

(Consolidated up to 189/2018)

**ALBERTA REGULATION 172/2018**

**Marketing of Agricultural Products Act**

**ALBERTA BEEF PRODUCERS  
PLEBISCITE REGULATION**

**Definitions**

**1** In this Regulation,

- (a) “Act” means the [Marketing of Agricultural Products Act](#);
- (b) “Commission” means Alberta Beef Producers;
- (c) “date of the plebiscite” means October 19, 2018;
- (d) “Department” means the department under the Minister responsible for the Act;
- (e) “eligible producer” means a producer who is described in [section 3\(1\)\(a\)](#);
- (f) “non-refundable”, in respect of a service charge, means not to be refunded;
- (g) “plebiscite” means a plebiscite that is conducted pursuant to this Regulation;
- (h) “polling station” means a place where an eligible producer votes in the plebiscite in person;
- (i) “refundable”, in respect of a service charge, means refundable in whole or in part at a producer’s request;
- (j) “regulated product” means cattle and cattle products;
- (k) “relevant period” means the period within 24 months before the date of the plebiscite;

(l) “scrutineer” means a person appointed as a scrutineer under [section 8](#);

(m) “service charge” means a service charge that is paid to the Commission by or on behalf of a producer.

### **Plebiscite**

**2** The Council shall conduct a plebiscite to determine whether the service charges that are payable to the Commission should be

(a) non-refundable, or

(b) refundable.

### **Criteria for plebiscite**

**3(1)** For the purpose of the plebiscite,

(a) an eligible producer is a producer who

(i) is an individual or an individual representing a partnership, a corporation or a joint venture,

(ii) is 18 years of age or older,

(iii) has, within the relevant period, sold the regulated product and paid a service charge to the Commission, and

(iv) has not previously voted in the plebiscite,

(b) a sufficient number of eligible producers who produce a sufficient portion of the regulated product will have registered with the Council if any number of eligible producers who have produced any of the regulated product during the relevant period register to vote in accordance with [section 7](#), and

(c) a partnership, a corporation or a joint venture may have only one individual as a representative.

**(2)** For the purpose of subsection (1)(a)(iii),

(a) an individual has sold the regulated product if a third party on behalf of the individual made the sale and paid the service charge, and

(b) a partnership, a corporation or a joint venture has sold the regulated product if

(i) the partnership, the corporation or the joint venture made the sale and paid the service charge, or

(ii) an individual on behalf of the partnership, the corporation or the joint venture made the sale and paid the service charge.

### **Returning officer**

**4(1)** The Council shall appoint a returning officer for the purpose of the plebiscite.

**(2)** For the purpose of the plebiscite, the returning officer may appoint deputy returning officers and poll clerks to act on behalf of the returning officer.

**(3)** The returning officer may delegate to a deputy returning officer or a poll clerk any of the powers, duties or functions of the returning officer under this Regulation except the power of delegation under this subsection.

**(4)** The returning officer shall

(a) set the form of the ballot, the certificate and other documents for the plebiscite,

(b) arrange for the printing of documents for the plebiscite,

(c) establish polling stations,

(d) arrange for the appointment and instruction of deputy returning officers and poll clerks, if any are to be appointed,

(e) establish and maintain a voters list,

(f) make available, at all polling stations and other locations designated by the returning officer, plebiscite voting packages that contain

(i) the voting procedures,

(ii) a ballot,

(iii) a ballot envelope,

(iv) a mailing envelope,

(v) a certificate, and

(vi) any other documents that the returning officer considers appropriate,

(g) arrange for plebiscite voting packages to be mailed to eligible producers who request to vote by mail-in ballot, and

(h) ensure that plebiscite documents in the possession of the returning officer are kept secure from unauthorized access.

**(5)** The returning officer may issue directions and take other actions that the returning officer considers necessary for the proper conduct of the plebiscite.

### **Voting**

**5(1)** Eligible producers may vote in the plebiscite

(a) at any polling station during the time the polling station is open,

(b) at a location designated by the returning officer, or

(c) by means of a mail-in ballot that is sent by ordinary mail to the returning officer if the mailing envelope is received by the returning officer no later than 4:30 p.m. on November 27, 2018.

**(2)** Each eligible producer may vote only once in the plebiscite.

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### **Declaration of plebiscite**

**6(1)** The Council shall declare the holding of the plebiscite at least 15 days before the date of the plebiscite.

**(2)** The declaration must contain the following information:

(a) the plebiscite question;

(b) the means by which information and documents respecting the matter to be voted on may be obtained;

(c) the date, time and location of each polling station;

(d) the voting procedures.

**(3)** The declaration must be

(a) published on the Department's website and the Commission's website, and

(b) sent to the last known physical or electronic address of each eligible producer in the records of the Commission.

## **Voter registration**

**7(1)** An eligible producer may vote only if the eligible producer has registered to vote.

**(2)** An eligible producer shall be considered to have registered to vote when

(a) the returning officer receives from the eligible producer a certificate that is completed and signed by the eligible producer, and

(b) the eligible producer produces to the returning officer proof of the eligible producer's identity and current residence in the form of

(i) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains the eligible producer's name and current address and a photograph of the eligible producer,

(ii) 2 pieces of identification authorized by the returning officer each of which establish the eligible producer's name and at least one of which establishes the eligible producer's current address, or

(iii) if the eligible producer is voting by mail-in ballot, a copy of the piece or pieces of identification referred to in subclause (i) or (ii).

**(3)** After an eligible producer has registered to vote, the returning officer shall add the eligible producer's name to the voters list.

**(4)** If the returning officer considers, after reasonable investigation, that a person who casts a ballot has not registered to vote, the returning officer shall reject that person's ballot.

## **Scrutineers**

**8(1)** The returning officer may appoint one or more scrutineers to observe the plebiscite process at a polling station while the poll is open for voting.

**(2)** An eligible producer who wishes to become a scrutineer shall apply to the returning officer at least 7 days before the date of the plebiscite.

**(3)** The returning officer shall establish a code of conduct for scrutineers.

(4) A scrutineer shall comply with the code of conduct, and a scrutineer who fails to comply with the code of conduct may be removed from the polling station.

### **Polling stations**

9 The following persons may be present at a polling station while the poll is open for voting:

- (a) the returning officer;
- (b) the deputy returning officer;
- (c) the poll clerk;
- (d) eligible producers intending to vote;
- (e) a representative of the Council;
- (f) a representative of the Commission;
- (g) any scrutineers appointed under [section 8](#) by the returning officer in respect of the polling station;
- (h) a person who is present at the request of the returning officer or the deputy returning officer to maintain order in the polling station.

### **Ballot count**

10(1) No earlier than 4:30 p.m. on November 27, 2018, the returning officer shall place each ballot envelope not rejected under [section 7\(4\)](#) into a ballot box without putting any identification mark on the ballot.

(2) After each ballot envelope has been placed in a ballot box, the returning officer shall open each ballot box, remove the ballots from the ballot envelopes contained in each box and count the ballots in the presence of at least 2 other individuals, one of whom represents the Council and one of whom represents the Commission.

(3) The returning officer shall reject any ballot

- (a) that is received after 4:30 p.m. on November 27, 2018,
- (b) that has not been printed and supplied by the returning officer,
- (c) that, in the opinion of the returning officer, does not clearly indicate the voter's choice, or

(d) that, in the opinion of the returning officer, appears to have been tampered with.

(4) A scrutineer may be present while the ballots are being counted with the prior approval of the returning officer.

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### **Reporting results**

**11(1)** The returning officer shall report the results of the vote to the Minister, the Council and the Commission within one day after the ballots have been counted.

(2) The Council shall publish the results of the vote on the Council's website within 3 days after the returning officer reports the results under subsection (1).

### **Recount**

**12(1)** The returning officer shall conduct a recount if there is a difference in the result of the plebiscite of less than 1%.

(2) The recount shall be conducted by the returning officer as soon as is practicable.

(3) A scrutineer may be present during the recount with the prior approval of the returning officer.

(4) The returning officer shall report the results of the recount to the Minister, the Council and the Commission within one day after the recount is conducted.

(5) The Council shall publish the results of the recount on the Council's website within 3 days after the returning officer reports the results under subsection (4).

### **Contesting a matter**

**13(1)** An eligible producer who is on the voters list may apply in writing to the returning officer to contest

(a) the eligibility of a voter,

(b) any matter relating to a ballot or the ballot count, or

(c) any irregularity with respect to the conduct of the plebiscite.

(2) An application to contest a matter under subsection (1) must be made to the returning officer by December 11, 2018.

(3) Within 7 days of receiving an application, the returning officer shall consider the matter and may

(a) declare the plebiscite to be proper and the question decided if, in the opinion of the returning officer, there is no basis for the application,

(b) declare the plebiscite to be proper and the question decided, notwithstanding that there is a basis for the application if, in the opinion of the returning officer,

(i) the basis for the application did not materially affect the result of the plebiscite, and

(ii) the plebiscite was conducted substantially in accordance with this Regulation and the Act,

or

(c) declare the plebiscite to be void and the question undecided if, in the opinion of the returning officer, there is a basis for the application and the basis is sufficient to, or did, affect the result of the plebiscite.

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### **Audit**

**14(1)** The Council may conduct an audit respecting any matter relating to the plebiscite process or the results of the plebiscite.

**(2)** An audit under subsection (1) may be conducted

(a) on the Council's own initiative, or

(b) at the request of the returning officer.

**(3)** The Council shall not conduct an audit after the date the ballots are to be destroyed under [section 15](#).

### **Destruction of ballots**

**15** The returning officer shall destroy all ballots on or after the 90th day after the results are reported under [section 11](#) unless otherwise directed by a court or the Council.

### **Substantial compliance**

**16** A proceeding that is in substantial compliance with this Regulation is not open to objection on the ground that it is not in strict compliance with this Regulation.

### **Expiry**

**17** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed

in its present or amended form following a review, this Regulation expires on December 31, 2019.