



Province of Alberta

REFERENDUM ACT

Revised Statutes of Alberta 2000
Chapter R-8.4

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

Holding referendums

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

1992 cC-22.25 s1

Referendum to precede constitutional change

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

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

1992 cC-22.25 s2

Question to be asked

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

1992 cC-22.25 s3

When referendum binding

4(1) If a majority of the ballots validly ordered under section 1 or 2 vote the same way on a question stated, the result is binding, within the meaning of subsection (2), on the government that initiated the referendum.

(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.

RSA 2000 cC-25 s4;2020 c20 s3

Time of referendum

5 An order under section 1 or 2 shall specify whether the referendum is to be held

- (a) in conjunction with a general election under the *Election Act*,
- (b) separately on a date provided in the order, or
- (c) in conjunction with the general elections under the *Local Authorities Election Act*.

1992 cC-22.25 s5

Holding non-constitutional referendums

5.1(1) If the Lieutenant Governor in Council considers that an expression of public opinion is desirable on any matter of public interest or concern, other than a question or resolution referred to in section 1 or 2, the Lieutenant Governor in Council may order that a referendum be conducted in accordance with this Act and the regulations.

(2) An order under subsection (1) shall specify

- (a) the question or questions that are to be put to the electors,
- (b) whether the referendum is to be held

- (i) in conjunction with a general election under the *Election Act*,
 - (ii) separately as a stand-alone referendum on a date provided in the order, or
 - (iii) in conjunction with the general elections under the *Local Authorities Election Act*,
- (c) the areas of Alberta in which the referendum is to be held,
 - (d) whether the results of the referendum are to be binding, and
 - (e) whether the referendum is to be conducted by mail-in ballot.

2020 c20 s4

When referendum binding

5.2(1) If the Lieutenant Governor in Council has specified that the results of a referendum ordered under section 5.1 are to be binding and a majority of the ballots validly cast at the referendum vote the same way on a question stated, the result is binding, within the meaning of subsection (2), on the government that initiated the referendum.

(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.

2020 c20 s4

Vote by mail-in ballot

5.3 Where a referendum is ordered under section 5.1 to be held as a stand-alone referendum on a date provided in the order, the referendum may be conducted by mail-in ballot in accordance with the regulations.

2020 c20 s4

Application of Election Act

6(1) If a referendum is to be held in conjunction with a general election under the *Election Act* or separately on a date provided for under section 5(b) or 5.1(2)(b)(ii), the *Election Act* and the regulations under it apply, with all necessary modifications, to the referendum except as otherwise provided by the regulations under this Act.

(2) The persons eligible to vote at a referendum to which the *Election Act* applies are the persons who would be eligible to vote at an election under the *Election Act* on the day the referendum is held.

(3) If a referendum is to be held in conjunction with the general elections under the *Local Authorities Election Act*, section 134.1(3.1) of the *Election Act* applies.

RSA 2000 cC-25 s6;2020 c20 s5

Application of Local Authorities Election Act

7(1) If a referendum is to be held in conjunction with the general elections under the *Local Authorities Election Act*, the *Local Authorities Election Act*, except Parts 5.1 and 8, and the regulations under it apply, with all necessary modifications, to the referendum except as otherwise provided by the regulations under this Act.

(2) The persons eligible to vote at a referendum to which the *Local Authorities Election Act* applies are the persons who would be eligible to vote at an election under the *Local Authorities Election Act* on the day the referendum is held.

RSA 2000 cC-25 s7;2020 c20 s6

Application of Election Finances and Contributions Disclosure Act

7.1 For greater certainty, the *Election Finances and Contributions Disclosure Act* applies to every referendum held under this Act, irrespective of whether the referendum is held in conjunction with a general election under the *Election Act*, separately on a date provided for under section 5(b) or 5.1(2)(b)(ii) or in conjunction with the general elections under the *Local Authorities Election Act*.

2020 c20 s7

When councils to conduct vote

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

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

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

- (4) The Minister of Municipal Affairs is responsible for conducting a referendum of the electors residing in improvement districts, special areas, Metis settlements, summer villages, Indian reserves and national parks and for the purposes of the referendum has all the rights, powers and duties of a council to conduct the referendum, including the authority to appoint returning officers and other election officers.
- (5) The Minister of Municipal Affairs may enter into an agreement
- (a) with any elected authority in the area or in an area adjacent to an improvement district, special area, Metis settlement, summer village, new town, Indian reserve or national park, or
 - (b) with the advisory council of an improvement district or the advisory committee of a special area, the settlement council of a Metis settlement, the board of administrators of a new town or the council of a summer village

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

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

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

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

1992 cC-22.25 s8;1994 cM-26.1 s642(12)

Results of referendum

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

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

1992 cC-22.25 s9

Regulations

10 The Lieutenant Governor in Council may make regulations

- (a) modifying the provisions of the *Election Act* and the *Local Authorities Election Act* and the regulations under those Acts to make them applicable to the requirements of a referendum, including specifying or setting out provisions applicable to referendums in addition to, or instead of, any provisions of those Acts and regulations;
- (a.1) for the purpose of conducting a referendum ordered under section 5.1 by mail-in ballot, providing that any provision of the *Election Act* applies to the referendum with the modifications set out in the regulations or specifying or setting out provisions applicable to the referendum in addition to, or instead of, any provision of the *Election Act*;
- (b) prescribing the duties and powers of the Chief Electoral Officer in connection with referendums;
- (c) respecting amounts that are payable to elected authorities and other bodies conducting a referendum under section 8;
- (d) prohibiting or regulating, for the purposes of campaigning for or against any question put to the electors at a referendum,
 - (i) contributions that may be made to political parties, persons and groups of persons, and
 - (ii) expenses that may be incurred by political parties, persons and groups of persons;
- (e) generally respecting any other matters and things relating to the holding and conduct of a referendum that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

RSA 2000 cC-25 s10;2020 c20 s8

Appropriation

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

1992 cC-22.25 s11

National referendum

12 This Act does not apply to a particular proposal to amend the Constitution of Canada if the Legislative Assembly, on the motion of a member of the Executive Council, approves the substitution of a referendum on that proposal held under the *Referendum Act* (Canada), but

- (a) the question on the referendum under the *Referendum Act* (Canada) must be acceptable to the Legislative Assembly,

- (b) that referendum must be held before the resolution authorizing the amendment to the Constitution of Canada is voted on by the Legislative Assembly, and
- (c) the result of that referendum, as determined by the majority of ballots validly cast in Alberta, is binding on the Government of Alberta, which shall, as soon as practicable, take whatever steps within its competence that it considers necessary or advisable to implement that result.

1992 c36 s2



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