) The affairs of the Foundation shall be conducted by a board of directors composed of

(d) 2 persons, one of whom is a member of the Society and one of whom is not a member of the Society, appointed by the other directors of the Foundation.

(22) Section 121 is amended

(a) by repealing subsection (1) and substituting the following:

Board bylaws

121(1) The board must make bylaws respecting the general conduct, operation, management and financial administration of the Foundation.

(b) in subsection (2)

(i) by striking out "the board may" **and substituting** "the board must";

(ii) by adding the following after clause (f):

(g) the calling of meetings of the board and the conduct of business at them;

(h) the duties and conduct of the directors;

(i) who may appoint the 2 persons referred to in section 120(1)(d).

(c) by adding the following after subsection (2):

(3) The board must make bylaws respecting matters prescribed by the regulations.

(4) Before making a bylaw, the board must provide a copy of the proposed bylaw to the Minister for approval.

(5) The board may only make a bylaw if the Minister has approved the bylaw.

(6) A bylaw may come into effect on the date it is approved by the Minister unless otherwise specified by the Minister.

NOTE: (22) Section 121 presently reads in part:

121(1) The board may make bylaws respecting the calling of meetings of the board and the conduct of business at them, the duties and conduct of the directors and generally as to the conduct of the business and affairs of the Foundation.

(2) Without limiting the generality of subsection (1), the board may make bylaws regarding

(23) The following is added after section 121:

Minister bylaw-making powers

121.1(1) Subject to the regulations, the Minister may issue an order making bylaws for the Foundation respecting

(a) the general conduct, operation, management and financial administration of the Foundation, including the matters referred to in section 121(2), and

(b) a matter the board is required to make bylaws about under section 121(3).

(2) The Minister may issue an order making bylaws under subsection (1) regardless of whether the board has made bylaws under section 121.

(3) Subject to the regulations, the Minister may issue an order amending or repealing a bylaw made by the board.

(4) A bylaw made by the Minister under subsection (1) and the amendment or repeal of a bylaw under subsection (3)

(a) is binding on the Foundation and its board,

(b) is effective immediately unless otherwise specified by the Minister, and

(c) prevails to the extent of any inconsistency or conflict with bylaws made by the board.

(5) The board cannot

(a) amend or repeal a bylaw made by the Minister or an amendment to a bylaw made by the Minister, or

(b) make a bylaw that is the same or substantially the same as a bylaw the Minister has repealed.

Directives

121.2(1) Subject to the regulations, the Minister may, by order, issue directives that must be followed by the Foundation, the board or both in carrying out their powers and duties under this Act.

(2) A directive

(a) is effective immediately unless otherwise specified by the Minister, and

(b) prevails to the extent of any inconsistency or conflict with bylaws made by the board.

(3) The board shall ensure that a directive issued to or required to be followed by the board, and the Foundation shall ensure that a directive issued to or required to be followed by the Foundation, is implemented in a prompt and efficient manner.

Regulations

121.3 The Minister may make regulations

(a) prescribing matters in respect of which the board must make bylaws;

(b) establishing requirements for how the board must address a matter in the bylaws;

(c) establishing procedures for the Minister to make, amend or repeal bylaws;

(d) establishing procedures for the Minister to issue directives.

NOTE: (23) Minister bylaw-making powers; directives; regulations.

(24) The following is added after section 123:

Transitional

123.1(1) By no later than 15 days after the coming into force of this section, the Foundation shall pay to the Legal Aid Society of Alberta, to administer a plan to provide legal aid under an agreement under section 4, the amount of $30 478 295 from the money remitted to the Foundation under section 126, to be used to defray the cost of providing legal aid under that agreement.

(2) The payment required under subsection (1), together with the $36 268 446.60 paid by the Foundation to the Legal Aid Society of Alberta on September 29, 2025, is deemed to fulfil the Foundation's obligation under section 123 to pay to the Legal Aid Society of Alberta money remitted to the Foundation under section 126 during the 2024-25 fiscal year of the Foundation.

NOTE: (24) Transitional.

(25) Subsections (2) and (4) to (20) come into force on Proclamation.

NOTE: (25) Coming into force.

Referendum Act

Amends RSA 2000 cR-8.4

7(1) The *Referendum Act* is amended by this section.

NOTE: **7**(1) Amends chapter R-8.4 of the Revised Statutes of Alberta 2000.

(2) Sections 4 and 5.2 are amended by adding the following after subsection (2):

(3) Notwithstanding subsection (2), if the results of a referendum are binding, the government that initiated the referendum is not required to implement the results of the referendum if doing so would contravene sections 1 to 35.1 of the *Constitution Act, 1982*.

NOTE: (2) Sections 4(2) and 5.2(2) presently read:

4(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.

5.2(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.

RECORD OF DEBATE

Stage	Date	Member	From	To

Interventions	From	To

Stage	Date	Member	From	To

Interventions	From	To

Stage	Date	Member	From	To

Interventions	From	To

Stage	Date	Member	From	To

Interventions	From	To

Stage	Date	Member	From	To

Interventions	From	To

Stage	Date	Member	From	To

Interventions	From	To