

Section 5 J. Brown
6.6.18

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PRINCE EDWARD ISLAND

Moved
06.06.18 RR

BILL NO. 38

ELECTORAL SYSTEM REFERENDUM ACT

HOUSE AMENDMENT

AMENDMENT TO BE MOVED by

Hon. Jordan K. M. Brown, Justice and Public Safety and Attorney General

PRINCE EDWARD ISLAND

BRIEFING NOTE

THIS MOTION amends subsection 5(4) of Bill No. 38 to change the starting date for the Referendum Commissioner's appointment from June 1, 2018, to the date stated in the appointment.

PRINCE EDWARD ISLAND

MOVED THAT

- 1. Subsection 5(4) of Bill No. 38 is amended by the deletion of the words "June 1, 2018," and the substitution of the words "the date stated in the appointment".**

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PRINCE EDWARD ISLAND

BILL NO. 38

ELECTORAL SYSTEM REFERENDUM ACT

HOUSE AMENDMENT

AMENDMENT TO BE MOVED by

Hon. Jordan K. M. Brown, Justice and Public Safety and Attorney General

PRINCE EDWARD ISLAND

BRIEFING NOTE

THIS MOTION replaces clause 6(1)(a) of Bill No. 38 to add to the duties of the Referendum Commissioner the implementation of public education and information programs relating to voting systems, including the mixed member proportional system as described in Schedule 2 of the Act.

PRINCE EDWARD ISLAND

MOVED THAT

1. **Clause 6(1)(a) of Bill No. 38 is deleted and the following substituted:**
 - (a) implement public education and information programs relating to the referendum, referendum advertising and voting systems, including the mixed member proportional system as described in Schedule 2 to this Act;

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BILL NO. 38

ELECTORAL SYSTEM REFERENDUM ACT

HOUSE AMENDMENT

AMENDMENT TO BE MOVED by

Hon. Jordan K. M. Brown, Justice and Public Safety and Attorney General

PRINCE EDWARD ISLAND

BRIEFING NOTE


THIS MOTION amends section 7 of Bill No. 38 to add a requirement that the report of the Referendum Commissioner must deal with the public education and information efforts undertaken pursuant to clause 6(1)(a).

PRINCE EDWARD ISLAND

MOVED THAT

1. **Section 7 of Bill No. 38 is amended by the deletion of clauses (a) and (b) and the substitution of the following:**
 - (a) respecting the public education and information efforts undertaken in the province pursuant to clause 6(1)(a);
 - (b) related to the contents of the financing reports; and
 - (c) concerning any matter related to the referendum and the referendum process that he or she considers should be brought to the attention of the Legislative Assembly.

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BILL NO. 38

ELECTORAL SYSTEM REFERENDUM ACT

HOUSE AMENDMENT

AMENDMENT TO BE MOVED by

Hon. Jordan K. M. Brown, Justice and Public Safety and Attorney General

PRINCE EDWARD ISLAND

BRIEFING NOTE

THIS MOTION replaces section 8 of Bill No. 38

- (a) to restrict who may incur pre-referendum expenses;
- (b) to change the spending limit for unregistered referendum advertisers of \$500 for referendum advertising expenses to \$1,000 for referendum expenses;
- (c) to provide for unregistered referendum advertisers to associate provided that their collective referendum expenses do not exceed \$10,000 in total; and
- (d) to add to the eligibility criteria for registered referendum advertisers that the organization has not incurred referendum expenses that exceed \$1,000 in total, and that the organization is neither a for profit corporation nor a trade union.

PRINCE EDWARD ISLAND

MOVED THAT

1. **Section 8 of Bill No. 38 is deleted and the following substituted:**

8. **Restrictions on pre-referendum expenses - individuals**

- (1) Only an individual who may make contributions under section 16 may incur pre-referendum expenses.

Restrictions on pre-referendum expenses - organizations

- (2) Only an organization that meets all the following requirements may incur pre-referendum expenses:
- (a) the organization has no fewer than five members;
 - (b) the organization is not for profit;
 - (c) the members and any directors of the organization are not compensated for being members or directors of the organization;
 - (d) membership in the organization is voluntary;
 - (e) at least two-thirds of the principal members of the organization have been ordinarily resident in the province for at least six months immediately before July 1, 2018.

Restriction on unregistered referendum advertisers

- (3) An unregistered referendum advertiser shall not incur referendum expenses that exceed \$1,000 in total.

Association with other unregistered referendum advertisers

- (4) If an unregistered referendum advertiser is in compliance with subsection (1) or (2), as applicable, an unregistered referendum advertiser may associate with other unregistered referendum advertisers, but the unregistered referendum advertisers in association shall not collectively incur referendum expenses that exceed \$10,000 in total.

Referendum advertiser to be identified on referendum advertising

- (5) A referendum advertiser shall identify himself, herself or itself in any referendum advertising that he, she or it places, and shall indicate that he, she or it has authorized the advertising.

Who is eligible to be registered referendum advertiser

- (6) Subject to subsection (7), a referendum advertiser is eligible to be registered as a registered referendum advertiser if all of the following apply:
- (a) the referendum advertiser is an organization with no fewer than five members;
 - (b) the organization is not for profit;
 - (c) the members and any directors of the organization are not compensated for being members or directors of the organization;
 - (d) membership in the organization is voluntary;
 - (e) at least two-thirds of the principal members of the organization have been ordinarily resident in the province for at least six months immediately before July 1, 2018;
 - (f) the organization has not incurred referendum expenses that exceed \$1,000 in total.

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Who is not eligible to be registered referendum advertiser

- (7) An organization is not eligible to be registered as a registered referendum advertiser if
- (a) the organization is a political party or an organization or association of a political party;
 - (b) any of the principal members of the organization
 - (i) is a candidate in the general election, intends to be a candidate in the general election or is the official agent of a candidate in the general election,
 - (ii) is an election officer or a member of the staff of the Chief Electoral Officer,
 - (iii) is the Referendum Commissioner or a member of the staff of the Referendum Commissioner;
 - (c) more than one-third of the members of the organization are not ordinarily resident in the province;
 - (d) the organization is a for profit corporation; or
 - (e) the organization is a trade union.

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BILL NO. 38

ELECTORAL SYSTEM REFERENDUM ACT

HOUSE AMENDMENT

AMENDMENT TO BE MOVED by

Hon. Jordan K. M. Brown, Justice and Public Safety and Attorney General

PRINCE EDWARD ISLAND

BRIEFING NOTE

THIS MOTION amends Bill No. 38 by deleting subsection 9(1) and substituting a new subsection 9(1) that changes the time by which an eligible referendum advertiser is required to be registered from on or before July 1, 2018 to within 30 days of the coming into force of this Act. The motion also corrects incorrect cross-references in clause 9(3)(a) and subsection 9(4).

PRINCE EDWARD ISLAND


MOVED THAT

1. (1) **Subsection 9(1) of Bill No. 38 is deleted and the following substituted:**

9. Registration

- (1) An eligible referendum advertiser may apply to be registered in accordance with this section within 30 days of the coming into force of this Act.
- (2) **Clause 9(3)(a) of Bill No. 38 is amended by the deletion of the words “subclause 8(4)(b)(i)” and the substitution of the words “subclause 8(7)(b)(i)”.**
- (3) **Clause 9(4)(h) of Bill No. 38 is amended by the deletion of the words “subsections 8(3) and (4)” and the substitution of the words “subsections 8(6) and (7)”.**

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BILL NO. 38

ELECTORAL SYSTEM REFERENDUM ACT

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AMENDMENT TO BE MOVED by

Hon. Jordan K. M. Brown, Justice and Public Safety and Attorney General

PRINCE EDWARD ISLAND

BRIEFING NOTE

THIS MOTION amends subsection 10(1) of Bill No. 38 by deleting the words “after July 1, 2018;”.

PRINCE EDWARD ISLAND

MOVED THAT

1. **Subsection 10(1) of Bill No. 38 is amended by the deletion of the words “after July 1, 2018,”.**

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BILL NO. 38

ELECTORAL SYSTEM REFERENDUM ACT

HOUSE AMENDMENT

AMENDMENT TO BE MOVED by

Hon. Jordan K. M. Brown, Justice and Public Safety and Attorney General

PRINCE EDWARD ISLAND

BRIEFING NOTE

THIS MOTION amends subsection 12(1) of Bill No. 38 to add a reference to contributions, which are to be dealt with under that subsection in the same way as public money paid to a registered referendum advertiser.

PRINCE EDWARD ISLAND

MOVED THAT

1. **Subsection 12(1) of Bill No. 38 is amended by the addition of the words “and contributions” after the words “Public money”.**

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Section 16
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BILL NO. 38

ELECTORAL SYSTEM REFERENDUM ACT

HOUSE AMENDMENT

AMENDMENT TO BE MOVED by

Hon. Jordan K. M. Brown, Justice and Public Safety and Attorney General

PRINCE EDWARD ISLAND

BRIEFING NOTE

THIS MOTION replaces section 16 of Bill No. 38 in order to provide that referendum advertisers may accept and use contributions from individuals who are ordinarily resident in the province, to limit the total amount that may be accepted from any one individual to \$1,000, to provide for applications to be made by registered referendum advertisers for a share of the public money once the referendum period is known, and to provide that the public money will be distributed once applications have been received.

PRINCE EDWARD ISLAND

MOVED THAT

1. Section 16 of Bill No. 38 is repealed and the following substituted:

16. Contributions to referendum advertisers

- (1) A referendum advertiser
- (a) shall only accept contributions from individuals who are ordinarily resident in the province;
 - (b) shall only use contributions received from individuals who are ordinarily resident in the province; and
 - (c) shall not accept contributions from any one individual that in total exceed \$1,000.

Meaning of "ordinarily resident"

- (2) For the purposes of subsection (1), the place where an individual is ordinarily resident is the place where the individual lives and to which, when absent, the individual intends to return.

Only one place of ordinary residence

- (3) For the purposes of subsection (1), an individual can have only one place of ordinary residence and it cannot be lost until another is gained.

Application for public money

- (4) Registered referendum advertisers shall apply for a share of the public money by the date required by the Referendum Commissioner.

Payment of public money to registered referendum advertisers

- (5) As soon as practicable after the date for receiving applications has passed, the Referendum Commissioner shall make payments as set out below and in subsection (6):
- (a) \$150,000 in total shall be paid, with
 - (i) \$75,000 in total being allocated to the registered referendum advertisers that identified themselves on their registration applications as opponents and have applied for a share of the public money, and
 - (ii) \$75,000 in total being allocated to the registered referendum advertisers that identified themselves on their registration applications as proponents and have applied for a share of the public money;
 - (b) payments may be made to financial agents only.

Amounts

- (6) The total amount to be paid to each of the registered referendum advertisers shall be determined as follows:
- (a) the \$75,000 allocated under subclause (5)(a)(i) shall be divided by the number of registered referendum advertisers that identified as opponents and have applied for a share of the public money, and the resulting amount paid to each of them;
 - (b) the \$75,000 allocated under subclause (5)(a)(ii) shall be divided by the number of registered referendum advertisers that identified as proponents and have applied for a share of the public money, and the resulting amount paid to each of them.

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BILL NO. 38

ELECTORAL SYSTEM REFERENDUM ACT

HOUSE AMENDMENT

AMENDMENT TO BE MOVED by

Hon. Jordan K. M. Brown, Justice and Public Safety and Attorney General

PRINCE EDWARD ISLAND

BRIEFING NOTE

THIS MOTION amends section 17 of Bill No. 38 to correct an incorrect cross-reference in subclause 17(1)(a)(ii), and to clarify the prohibitions in subsections 17(3) and (4) relating to accepting and using money that is not public money, and the prohibition in subsection 17(7) relating to the spending of more than the amount of public money received, by a member of a registered referendum advertiser.

PRINCE EDWARD ISLAND

MOVED THAT

1. (1) **Subclause 17(1)(a)(ii) of Bill No. 38 is amended by the deletion of the words “subclause 8(4)(b)(i)” and the substitution of the words “subclause 8(7)(b)(i)”.**
- (2) **Subsection 17(3) of Bill No. 38 is deleted and the following substituted:**


Prohibition on accepting money that is not public money
- (3) A member shall not accept money that is not public money after the registered referendum advertiser receives public money pursuant to section 16.
- (3) **Subsection 17(4) of Bill No. 38 is deleted and the following substituted:**

Prohibition on using money that is not public money
- (4) A member shall not use money that is not public money after the registered referendum advertiser receives public money pursuant to section 16 for referendum expenses or generally for the purposes of opposing or supporting a mixed member proportional voting system, as the case may be, on behalf of the registered referendum advertiser.
- (4) **Subsection 17(7) of Bill No. 38 is deleted and the following substituted:**

Prohibition on spending more than public money received
- (7) A member shall not, after the registered referendum advertiser receives public money pursuant to section 16, spend more than the amount of public money received by the registered referendum advertiser for referendum expenses of the registered referendum advertiser.

PRINCE EDWARD ISLAND

Section 19,

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BILL NO. 38

ELECTORAL SYSTEM REFERENDUM ACT

HOUSE AMENDMENT

AMENDMENT TO BE MOVED by

Hon. Jordan K. M. Brown, Justice and Public Safety and Attorney General

PRINCE EDWARD ISLAND

BRIEFING NOTE

THIS MOTION amends subsections 19(1) and (2) of Bill No. 38 by changing references to a contribution “accepted contrary to section 17” to “accepted contrary to section 16 or 17”.

PRINCE EDWARD ISLAND

MOVED THAT

1. (1) **Subsection 19(1) of Bill No. 38 is amended by the deletion of the words “accepted contrary to section 17” and the substitution of the words “accepted contrary to section 16 or 17”.**
- (2) **Subsection 19(2) of Bill No. 38 is amended by the deletion of the words “accepted contrary to section 17” and the substitution of the words “accepted contrary to section 16 or 17”.**

PRINCE EDWARD ISLAND

Section 26

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06.06.18



BILL NO. 38

ELECTORAL SYSTEM REFERENDUM ACT

HOUSE AMENDMENT

AMENDMENT TO BE MOVED by

Hon. Jordan K. M. Brown, Justice and Public Safety and Attorney General

PRINCE EDWARD ISLAND

BRIEFING NOTE

THIS MOTION deletes subsections 26(1) to (4) of Bill No. 38 and replaces them with new subsections (1) to (3), and renumbers the remaining subsections accordingly. The new subsection 26(1) specifies offences under the Act. Subsection 26(2) establishes the general penalty for a contravention of the Act as a fine of not more than \$10,000. Subsection 26(3) specifies that the penalty for using or spending an amount of money on referendum expenses in excess of the amount permitted by section 17 is a fine of not more than \$10,000 plus the amount spent in excess of the permitted amount.

PRINCE EDWARD ISLAND

MOVED THAT

1. (1) Subsections 26(1) to (4) of Bill No. 38 are deleted and the following substituted:

26. Offences

- (1) A person commits an offence who
 - (a) fails to cooperate with the inquiries or to obey the requirements, notices or directions of the Referendum Commissioner;
 - (b) incurs pre-referendum or referendum expenses contrary to subsection 8(1), (2), (3) or (4);
 - (c) fails to identify himself, herself or itself in referendum advertising placed by him, her or it as required by subsection 8(5);
 - (d) accepts or uses contributions contrary to subsection 16(1);
 - (e) accepts money that is not public money contrary to subsection 17(3);
 - (f) uses money that is not public money contrary to subsection 17(4);
 - (g) uses or spends public money contrary to section 17;
 - (h) spends, contrary to subsection 17(7), more than the amount of public money received pursuant to section 16; or
 - (i) makes a false statement in a report filed under this Act.

General offences and penalty

- (2) Subject to subsection (3), if applicable, a person who contravenes any provision of this Act is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000.

Exceeding maximum spending amount permitted for registered referendum advertisers

- (3) A person who, on behalf of a registered referendum advertiser, uses or spends an amount of money on referendum expenses in excess of the amount permitted by section 17 is guilty of an offence and liable on summary conviction to a fine in the amount of not more than \$10,000 plus the amount spent on referendum advertising in excess of the permitted amount.

- (2) Subsections 26(5), (6) and (7) of Bill No. 38 are renumbered as subsections (4), (5) and (6) respectively.

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BILL NO. 38

ELECTORAL SYSTEM REFERENDUM ACT

HOUSE AMENDMENT

AMENDMENT TO BE MOVED by

Hon. Jordan K. M. Brown, Justice and Public Safety and Attorney General

PRINCE EDWARD ISLAND

BRIEFING NOTE

THIS MOTION amends Bill No. 38 by adding a new section 27 that requires the Lieutenant Governor in Council to issue an order that establishes the date on which the referendum period commences.

PRINCE EDWARD ISLAND

MOVED THAT

1. **Bill No. 38 is amended by the addition of the following after section 26:**

27. **Order for commencement of referendum period**

(1) The Lieutenant Governor in Council shall, by order, establish the date on which the referendum period commences.

Time limit

(2) The date established by the order referred to in subsection (1) shall not be more than eight months prior to the date of the general election.

Order may follow dissolution of Legislative Assembly

(3) For greater certainty, nothing in this section affects the power of the Lieutenant Governor to dissolve the Legislative Assembly by proclamation in Her Majesty's name when the Lieutenant Governor sees fit, as referred to in subsection 4.1(1) of the *Election Act*, but where that power has been exercised prior to the issuing of the order referred to in subsection (1), the order shall be issued as soon as practicable after the proclamation by the Lieutenant Governor is made.