

Bill 51 - Citizen Initiative Legislation

Recommendation

That the April 6, 2021, Communications and Engagement report CE00513, be received for information.

Executive Summary

This report provides an overview of the *Citizen Initiative Act* (Bill 51) introduced by the Government of Alberta in March 2021.

In addition to Bill 51, the provincial government also introduced Bill 52 (*Recall Act*), another Bill intended to strengthen democratic participation, which is addressed in the April 6, 2021, Office of the City Clerk report OCC00507.

Report

The proposed *Citizen Initiative Act* would allow any Albertan who is an eligible voter to apply to the Chief Electoral Officer to issue a petition for an initiative. Initiatives can be in relation to a legislative proposal, a policy proposal or a constitutional referendum proposal. Bill 51 is similar to legislation passed in British Columbia in 1995, although it is more expansive since the British Columbia legislation does not include constitutional proposals.

Process

To bring an initiative forward, an Albertan would apply to the province's Chief Electoral Officer to start a petition. If the Chief Electoral Officer accepts the application and issues the petition, eligible voters have 90 days to sign the petition. To be successful, a petition must receive signatures from:

- 10 percent of eligible voters provincewide for legislative and policy initiatives.
- 20 percent of eligible voters provincewide for constitutional initiatives, and would need that level of support in each of two-thirds of Alberta's constituencies.

Once signatures are obtained, the petition and signatures will be submitted to the Chief Electoral Officer for verification.

Successful legislative and policy initiatives would then be referred to a committee of the Legislative Assembly of Alberta for consideration. The committee can table a report with the Legislative Assembly regarding the proposal, or recommend that the

initiative be referred for a public vote. Successful constitutional initiatives are referred to Cabinet for a vote under the *Referendum Act*.

Parameters

There are a variety of limitations on petitions that can be brought forward. For instance, an application must not relate to a proposal that is the same as or substantially similar to a proposal within the last five years, which is the subject of another citizen initiative petition or which would result in a conflict with the outcome of another citizen initiative petition. Further, the Chief Electoral Officer must agree that the proposed question is clear and unambiguous and within the scope of the provincial legislature. Citizen initiative petitions must also not violate the Charter of Rights and Freedoms.

There are also limits on who can bring forward applications, with the following groups prohibited from submitting petitions:

- Sitting Members of the Legislative Assembly of Alberta;
- The Chief Electoral Officer or their staff;
- Individuals who are prohibited from being a chief financial officer under the *Election Finances and Contributions Disclosure Act*; or
- Any individual who has been convicted of an offence under the *Citizen Initiative Act*, the *Election Act* or the *Election Finances and Contributions Disclosure Act* in the past eight years.

Bill 51 will also set advertising and spending rules for submitting petitions. These rules would be aligned, where possible, with the *Election Finance and Contributions Disclosure Act*. Petitioners would be responsible for all costs associated with gathering the required number of signatures, but could accept contributions toward their initiative under applicable financing rules.

Petitions may not be conducted during the period of a general election, unless special arrangements are made with the Chief Electoral Officer.

Current Status:

Bill 51 was introduced for First Reading on March 16, 2021, and will now undergo the legislative process.

Key Considerations:

The legislation allows for a wide range of issues to come forward, from policy matters through to constitutional changes; it remains possible that citizen initiatives may address provincial issues of relevance to municipalities. It is important to note that initiatives under Bill 51 do not displace or otherwise change the petition options of the *Municipal Government Act*. Under Bill 51, initiatives are received by the provincial government; there is no municipal role in the proposed legislation.

The number of signatures required for a successful petition is quite high (10 to 20 percent of eligible voters). In comparison, California requires between 5 to 8 percent of votes previously cast for a gubernatorial race, depending on the type of petition. As such, it seems unlikely that this tool will be used frequently to a successful outcome. Significant mobilization across the province will be needed, requiring resources that aren't typically available to the average citizen. Nonetheless, as initiatives begin to arise, complications may emerge if contradictory initiatives are pursued.

It should be noted that in the 26 years since British Columbia's legislation took effect, there have been 12 citizen petitions to change legislation, with just one successful petition (promoting a binding referendum that forced that government to eliminate its harmonized sales tax in 2011).

It remains possible that at some point in the future a question raised through a citizen initiative process would result in a vote held in conjunction with municipal elections.

Next Steps:

Regulations will need to be drafted by the Province before the legislation can come into force. If passed, Bill 51, *Citizen Initiative Act* will come into force upon proclamation, but no timelines have yet been announced. City Administration will continue to monitor and provide updates to Council as required.

Corporate Outcomes and Performance Management

Corporate Outcome(s): Conditions of Success			
Outcome(s)	Measure(s)	Result(s)	Target(s)
A fully informed City Council.	Number of focused Intergovernmental discussions at Council Meetings.	To support a fully informed Council, Administration reports across a broad range of intergovernmental activities (through sharing cross-referenced reports on advocacy; collaboration, legislation; government associations) at Council meetings: 1 - (2021); 2 - (2020) 3 - (2019) 2 - (2018)	No target

Others Reviewing this Report

- K. Fallis-Howell, Acting City Solicitor