PLEASE NOTE

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This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the ***Table of Public Acts*.**

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CHAPTER P-10

PLEBISCITES ACT

1. (1) The Lieutenant Governor in Council may from time to time direct that a provincial plebiscite be had and taken on such date as may be appointed to ascertain the approval or otherwise by a majority of persons qualified to vote thereat as hereinafter provided, of any Act of the Legislature or any part thereof, or of any order in council made pursuant to any such enactment, or on any question of enforcement of any such enactment.

Authorization to hold plebiscites

(2) Without prejudice to subsection (1), where it appears to the Lieutenant Governor in Council that an expression of opinion of the voters is desirable on any matter of public concern, the Lieutenant Governor in Council may direct that a plebiscite on that matter be conducted under this Act. R.S.P.E.I. 1974, Cap. P-8, s.2; 1991, c.32, s.1.

Idem

2. (1) Unless otherwise directed by order in council ordering the issue of the writ for the taking of the vote, at such plebiscite each person qualified to vote at a provincial election shall be entitled to cast one ballot only, that is to say in the electoral district in which such person resides.

Voter, qualifications of

(2) Where the question or questions to be submitted relates to or affects only a limited economic group or class or to limited groups or classes, the order in council may limit the vote to such limited groups or classes and in such case shall determine the qualifications of the voters entitled to vote thereunder. R.S.P.E.I. 1974, Cap. P-8, s.3.

Limitation on who may vote, by order in council

3. The plebiscite shall be conducted as nearly as may be possible, with the necessary changes, in the manner provided for the holding of provincial general elections. R.S.P.E.I. 1974, Cap. P-8, s.4.

Manner of holding plebiscite

4. At the plebiscite the polls shall open for the casting of ballots from nine o'clock in the forenoon until seven o'clock in the evening of the polling day. R.S.P.E.I. 1974, Cap. P-8, s.5; 1991, c.32, s.2.

Polls, when open for voting

5. The Lieutenant Governor in Council may make regulations not inconsistent with this Act for the proper carrying out of its provisions and particularly for regulating the procedure prior to, at, and after voting, the advertising of the taking of the vote, the publication and dissemination of literature pertaining to the matters to be voted upon, the procedure as to recount and such other matters as may be considered advisable. R.S.P.E.I. 1974, Cap. P-8, s.6.

Regulations

Order re conduct of a plebiscite

6. (1) Notwithstanding any other provision of this Act, where it appears to the Lieutenant Governor in Council to be appropriate with respect to a plebiscite, the Lieutenant Governor in Council may, by order in council, direct that

(a) the plebiscite be conducted in a manner that is different than that set out in this Act;

(b) voting at the plebiscite shall occur as set out in the order or the regulations; or

(c) persons in a group or class of persons who would not otherwise be qualified to vote are, subject to the regulations, qualified to vote at the plebiscite.

Regulations re order

(2) Where an order in council is made under subsection (1), the Lieutenant Governor in Council may make regulations for the purpose of implementing the order, including regulations

(a) respecting how the plebiscite is to be conducted;

(b) respecting the use of a process, procedure, equipment or technology that is different than that required by this Act, if the process, procedure, equipment or technology relates to any of the following:

(i) voter registration,

(ii) the content or form of the ballot,

(iii) voting,

(iv) the determination of eligibility to vote,

(v) the counting of the ballots and the votes,

(vi) the determination and reporting of the results of the voting;

(c) respecting voter qualifications and any requirements that are required to be met in order to be eligible to vote;

(d) respecting the application of provisions of the *Election Act* R.S.P.E.I. 1988, Cap. E-1.1, with respect to the plebiscite;

(e) delegating the decision-making authority with respect to any of the matters set out in clause (b) to the Chief Electoral Officer appointed under the *Election Act*;

(f) prescribing offences and penalties for failure to comply with the regulations; and

(g) respecting anything the Lieutenant Governor in Council considers advisable with respect to the implementation of the order.

Conflict between enactments

(3) Where a provision of the regulations made under subsection (2) is inconsistent or in conflict with a provision of another enactment, the provision of the regulations prevails unless the regulations or the other provision specifically provides that the provision or the enactment applies notwithstanding the regulations. 2016,c.19,s.1.