

29.05.18  
email

## Summary of Third Party amendments to Bill 38

### Referendum period

The "referendum period" in subsection 1(u) currently applies from the date the Act comes into force to ordinary polling day, which is an undefined time period that could potentially last from one month (early election) to almost two years (April 2020, as per fixed date election). Subsection 1(t) governing "referendum expenses" applies to the "registration period".

The amendment to subsection 1(u) changes the "referendum period" to only cover the writ period of the general election, and the amendment to 1(t) clarifies that "referendum expenses" are only counted during the "referendum period".

Contingent on the amendment to section 1 being accepted, further amendments to sections 16 and 17 (included in this package) are necessary to reflect the change in the referendum period. These ensure that the payment of public money would occur after the start of the referendum period (i.e. once the writ is issued) and that organizations that become registered advertisers can continue to function normally up until the referendum period.

### When referendum binding

The amendment to section 4 does two things:

1. Ensures that the threshold for success of the referendum only counts referendum ballots, not the total number of voters in the general election. This removes the effect of abstentions in the referendum effectively being a 'no' vote.
2. Removes the language around the referendum being "binding", as this language is contentious, while keeping the spirit of the section intact.

### Public education

The amendments to sections 6 and 7 clarify that the Referendum Commissioner is responsible for providing public education on the voting systems, and reporting on that public education in the final report to the Legislature.

### Spending limits for unregistered advertisers

Amendments to sections 8, 9, and 26 raise the spending limit for an unregistered advertiser from \$500 to \$1,000.

### Offenses

The remaining amendments to section 26 lower the penalties for contravening this Act to be more in line with penalties in the *Election Act* and the *Election Expenses Act*.

**PRINCE EDWARD ISLAND****BRIEFING NOTE**

**THIS MOTION** amends clauses 1(t) and (u) of Bill No. 38. In clause 1(t), the words “registration period” are deleted and the words “referendum period” substituted. In clause 1(u), the definition of “referendum period”, the reference to “on the date of the coming into force of this Act” is changed to “on the date of the issuance of the writ for the general election”.

**MOVED THAT**

1. **Section 1 of Bill No. 38 is amended**
  - (a) **in clause (t), by the deletion of the words “registration period” and the substitution of the words “referendum period”; and**
  - (b) **in clause (u), by the deletion of the words “on the date of the coming into force of this Act” and the substitution of the words “on the date of the issuance of the writ for the general election”.**

**PRINCE EDWARD ISLAND****BRIEFING NOTE**

**THIS MOTION** amends Bill No. 38 by deleting section 4 of the Bill and substituting a new section 4. The current section 4 makes the result of the referendum binding on Government if “more than 50% of the electors recorded in the poll book as having voted in the general election vote the same way on the question”. The new section 4 makes the result binding on Government if “more than 50% of the validly cast ballots in the referendum vote the same way on the question”.

**MOVED THAT**

**1. Bill No. 38 is amended by the deletion of section 4 and the substitution of the following:**

**4. Duty of Government if majority votes in favour of mixed member proportional system**

Where

- (a) more than 50% of the validly cast ballots in the referendum vote the same way on the question; and
- (b) the ballots referred to in subsection (a) are in favour of adopting the mixed member proportional system;

the Government shall take steps that the Government considers necessary or advisable to implement the result of the referendum, including introducing the legislation needed to implement a mixed member proportional system that is substantially as described in Schedule 2 to this Act, in sufficient time for that voting system to be in place for the next following general election required under the *Election Act*.

**PRINCE EDWARD ISLAND**

**BRIEFING NOTE**

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

**MOVED THAT**

- 1. Clause 6(1)(a) of Bill No. 38 is amended by the deletion of the words “the referendum and referendum advertising” and the substitution of the words “the referendum, referendum advertising and voting systems, including the mixed member proportional system as described in Schedule 2 to this Act”.**

**PRINCE EDWARD ISLAND****BRIEFING NOTE**

**THIS MOTION** amends subsection 7(1) of Bill No. 38 to add a new clause (a) to the list of matters on which the Referendum Commissioner is required to report to the Speaker of the Legislative Assembly, and to renumber the current clauses (a) and (b) in consequence. The new clause (a) requires the Referendum Commissioner to report respecting the public education and information efforts undertaken pursuant to clause 6(1)(a).

**MOVED THAT**

1. **Subsection 7(1) of Bill No. 38 is amended**
  - (a) **by renumbering clause (a) as clause (b);**
  - (b) **by renumbering clause (b) as clause (c);**
  - (c) **by the addition of the following before clause (b):**
    - (a) respecting the public education and information efforts undertaken in the province pursuant to clause 6(1)(a);

**PRINCE EDWARD ISLAND**

**BRIEFING NOTE**

**THIS MOTION** amends clause 8(1)(b) of Bill No. 38 to raise the spending limit for unregistered referendum advertisers from \$500 to \$1,000.

**MOVED THAT**

1. Clause 8(1)(b) of Bill No. 38 is amended by the deletion of the words “\$500” and the substitution of the words “\$1,000”.

**PRINCE EDWARD ISLAND**

**BRIEFING NOTE**

**THIS MOTION** amends subsection 9(1) of Bill No. 38 to raise the spending limit for unregistered referendum advertisers from \$500 to \$1,000.

**MOVED THAT**

- 1. Bill No. 38 is amended in subsection 9(1) by the deletion of the words “\$500” and the substitution of the words “\$1,000”.**

**PRINCE EDWARD ISLAND**

**BRIEFING NOTE**

**THIS MOTION** amends subsection 16(1) of Bill No. 38 by adding the words “and the referendum period has commenced” after the words “registered referendum advertisers is completed”.

**MOVED THAT**

1. **Bill No. 38** is amended in subsection 16(1), in the words immediately preceding clause (a), by the addition of the words “and the referendum period has commenced” after the words “registered referendum advertisers is completed”.



**PRINCE EDWARD ISLAND**

**BRIEFING NOTE**

**THIS MOTION** amends subsections 17(3) and (4) of Bill No. 38 by changing references to “registration period” to “referendum period”.

**MOVED THAT**

1. (1) **Bill No. 38 is amended in subsection 17(3) by the deletion of the word “registration” and the substitution of the word “referendum”.**

(2) **Bill No. 38 is amended in subsection 17(4) by the deletion of the word “registration” and the substitution of the word “referendum”.**

**PRINCE EDWARD ISLAND****BRIEFING NOTE**

**THIS MOTION** amends subsections 26(2), (3) and (4) of Bill No. 38 to reduce the amount of the maximum penalty for a contravention of the Act from \$10,000 to \$2,000. The motion also raises the spending limit for unregistered referendum advertisers in subsection 26(3) of the Bill from \$500 to \$1,000.

**MOVED THAT**

**1. (1) Bill No. 38 is amended in subsection 26(2) by the deletion of the words "\$10,000" and the substitution of the words "\$2,000".**

**(2) Bill No. 38 is amended in subsection 26(3)**

**(a) in the words immediately preceding clause (a), by the deletion of the words "\$500" and the substitution of the words "\$1,000";**

**(b) in clause (a), by the deletion of the words "\$10,000" and the substitution of the words "\$2,000"; and**

**(c) in clause (b), by the deletion of the words "\$500" and the substitution of the words "\$1,000".**

**(3) Bill No. 38 is amended in clause 26(4)(a) by the deletion of the words "\$10,000" and the substitution of the words "\$2,000".**