

Petitioning For A Local Plebiscite

Petitions are a wonderful way to involve an entire community in an advocacy initiative. The goal is to identify an area of policy or legislation on tobacco where you wish to influence the decision making process or to identify an issue you want policy makers to take action on, such as legislating **smokefree** restaurants. The more signatures you have on your petition, the more weight it will carry in influencing policy makers.

While general petitions have typically been regarded as an unreliable method of obtaining legislation, petitions that result in a special vote of the electorate, or a *plebiscite*, have been used successfully to obtain smoking control legislation.

A petition for a plebiscite can be used as a last resort if your local council refuses to pass a smoking bylaw or passes a watered-down ineffective bylaw. To force a local plebiscite, the Municipal Government Act of Alberta requires that at least **10** percent of the total population in your municipality sign the petition, and those who sign must be eighteen years of age and a current resident of your municipality.

The major advantage you have in developing your own petition for plebiscite is your ability to control the phrasing of the question and/or the content of the bylaw. Two options available in the Municipal Government Act allow you to either (1) have your constituents vote on a specific question or (2) have your constituents vote on a proposed draft bylaw. The question should be worded in the following manner: "*We the undersigned agree that the Municipal Council of the Town of **Anytown** pass a bylaw to ban smoking in all public **buildings***". If you draft your own bylaw, the petition must be worded in support of the proposed bylaw (e.g., "*We the undersigned agree that the Municipal Council of the Town of **Anytown** pass the attached bylaw to ban smoking in all public buildings*").

The advantage of drafting the bylaw yourself is that you have full control over the contents and provisions of the bylaw. However do not attempt to prepare a bylaw without the assistance of legal counsel. The initial investment will be worth it when compared to the disaster of having your bylaw dismissed or struck down for technical reasons.

If you have no funds to pay for legal counsel, one of your coalition members may know a lawyer who would be willing to donate his/her time to the cause, or give you a special rate due to your financial situation.

The petition itself must consist of one or more pages, each of which must contain an identical statement of the purpose of the petition. The petition must include, for each petitioner:

- the printed surname and printed given names or initials of the petitioner
- the petitioner's signature
- the street address of the petitioner or the legal description of the land on which the petitioner lives
- the date on which the petitioner signs the petition

Further, each signature must be witnessed by an adult person who must:

- sign opposite the signature of the petitioner
- take an affidavit that to the best of the person's knowledge the signatures witnessed are those of persons entitled to sign the petition

The entire petition, once completed, must have attached to it a signed statement of a person stating that:

- the person is the representative of the petitioners
- the municipality may direct any inquiries about the petition to the representative

A lawyer or commissioner of oaths will be required to assist with swearing affidavits from all witnesses. Witnesses are not required to be residents of the municipality however this is recommended for political reasons.

IMPORTANT NOTE: Only the electors of the municipality (i.e., those who are 18 years of age or older and are current residents) are legally entitled to sign a petition.

Once the petition has been submitted, a municipal officer is required to verify a statistically significant sample of petitioners to ensure that the bylaw is valid, so be sure to request accuracy from petitioners.

In developing a petition for plebiscite, you must be very careful to follow the letter of the law outlined in the Municipal Government Act, or the petition can be withdrawn on a technicality. Once again, consultation with a lawyer is advised. For your reference, the full procedures for conducting a petition can be found in Appendix 5.

Conducting the Petition

Under the Municipal Government Act, you have eight weeks from the date the first petition is signed to collect the required number of signatures. Therefore timing is critical to the success of your petition and you will want to reach as many people as possible in the shortest amount of time.

The most direct means of circulating a petition is to organize a door-to-door campaign in your community. While this can be labour intensive, it is the best way of ensuring that every elector in your community has an opportunity to sign the petition. In organizing a door-to-door campaign, you may wish to consult with others who have conducted local door-to-door campaigns for fundraising purposes.

Before starting, you should obtain detailed maps of your **village**, town, or city from the municipal office. Using these maps, you can select "walking routes" for volunteers. Each volunteer should be able to visit at least 50 houses in a five day period. Be sure to campaign during reasonable hours such as between 5:00 p.m. and 9:00 p.m. on **weeknights** and between 10:00 a.m. and 6:00 p.m. on Saturdays. Sundays and holidays are not appropriate times for conducting door to door campaigns.

When approaching people for signatures, volunteers should let residents know that you are not asking for money, just their support. If residents are not interested in signing, be sure to thank them for their time and leave promptly. You should have a one-page description of the campaign to leave with people who are undecided letting them know of locations where they can sign the petition if they so choose.

If a door-to-door campaign is not feasible, you may wish to consider collecting signatures at high traffic locations such as shopping malls, recreation facilities, hospitals, local campuses, or at high-profile special events such as **festivals**, trade shows, and tournaments. Each location should be staffed with volunteers to witness signatures and to provide more information about the campaign. Have signs or banners printed to increase your visibility (e.g., "Petition for Smoke-Free Spaces"). Be sure to get approvals from proprietors of these venues beforehand or you may find yourself being removed from the premises.

Promoting the Petition

Publicity will be very important to the success of your petition, both in terms of gathering enough signatures and in terms of educating the public about the need for a local bylaw.

You may choose to send out a news release when you initiate your petition asking for signatures and to include locations of petitions in your community. If possible, you may also want to explore using other forms of media such as public service announcements to let people know that you are distributing a petition.

Arrange for interviews with your local paper(s) or radio/TV station(s) to explain the petition and to encourage people to support the bylaw. Encourage supporters to write letters to the editor of your local paper(s) in support of the bylaw.

Once enough signatures have been gathered for a plebiscite, be sure to hold a news conference or publicity event to announce that you have achieved your goal and to thank all of your volunteers and supporters.

For more ideas, see the section on Media Advocacy contained within this manual

Post-Mortem

After your petition has been submitted to your local **council**, your municipal officer has 30 days to verify the accuracy and validity of the bylaw. After the bylaw has been verified, Council has 30 days to give the bylaw first reading. After first reading, your Council has two options:

1. To simply pass the bylaw within 30 days.
2. To hold a plebiscite (special vote of the electorate) within 90 days.

If a municipal election is to occur within the next **12 months**, Council can delay the vote until the election at which time the plebiscite question must appear on the ballot.

You may wish to conduct a public opinion poll of local residents to see how they would vote on the question and provide this information to Council before they consider the above options. This may help to make them feel comfortable in simply passing the bylaw and saving any money involved with holding a municipal plebiscite. However be sure to let Council know that you are fully prepared to see the bylaw through to plebiscite if necessary.

Maximizing the Benefits of a Petition Campaign

In gathering the necessary signatures required for a plebiscite, you are in effect compiling a potential mailing list of local supporters. Names listed on the petition can be entered into a computer database to allow you to conduct key mailouts to supporters at crucial stages of the campaign.

For example, you can send information to your supporters before council meets to determine the fate of the petition and encourage your supporters to write or call their councillor(s) in support of the bylaw. You can also send a package to your supporters a couple of weeks before the plebiscite to remind them that they need to get out and vote if the bylaw is to succeed. You may also be able to arrange transportation for those who need a lift to voting stations. You can also advise your supporters of any advance polling information if they plan to be away on the day of the plebiscite.

To help facilitate the development of a mailing list, you should include a *postal code* field on your petition form. This will simplify data entry and allow for mass mailouts sorted by postal code to save on postage. You may also wish to include a *telephone number* field to allow for telephone campaigns during crucial stages of your campaign. New technologies such as telephone broadcasting allow you to send a pre-recorded message to every phone number on your list urging supporters to call their council members the day before a crucial vote.

After the campaign is **over**, you can send a letter of thanks to your supporters and ask for donations to help offset any campaign expenses. Be careful not to solicit any funds prior to the vote or you may lose crucial supporters. Asking for funds is a judgment call that you will need to make based upon your local environment.