

# *The Referendum and Plebiscite Act*

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Chapter R-8.01 of the *Statutes of Saskatchewan, 1990-91* (effective September 10, 1991) as amended by the *Statutes of Saskatchewan, 1996, c.E-6.01*; and *2018, c.42*.

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER R-8.01

### An Act respecting Referendums and Plebiscites

#### Short title

1 This Act may be cited as *The Referendum and Plebiscite Act*.

#### Interpretation

2(1) In this Act:

- (a) “**court**” means the Court of Queen’s Bench;
- (b) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (c) “**plebiscite**” means a vote by electors on a question as conducted pursuant to section 6 or 7;
- (d) “**referendum**” means a vote by electors on a question as conducted pursuant to section 3;
- (e) “**referendum or plebiscite period**” means the period beginning on the day on which the referendum or plebiscite is:
  - (i) ordered by the Lieutenant Governor in Council; or
  - (ii) in the case of a plebiscite, directed by the Assembly or the minister;and ending on the day specified pursuant to clause 3(2)(b), 6(3)(b), subclause 7(4)(b)(i) or subsection 7(9) or (10), as the case may be, on which the referendum or plebiscite is to be conducted.

(2) Except as otherwise provided in this Act or the regulations, terms used in this Act have the meanings given to them in *The Election Act, 1996*.

1990-91, c.R-8.01, s.2; 1996, c.E-6.01, s.288;  
2018, c.42, s.65.

#### Referendum ordered

3(1) Where the Lieutenant Governor in Council considers that an expression of public opinion is desirable on any matter of public interest or concern, the Lieutenant Governor in Council may order that a referendum be conducted in accordance with this Act and the regulations.

(2) Where the Lieutenant Governor in Council orders a referendum, the order is to:

- (a) state the question or questions that are to be put to the electors on the referendum; and
- (b) specify a day, not less than 29 days after the day of the order, on which the referendum is to be conducted.

1990-91, c.R-8.01, s.3.

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4(1) Subject to subsection (2), if more than 60% of the ballots validly cast in a referendum vote the same way on a question stated, the result is binding, within the meaning of section 5, on the government that initiated the referendum.

(2) No referendum is binding unless at least 50% of the electors who are entitled to vote in the referendum actually vote in the referendum.

1990-91, c.R-8.01, s.4.

**Where referendum is binding**

5 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 Saskatchewan that it considers necessary or advisable to implement the results of the referendum, including any or all of the following:

- (a) changing programs or policies, or introducing new programs or policies; and
- (b) introducing a Bill in the Assembly during its first session after the results of the referendum are known.

1990-91, c.R-8.01, s.5.

**Plebiscite ordered**

6(1) Where the Lieutenant Governor in Council considers that an expression of public opinion is desirable on any matter of public interest or concern, the Lieutenant Governor in Council may order that a plebiscite be conducted in accordance with this Act and the regulations.

(2) The Assembly, on a resolution of a member of the Assembly approving a question to be put to electors on a plebiscite, may direct that a plebiscite be conducted in accordance with this Act.

(3) Where the Lieutenant Governor in Council orders a plebiscite or the Assembly, by resolution, directs a plebiscite, the order or resolution is to:

- (a) state the question or questions that are to be put to the electors on the plebiscite; and
- (b) specify a day, not less than 29 days after the day of the order or resolution, on which the plebiscite is to be conducted.

(4) Where the Assembly directs a plebiscite, the Clerk of the Assembly shall send a certified copy of the resolution to the Chief Electoral Officer for implementation.

1990-91, c.R-8.01, s.6.

**Plebiscite resulting from petition**

7(1) Subject to subsections (2) to (11), where a petition that:

- (a) is in the prescribed form;
- (b) is signed by not less than 15% of the electors;

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(c) sets out the name and address of one of the petitioners who is an elector and on whom service of a notice of motion pursuant to subsection (6) may be effected on behalf of all petitioners; and

(d) requests that a question concerning a matter within the jurisdiction of the Government of Saskatchewan be put to electors on a plebiscite;

is presented to the minister, the minister shall direct that a plebiscite be conducted.

(2) Immediately on receiving a petition pursuant to subsection (1), the minister shall transmit the petition to the Chief Electoral Officer.

(3) The Chief Electoral Officer shall determine whether a petition transmitted pursuant to subsection (2) meets the requirement set out in clause (1)(b), and the determination of the Chief Electoral Officer is final.

(4) Where the Chief Electoral Officer determines that a petition meets the requirement of clause (1)(b):

(a) the Chief Electoral Officer shall return the petition to the minister; and

(b) the minister shall, on the return of the petition:

(i) by order direct that the question set out in the petition be put to the electors on a plebiscite to be conducted on a day that:

(A) is specified by the minister; and

(B) is to be not more than 12 months from the date the Chief Electoral Officer returned the petition to the minister pursuant to clause (a); or

(ii) apply to the court pursuant to subsection (5).

(5) Where the minister is of the opinion that:

(a) a change in the wording of a question set out in a petition would more clearly express the intent of the petitioners; or

(b) a question set out in a petition concerns a matter that is not within the jurisdiction of the Government of Saskatchewan;

the minister may apply to the court by notice of motion for an order described in subsection (8).

(6) The minister shall serve the notice of motion:

(a) on the petitioner mentioned in clause (1)(c) by registered mail at the address set out in the petition; and

(b) on any other person that the court directs in any manner that the court directs.

- (7) A notice of motion served by registered mail is deemed to have been received on the seventh day following the day of its mailing, unless the person to whom it was mailed establishes that:
- (a) through no fault of his or her own, the person did not receive the notice of motion; or
  - (b) the person received it at a later day.
- (8) On an application pursuant to subsection (5), the court may make an order:
- (a) approving the wording of the question;
  - (b) changing the wording of the question:
    - (i) to express more clearly the intent of the petitioners; or
    - (ii) where possible, to bring the question within the scope of the jurisdiction of the Government of Saskatchewan; or
  - (c) where the question concerns a matter that is not within the jurisdiction of the Government of Saskatchewan, directing that no plebiscite be conducted on the question.
- (9) Where the court makes an order pursuant to clause (8)(a), the minister, by order, shall direct that the question set out in the petition be put to the electors on a plebiscite to be conducted on a day that:
- (a) is specified by the minister; and
  - (b) is to be not more than 12 months from the date of the court order.
- (10) Where the court makes an order pursuant to clause (8)(b), the minister, by order, shall direct that the question set out in the order be put to the electors on a plebiscite to be conducted on a day that:
- (a) is specified by the minister; and
  - (b) is to be not more than 12 months from the date of the court order.
- (11) A plebiscite conducted pursuant to this section must be conducted:
- (a) pursuant to this Act and the regulations; and
  - (b) not less than 29 days after the day of the minister's order directing the plebiscite.

1990-91, c.R-8.01, s.7.

**Entitlement to vote**

8 Subject to section 9, individuals who are electors when a referendum or plebiscite is conducted are entitled to vote in the referendum or plebiscite.

1990-91, c.R-8.01, s.8.

**Where vote is to be conducted**

**9(1)** Subject to subsection (2), a referendum or plebiscite is to be conducted throughout Saskatchewan unless the Lieutenant Governor in Council or the Assembly, as the case may be:

- (a) directs that a local or regional referendum or plebiscite be conducted; and
- (b) specifies the area in which the referendum or plebiscite is to be conducted.

(2) A plebiscite directed pursuant to section 7 is to be conducted throughout Saskatchewan.

1990-91, c.R-8.01, s.9.

**Results to be announced**

**10(1)** The Chief Electoral Officer shall announce the results of a referendum or plebiscite in accordance with the regulations.

(2) The minister shall report the results of a referendum or plebiscite to the Assembly as soon as practicable after the results are determined.

1990-91, c.R-8.01, s.10.

**Publishing, broadcasting by government limited**

**11(1)** During a referendum or plebiscite period, no department, board, commission, Crown corporation or agency of the Government of Saskatchewan shall broadcast or publish in any manner any information or particulars of the activities of the department, board, commission, Crown corporation or agency that pertain to the question or questions put to electors in the referendum or plebiscite except:

- (a) information that is routinely broadcast or published as a part of normal operations; or
- (b) in the case of an emergency, where the public interest requires the broadcast or publication of the information or particulars.

(2) Within two months after the day of a referendum or plebiscite, every person in Saskatchewan who is in charge of a broadcasting undertaking in Saskatchewan or an undertaking that publishes a newspaper, magazine or periodical in Saskatchewan:

- (a) shall file in the office of the Chief Electoral Officer a solemn declaration setting out whether or not any information mentioned in subsection (1) has been broadcast or published by the undertaking of which the person is in charge; and
- (b) if any information mentioned in subsection (1) has been broadcast or published, shall identify the department, board, commission, Crown corporation or agency that requested the publication or broadcast and give particulars of it.

(3) Subject to subsection (4), the Chief Electoral Officer may broadcast or publish general information respecting the conduct of a referendum or plebiscite.

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(4) Nothing in subsection (3) authorizes the Chief Electoral Officer to broadcast or publish information promoting or opposing a question put to electors in a referendum or plebiscite.

1990-91, c.R-8.01, s.11.

**Expenditures by political parties limited**

**12** Where any part of a referendum or plebiscite period occurs during an election, all expenditures incurred by a registered political party or a candidate to promote or oppose a question put to electors in the referendum or plebiscite are deemed to be election expenses for the purposes of *The Election Act*.

1990-91, c.R-8.01, s.12.

**Appropriation**

**13** Sums required for the purposes of this Act are to be paid out of moneys appropriated by the Legislature for the purpose.

1990-91, c.R-8.01, s.13.

**Regulations**

**14** For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any term used in this Act but not defined in this Act;
- (b) governing referendums or plebiscites;
- (c) adopting any provisions of *The Election Act, 1996* or of any regulations made pursuant to that Act;
- (d) adopting any form, oath or notice prescribed pursuant to *The Election Act, 1996* or any regulations made pursuant to that Act;
- (e) amending or otherwise modifying any:
  - (i) provision of *The Election Act, 1996*;
  - (ii) provision of regulations made pursuant to *The Election Act, 1996*; or
  - (iii) form, oath or notice;
 adopted pursuant to clause (c) or (d);
- (f) governing the announcement of results of referendums or plebiscites;
- (g) prescribing forms for the purposes of this Act;
- (h) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1990-91, c.R-8.01, s.14; 1996, c.E-6.01, s.288.