

Bill 14: *Justice Statutes Amendment Act*

Fall 2025

The *Justice Statutes Amendment Act, 2025* proposes amendments to several pieces of Alberta legislation.

Election Act

Proposed amendments to the *Election Act* introduce higher requirements for nomination papers for candidates seeking election as a Member of the Legislative Assembly of Alberta:

- The number of signatures required for nomination would increase from 25 to 100.
- Electors would be prohibited from signing more than one nomination paper or inducing others to sign more than one nomination paper.

Election Finances and Contributions Disclosure Act

Proposed amendments to the *Election Finances and Contributions Disclosure Act* would clarify and expand the restrictions on party names that Alberta's chief electoral officer must follow when registering new parties or adjusting a party's name in the register of political parties.

The chief electoral officer would have to refuse to register a party or adjust the register to reflect a party's new name, if that party's name uses a distinctive word or phrase that is uniquely associated with another registered party or predecessor to a registered party. However, a successor party will be able to use the name of one of its predecessor parties.

The chief electoral officer would have to refuse to register a party or adjust the register to reflect a party's new name, if that party's name has the potential to be confused with the name of another party. (Currently, the chief electoral officer must refuse to register a party if the name of that party is *likely* to be confused with the name of another party.)

If passed, these amendments to naming restrictions would take effect retroactively on July 4, when the amendments to the *Election Statutes Amendment Act, 2025* took effect.

Another proposed amendment would make it so only the leader of a registered party may provide a statement of endorsement for a candidate under the *Election Act* or the *Alberta Senate Election Act* (currently a principal officer of the political party or the applicable constituency association can do this).

Conflicts of Interest Act

The *Conflicts of Interest Act* already allows MLAs or their spouse, adult interdependent partner or minor child to accept a non-monetary gift or benefit from their constituency association.

Amendments to the act would allow MLAs or their spouse, adult interdependent partner or minor child to accept non-monetary gifts or benefits from their prospective candidate association.

Gifts and benefits cannot include money. Examples of gifts could include mugs, articles of clothing, flowers or light refreshments.

Citizen Initiative Act and Regulation

Amendments to the *Citizen Initiative Act* would remove the following requirements for initiative petition proposals:

- A proposal cannot contravene sections 1 to 35.1 of the *Constitution Act, 1982*.
- A legislative proposal cannot exceed the jurisdiction of the legislature.
- An application cannot, in the opinion of Alberta's chief electoral officer, have the same subject as, or result in a conflict with the outcome of, another initiative petition.

- An application cannot, in the opinion of the chief electoral officer, be the same or similar to a proposal that was the subject of an unsuccessful referendum or initiative vote within the past five years.
- An application must, in the opinion of the chief electoral officer, have a clear and unambiguous statement of the subject matter, and the subject matter must meet applicable requirements under the act.
- An application on a constitutional question must, in the opinion of the chief electoral officer, be factually accurate, stated in the form of a “yes” or “no” question, and be suitable to be put to voters in a constitutional referendum.

Another proposed amendment would empower the Minister to determine whether an application is the same as or substantially similar to a proposal that, within the last five years, was the subject of an unsuccessful referendum or initiative vote, and if so, to determine whether or not a proposal should proceed (currently the chief electoral officer makes this determination).

The amendments would also remove the following abilities from the chief electoral officer:

- Providing advice and assistance and making recommendations to applicants about proposals and proposed constitutional questions.
- Referring questions to the court.

The chief electoral officer retains the duty to ensure that the necessary forms and information are provided, and the responsibility of issuing the petition or rejecting it if the necessary forms and information are incomplete.

Other amendments would:

- Empower the Minister of Justice to refer questions to the court about an initiative proposal. The Minister would consider the court’s decision and decide whether the application should proceed.
- Discontinue any court proceeding brought by the chief electoral officer under section 2.1 of the *Citizen Initiative Act* without costs to the parties or interveners.
- Allow the applicant to make a new application at no additional cost within 30 days of the amendments coming into force.
- Deem applications to have never been made if they were submitted before the amendments come into force and the chief electoral officer has not issued a citizen initiative petition.
 - Applicants can resubmit their applications within 30 days of the amendments coming into force without paying an application fee.
- Protect the Government of Alberta and Elections Alberta from any court actions or claims of damages as a result of terminated citizen initiative petition applications.
- Require applicants to notify the chief electoral officer of their intent to apply for a citizen initiative petition.
 - After giving notice, applicants would have 30 days to fundraise to help cover the cost of the application fee (government is currently reviewing the application fee, which is set out in the Citizen Initiative Regulation).
- Strengthen prohibitions against and penalties for the unauthorized collection, use, disclosure or retention of personal information collected during the initiative petition process,
 - Penalties would be \$50,000 to \$500,000 for individuals and \$500,000 to \$1 million for corporations. Currently, unauthorized collection, use or disclosure of personal information is an offence and the penalty (set in regulation) is a fine of not more than \$10,000.
 - If convicted, an individual would be disqualified from making a petition application, serving as chief financial officer, and registering as a third party under the *Citizen Initiative Act*.
- Strengthen identity verification requirements for canvassers when collecting signatures.
- Allow a committee of the Legislative Assembly to make recommendations about referendum questions resulting from a successful policy proposal.
- Allow the Minister of Justice to recommend changes to a constitutional referendum question resulting from a successful constitutional referendum proposal to ensure the question is clear and otherwise appropriate to be put to the electors in a constitutional referendum.

Referendum Act

The *Referendum Act* would be amended to state that Alberta’s government is not required to implement the results of a binding referendum if doing so would contravene Canada’s Constitution.

Legal Profession Act

Proposed amendments to the *Legal Profession Act* in relation to the Alberta Law Foundation Amendment would:

- Authorize the Minister to impose, approve or reject bylaws of the Alberta Law Foundation, and issue directives to the Alberta Law Foundation.
- Require the Alberta Law Foundation to make bylaws that are subject to the Minister's directives, and in accordance with the Act and the Act's regulations.
- The Alberta Law Foundation receives the interest on funds held in lawyers' pooled trust accounts and distributes these funds by way of grants. They are required to make grants that advance access to justice.
- The Alberta Law Foundation does not currently have any bylaws and therefore operates largely according to internal practices that are not subject to external scrutiny. The requirement to have bylaws approved by the Minister will provide government with opportunities to improve the Alberta Law Foundation's governance and its alignment with the goal of supporting access to justice.

Proposed amendments to the *Legal Profession Act* in relation to Legal Aid Alberta

References to the governance agreement between the Government of Alberta, the Law Society of Alberta and Legal Aid Alberta are updated, signaling the sustainability of the services provided through the agreement.

Proposed amendments to the *Legal Profession Act* in relation to the governance of lawyers would:

- Include a purpose statement for the Law Society of Alberta setting out that its mandate is to uphold and protect the public interest in the administration of justice and giving some details on what that entails.
- Grant Alberta's Attorney General immunity from sanctions for actions they perform as part of their official duties, similar to the province of Ontario.
- Limit the mandatory training and education that the Law Society of Alberta can require to:
 - a law degree or certificate of qualification demonstrating competence in Canadian law.
 - the bar admission course, including articling, training for specialized roles (e.g. lawyer responsible for trust money, or articling principal) and training imposed as a result of disciplinary proceedings (e.g. training on client confidentiality for a lawyer who breaches confidentiality).
 - All mandatory training must comply with restrictions in the new *Regulated Professions Neutrality Act*.
- Implement an improved screening process for the expedited dismissal of frivolous and bad faith complaints.
- Direct the Law Society of Alberta to establish a process for a complainant to request an appeal if their complaint is dismissed, rather than the complainant automatically being entitled to an appeal.
- Conduct decisions by the Law Society of Alberta's Hearing Committee will be appealable to the Court of King's Bench, rather than the Benchers of the Law Society.

Justice of the Peace Act

Amendments to the *Justice of the Peace Act* would:

- Allow full-time or part-time justices of the peace who have completed their initial 10-year term to apply for additional 5-year terms.
- Allow justices of the peace who have entered ad hoc terms after their initial 10-year terms to apply to return to part-time duties for 5-year terms. Applications for this move will be accepted until the end of 2026.
- Remove the requirement for the Judicial Council to determine whether new applicants for justice of the peace positions are qualified for appointment.
 - The Judicial Council will continue to have a statutory role in advising on the appointment of new justices of the peace, per the *Judicature Act*.
 - This change brings the Justice of the Peace appointment process in line with the appointment processes for provincial court justices and for applications judges at the Court of King's Bench of Alberta.