

Referendum Act – Summary of Changes

July 4, 2025

Summary of amendments to the *Referendum Act* contained in Bill 54: *Election Statutes Amendment Act*.

Terminology changes

- Adds definition of Chief Electoral Officer (CEO) (s.0.1).

Referendum to precede constitutional change

- Removed the requirement for the Lieutenant Governor in Council to order a referendum before a resolution authorizing an amendment to the Constitution of Canada is voted on by the Legislature (was s.2).

Question to be asked

- Removed requirements for the question or questions to be put to electors at a referendum to be determined by resolution of the Legislative Assembly (was s.3).

When referendum binding

- Reference to repealed section 2 removed (s.4(1)).

Time of referendum

- Amends the Time of referendum by removing reference to section 2 (removed) and clarifying that a referendum can be conducted separately as a stand-alone election event (s.5).

Holding non-constitutional referendums

- Reference to repealed section 2 removed. (s.5.1(1)).

Application of Election Act

- Added “as a stand-alone referendum” to create clarity when conducting an event separate from a provincial general election (s. 6(1)).

Application of Election Finances and Contributions Disclosure Act

- The *Election Finances and Contributions Disclosure Act* (EFCDA) and the regulations under it apply, with all necessary modifications, to a referendum except as otherwise provided by the regulations under this Act (s.7.1(1)).
- A regulation under the *Referendum Act* must not modify the EFCDA provisions for requirement for the Chief Electoral Officer (CEO) to maintain a register of referendum third party advertisers, eligibility to be registered as a third party, or the definition of a third party (s.7.1(2)).

Councils to conduct vote

- References to Métis settlements, Indian reserves, band councils, and the portion of the City of Lloydminster located in Alberta removed (s.8).

Considerations respecting aboriginal peoples

- New section added.

- In preparation for a referendum to be held in conjunction with the municipal general elections, the CEO will consult with the band council of each Indian band and with the Métis settlement council and settlement administrator of each Métis settlement to determine whether a suitable building located on the Indian reserve or Métis settlement may be used as a voting place for electors who are residents of the Indian reserve or Métis settlement (s.8.11(1)).
- If the band council of an Indian band or the Métis settlement council agrees to the use of a suitable building located on the Indian reserve or Métis settlement, the CEO will use the building as a voting place (s.8.11(2)).
- Nothing in a referendum is to be construed as abrogating or derogating from existing aboriginal and treaty rights of the aboriginal peoples of Canada that are recognized and affirmed by section 35 of the *Constitution Act*, 1982 (s. 8.11(3)).

Voting subdivisions and stations

- References to band council, Indian band, Indian reserve removed (s.8.3).
- Addition of “special area” to the definition of “Local area” (s.8.3(3)).

Recommendation to discontinue referendum

- New section added.
- In the case of a referendum held in conjunction with a Provincial General Election or separately as a stand alone event, conducted under the *Election Act*, the CEO may recommend the Lieutenant Governor in Council discontinue a referendum and hold a new referendum at another date and time if the CEO is of the opinion an adjournment under section 4(3.1) of the *Election Act* is insufficient to address an emergency, disaster, or an unusual or unforeseen circumstance (s.8.4(a)).
- In the case of a referendum held in conjunction with the general elections under the *Local Authorities Election Act*, the CEO may recommend the Lieutenant Governor in Council discontinue a referendum and hold a new referendum at another date and time if the CEO is of the opinion an extension, adjournment or any other action under section 6.1 of the *LAEA* is insufficient to address an emergency, disaster, or an unusual or unforeseen circumstance (s.8.4 (c)).

Discontinuing referendum due to emergency

- New section added.
- The Lieutenant Governor in Council may, by order, discontinue a referendum in one or more electoral divisions or local jurisdictions if the Lieutenant Governor in Council is of the opinion an adjournment is insufficient to address an emergency, disaster, or an unusual or unforeseen circumstance. The order may commence a new referendum at another day and time (s.8.5).
- On being notified of an order, the CEO will publish on the Elections Alberta website and in any other manner the CEO considers necessary, a notice the referendum has been discontinued (s.8.5(4)).
- If a referendum is discontinued, returning officers and election officers must secure the referendum materials and ensure the integrity of the referendum is not compromised (s.8.5(5)).

Regulations

- Added the authority for the Lieutenant Governor in Council to make regulations modifying the provisions of the EFCDA and its regulations to make them applicable to a referendum (s.10(a)).



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