

Bill No. 29 of 1945.

A BILL TO VALIDATE AND CONFIRM ORDER IN COUNCIL No. 1515-44 DATED THE 26TH DAY OF SEPTEMBER, 1944, AS AMENDED BY ORDER IN COUNCIL No. 1581-44 DATED THE 4TH DAY OF OCTOBER, 1944, AND ORDER IN COUNCIL No. 1886-44 DATED THE 13TH DAY OF DECEMBER, 1944, WHEREBY REGULATIONS WERE MADE TO PROVIDE FOR THE ELECTION OF THREE MEMBERS TO REPRESENT THE MEMBERS OF THE NAVY, ARMY AND AIR FORCE RESPECTIVELY IN THE TENTH LEGISLATIVE ASSEMBLY OF THE PROVINCE.

NOTE.

The purpose of this Bill is to validate the Order in Council and Regulations made on September 26th, 1944, and amended on October 4th, 1944, and December 13th, 1944, providing for the election of three members of the Tenth Legislative Assembly to represent the navy, army and air force respectively. The Regulations under which elections were held are appended to the Bill and the three candidates who have been certified by the Clerk of the Executive Council as receiving the largest number of votes are declared by the Bill to have been duly elected and to be members of the Tenth Legislative Assembly.

This is subject to a recount being demanded with respect to any of the services and an application for this may be made within sixty days from the date of the certificate of the Clerk of the Executive Council. Proceedings for a recount are simplified by dispensing with security and with the affidavit required by section 100 of *The Alberta Election Act*. If, on the recount, the candidate now declared elected has not the largest number of votes, his seat will be vacated and the candidate receiving the largest number of votes is declared elected.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 29 of 1945.

An Act to Validate and Confirm Order in Council No. 1515-44 dated the 26th Day of September, 1944, as amended by Order in Council No. 1581-44 dated the 4th Day of October, 1944, and Order in Council No. 1886-44 dated the 13th Day of December, 1944, Whereby Regulations were Made to Provide for the Election of Three Members to Represent the Members of the Navy, Army and Air Force respectively in the Tenth Legislative Assembly of the Province.

(Assented to _____, 1945.)

WHEREAS, pursuant to the foregoing Orders in Council, elections have been held for the election of three members of the Legislative Assembly to represent the members of the navy, army and air force respectively in the Tenth Legislative Assembly of the Province;

And whereas it was provided by the Regulations made by the said Orders in Council that each returning officer should forward to the Clerk of the Executive Council certificates of the result of the elections in each area;

And whereas all the required certificates have not yet been received but the Clerk of the Executive Council has certified as to the candidates who have received the largest number of votes for each service respectively as shown by the certificates so far received and by other information received by him by cable;

And whereas it is provided in the said Regulations that a candidate may apply for a recount within sixty days after the Clerk of the Executive Council has certified as to a candidate having the largest number of votes;

And whereas it will be impossible for such recount to be held for some considerable time owing to the time required to have the ballots returned to Alberta;

And whereas it is desirable that the candidates having the largest number of votes should be enabled to take their seats in the Legislative Assembly during the session being held in the year 1945 and that the recounts, if any, should be held when possible;

Now therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. Order in Council No. 1515-44, dated the 26th day of September, 1944, as amended by Order in Council No. 1581-44, dated the 4th day of October, 1944, and Order in Council No. 1886-44, dated the 13th day of December, 1944,

which Orders in Council are set out as the Schedule to this Act, are hereby ratified, validated and confirmed as of their respective dates.

2. Subject to the provisions of sections 3, 4, 5 and 6, the election of Chief Petty Officer Loftus Dudley Ward of Calgary, Lieut. (now Captain) J. Harper Prowse of Edmonton, and Squadron Leader (now Wing Commander) Frederick C. Colborne, D.F.C., of Calgary, who have been certified by the Clerk of the Executive Council to have received the largest number of votes pursuant to the said Orders in Council and Regulations as members of the Tenth Legislative Assembly of the Province to represent respectively the members of the navy, army and air force, is hereby validated and confirmed, and the said Chief Petty Officer Loftus Dudley Ward, Capt. J. Harper Prowse and Wing Commander Frederick C. Colborne, D.F.C., are hereby declared to be duly elected members of the Tenth Legislative Assembly of the Province.

3. If an application is made pursuant to *The Alberta Election Act* and the Regulations set out in the Schedule on behalf of any candidate for a recount of votes with respect to the election of the candidate declared elected for the navy, army or air force respectively, and the recount or an appeal therefrom results in a candidate other than the one hereby declared duly elected being certified to have the largest number of votes, the Clerk of the Executive Council shall declare elected the candidate so certified as having the largest number of votes in the place and stead of the candidate hereby declared to be duly elected, and the last named candidate shall cease thereupon to be a member of the Legislative Assembly.

4. Notwithstanding the provisions of *The Alberta Election Act*, an applicant for a recount or an appellant from the result of a recount shall not be required to give notice of the recount or appeal to any candidate other than the one hereby declared elected or to the applicant for a recount, as the case may be, nor shall the applicant for a recount be required to deposit the security or furnish the affidavit referred to in section 100 of the said Act, and a judge shall have jurisdiction to proceed with the recount upon application to him.

5. In sections 100, 101 and 102 of *The Alberta Election Act* where the words "returning officer" are used, they shall mean the Clerk of the Executive Council, and "judge" shall mean a judge of the District Court of the District of Northern Alberta.

6. The time provided for a recount of votes by the Regulations hereinbefore referred to shall run from the date upon which the Clerk of the Executive Council has certified as to the candidate having the largest number of votes with respect to each service.

7. This Act shall come into force on the day upon which it is assented to.

SCHEDULE

O.C. 1515-44

Approved and Ordered,

(Signed) J. C. BOWEN,
Lieutenant Governor.

Edmonton, Tuesday, September 26th, 1944.

The Executive Council had under consideration the report of the Honourable the Attorney General, dated September 26th, 1944, stating that:

Whereas in *The Alberta Election Act* provision was made for the taking at the general election recently held of the votes of electors in the armed forces of His Majesty within the Province of Alberta; and

Whereas large numbers of electors of the Province of Alberta are serving in the naval, military and air forces of His Majesty outside of the Province of Alberta; and

Whereas it is deemed proper and expedient that provision be made for the representation of each of the naval, military and air forces respectively in the Tenth Legislative Assembly of the Province of Alberta by the members of each of the said forces electing a representative for each force; and

Whereas it is deemed proper and expedient that regulations should be made providing for the taking of the said vote and the election of the said three members;

Therefore, upon the recommendation of the Honourable the Attorney General, the Executive Council advises that the regulations hereto attached and entitled "Regulations Providing for the Election of Representatives of the Armed Forces to Serve as Members of the Tenth Legislative Assembly of the Province of Alberta", be and are hereby approved, and that this Order in Council and the said regulations be approved and validated by the Legislature at the next ensuing session of the Legislative Assembly.

(Signed) ERNEST C. MANNING,
Chairman.

REGULATIONS PROVIDING FOR THE ELECTION OF REPRESENTATIVES OF THE ARMED FORCES TO SERVE AS MEMBERS OF THE TENTH LEGISLATIVE ASSEMBLY OF THE PROVINCE OF ALBERTA

Three Members.

1. (1) Notwithstanding anything contained in *The Alberta Election Act* or *The Legislative Assembly Act* or in any other law in force in Alberta, there shall be three members elected to represent the members of the navy, army

and air force respectively who are serving outside of Alberta, to serve as members of the Tenth Legislative Assembly, one member to represent the navy, one the army, and one the air force.

(2) Each member elected under the provisions of these Regulations shall be deemed to be a member of the Tenth Legislative Assembly of Alberta with all the rights, powers, privileges and immunities enjoyed by members of the Assembly.

Qualification of Candidates.

2. (1) In this section "Member of the Forces" means,—

- (a) in the case of the military or air forces during the present war, any person who on the first day of September, A.D., 1944, was serving on any of the continents of Europe, Asia or Africa, or in any other place outside of Canada in which the said forces have been engaged in active operations against the enemy and is still a member of the armed forces on the day of nomination;
- (b) in the case of the naval forces during the present war, any person who on the first day of September, A.D. 1944, had served or was serving on the high seas or wherever contact has been made with hostile forces of the enemy, or in any other place in which the said forces have been engaged in active operations against the enemy, or in Great Britain and Northern Ireland, and is still a member of the armed forces on the day of nomination.

(2) No person shall be a candidate at an election or be eligible to serve as a member of the Legislative Assembly under the provisions of these Regulations unless he,—

- (a) is a British subject; and
- (b) is a member of the forces; and
- (c) has resided in Alberta for one year out of the two years immediately prior to becoming a member of the forces; and
- (d) has served as a member of the forces for an aggregate period of twelve months prior to the first day of September, A.D., 1944.

Qualifications of Voters.

3. The persons qualified to vote hereunder shall be those members of the navy, army and air force including auxiliary services who are British subjects and who resided in Alberta for one year out of the two years immediately prior to the date of becoming such members and who at the time of voting are serving outside of the Province of Alberta and have not previously voted hereunder or in Alberta for any candidate for election to the Tenth Legislative Assembly.

Chief Electoral Officer.

4. The chief electoral officer shall be the Clerk of The Executive Council who shall have all the powers given to him under the provisions of *The Alberta Election Act*.

Returning Officers.

5. (1) The Clerk of the Executive Council shall cause a writ of election in Form 1 to be issued to returning officers for each of the following areas, which returning officers shall be electors as defined in *The Alberta Election Act*:

- (a) Area No. 1, consisting of the whole of Canada, (exclusive of Alberta), Newfoundland, Bermuda, The Bahamas, the United States of America, and any other country not included in the areas numbered 2, 3 and 4, where members of the forces are serving;
- (b) Area No. 2, consisting of Italy and other countries bordering on the Mediterranean Sea with the exception of France;
- (c) Area No. 3, consisting of Europe with the exception of those countries included in Areas Nos. 2 and 4;
- (d) Area No. 4, consisting of Great Britain, Northern Ireland and Iceland.

(2) The returning officers named in the said writs shall be as follows:

- (a) For Area No. 1, Abram P. Van Buran, of Calgary, in the Province of Alberta, Business Manager;
- (b) For Area No. 2, David Duncan, of Edmonton, in the Province of Alberta, Retired;
- (c) For Area No. 3, Louis Phillippe Danis, of Edmonton, in the Province of Alberta, Civil Servant;
- (d) For Area No. 4, James Thomson, of Edmonton, in the Province of Alberta, Assistant Clerk, Legislative Assembly.

(3) Each returning officer shall make all returns of the result of the voting in his area to the Clerk of the Executive Council.

(4) Each returning officer appointed hereunder shall act as such with respect to the election of representatives of each of the three services, and before entering upon his duties, shall take and subscribe the oath of office in Form 2.

6. (1) "Chief Returning Officer" means the returning officer appointed for Area No. 4.

(2) The chief returning officer, for the purpose of meeting any emergency arising through the exigencies of war in areas numbered 2, 3 and 4, shall perform such acts and give such directions and make such decisions as he deems necessary not inconsistent with *The Alberta Election Act* and these Regulations.

Nomination of Candidates.

7. (1) Each returning officer, shall, subject to and within the time limit prescribed in section 8, fix the days, times and places on and at which nominations shall be received in the area for which he is appointed.

(2) Each returning officer shall, within the area for which he is appointed, take such steps as he deems necessary to bring to the notice of all persons entitled to vote the fact of the election, the purposes thereof, the latest date and places fixed for nomination of candidates, the method of nomination, and the names of candidates nominated for election.

(3) Each returning officer, subject to the directions given to him by the chief returning officer, may employ such officers and assistants as he may deem necessary to facilitate the exercise of the franchise by electors, and may define the duties of the persons so employed.

8. (1) Any twenty-five persons entitled to vote at an election for representatives of the navy, army or air force respectively, may nominate a candidate to represent the service to which they belong by signing a nomination paper, or nomination papers (Form 3) in the presence of a commissioned officer and causing the same to be filed with the returning officer for the area after having obtained the written consent before a witness of the candidate on one of the nomination papers in the form attached to the said Form 3, provided that if the candidate is not available his consent may be given in writing separate from the nomination papers, or by telegraph or cable, and containing the information required and set out in Form 3.

(2) All nominations of candidates shall be filed on or before the twentieth day of November, 1944.

(3) Each returning officer shall immediately after the twentieth day of November, 1944, communicate to the chief returning officer the names of the candidates nominated in his area for each of the services respectively.

Method of Voting.

9. The polling shall take place between the eighth day of January, 1945, and the twentieth day of January, 1945, both inclusive.

10. Each member of the forces who applies for a ballot, shall before he receives a ballot paper, swear or affirm a declaration (Form 4) stating,—

- (a) that he is a British subject;
- (b) that he was a resident of Alberta for a period of one year out of the two years immediately prior to becoming a member of the forces, and the place within Alberta of which he was a resident;

(c) that he has not previously voted for a candidate for election to the Tenth Legislative Assembly.

11. If only one candidate is nominated to represent a service, upon receipt of notices to that effect from the returning officers, the Clerk of the Executive Council shall declare that candidate duly elected and shall carry out the duties prescribed by sections 4 and 5 of these Regulations.

12. If more than one candidate is nominated, each returning officer shall appoint fit and proper persons to be deputy returning officers for holding polls and receiving the declarations of voters and their ballots. Appointments shall be in Form 5.

13. Before performing any of his duties, each deputy returning officer shall be sworn faithfully to perform his duties as deputy returning officer, before the returning officer or a commissioned officer (Form 6).

14. Each deputy returning officer may by commission under his hand (Form 7) appoint a poll clerk to assist him in taking the poll, and the poll clerks shall before acting, take and subscribe the oath (Form 8).

15. Each deputy returning officer may also appoint such other officers and assistants as he may be authorized to appoint by printed or written instructions of the returning officer.

16. Every returning officer, deputy returning officer and commissioned officer may administer oaths required by these Regulations, and every oath made before a returning officer, deputy returning officer or commissioned officer shall be valid and effectual and shall be of like force and effect to all intents and purposes as if the same had been made within Alberta before a competent authority.

17. Each deputy returning officer shall give notice of the times and places when and where he will attend for the purpose of taking the poll.

18. (1) The chief returning officer shall, upon being notified by the other returning officers of the names of candidates nominated in their respective areas, forthwith prepare lists of the candidates nominated for each of the three services respectively and forward the same to each of the other returning officers.

(2) A list of candidates shall be posted up in each polling place, regimental institute, canteen and in other similar available places, which shall, after the name of each candidate, set out his rank, length of service, etc., in the same form as set out in the candidate's acceptance.

19. Each returning officer shall furnish to his deputy returning officers a sufficient supply of ballot papers, envelopes for holding the same, and other necessary stationery and supplies.

20. Each deputy returning officer shall give a ballot paper and envelope to each person who applies therefor and makes and subscribes a declaration in Form 4.

21. In any case where a member of one of the armed services is serving with or attached to one of the other services, such person shall be entitled to vote and shall vote only for a candidate of the service to which the voter is attached at the time of the taking of the vote.

22. (1) A voter shall express his choice by printing in block letters the name of a candidate on the ballot (Form 9), but in such a manner as not to disclose to the deputy returning officer or any other person the name of the candidate for whom he is voting, and shall fold the ballot paper so that it cannot be read. He shall then place it in the envelope given to him by the deputy returning officer and shall securely seal the envelope.

(2) The envelope containing the ballot paper shall thereupon be placed, in the presence of the elector, in the receptacle provided by the returning officer, which the deputy returning officer shall keep under his own care and supervision.

23. (1) Each deputy returning officer shall, upon application of an elector who is unable to read or write or who is incapacitated by blindness or other physical cause from voting in the manner prescribed in section 22, assist such elector by marking his ballot in the manner directed by him and placing it in the proper envelope. The deputy returning officer shall require such elector to take before voting, the oath in Form 10 of his incapacity to vote without assistance.

(2) Where the deputy returning officer marks the ballot of a voter as required by subsection (1), he shall sign the declaration (Form 10) in the column provided for the signature of the voter, adding "D.R.O." after his signature.

24. (1) At the close of each polling day the deputy returning officer shall place in a package the ballots cast on that day, along with the relative declarations (Forms 4 and 10) and shall securely fasten and seal the package in such manner as to make any tampering with it apparent.

(2) At the close of the poll, each deputy returning officer shall make out a certificate in triplicate in Form 11, which shall be signed by him and by the poll clerk, which certificate shall show the number of ballots received by the deputy returning officer, the total number of envelopes received by him from voters under the provisions of sections 22 and 23, the number of spoiled ballots, and the number of unused ballots; one copy of the certificate shall be attached to the poll book, another shall be retained by the deputy returning officer, and the third shall be enclosed by him in a separate envelope supplied for the purpose and forwarded by registered post or other safe and expeditious manner to the returning officer for the area.

(3) The deputy returning officer without opening the envelopes containing the ballots, shall place them with the poll book in a package and shall forthwith send the package by registered post or other safe or expeditious manner to the returning officer for the area.

25. The returning officer shall keep unopened all packages containing ballot papers received by him, until the time fixed by him for counting the votes.

26. (1) At the time and place so fixed the returning officer, in the presence of the candidates or their agents duly appointed in writing, and present, shall open the packages containing the ballot envelopes, after exhibiting the said packages unopened to the persons present. He shall then open the envelopes containing the ballots and put the ballots, without being unfolded or examined, into a receptacle provided for the purpose, and after all the ballots have been so deposited he shall take them out and count them and shall with respect to each service record the number of votes cast for each candidate in a certificate prepared in duplicate in Form 12 showing such number and the number of rejected ballots.

(2) Each returning officer shall forthwith transmit by the most expeditious method to the Clerk of the Executive Council, Edmonton, Alberta, one copy of the said certificate relating to each service respectively.

27. No ballot shall be rejected if it appears to the returning officer that the ballot clearly indicates the intention of the voter.

28. Each returning officer shall preserve in a sealed parcel or parcels, endorsed so as to indicate the contents, all the ballots counted for the respective candidates, the rejected ballots and the declarations of voters (Form 4), and shall forthwith forward them to the Clerk of the Executive Council.

29. (1) On receipt of the certificates mentioned in section 26, the Clerk of the Executive Council, Edmonton, Alberta, shall declare with respect to each of the three services respectively, the candidate elected who has the highest number of votes as shown by the certificates.

(2) Where a candidate who has obtained the highest number of votes dies before he has been proclaimed duly elected pursuant to the provisions of subsection (1), and the Clerk of the Executive Council has knowledge of the death, he shall openly declare that fact and proclaim the candidate having the next highest number of votes duly elected.

30. In the event of an equality of votes, the Clerk of the Executive Council shall have a casting vote.

31. In the event of a recount being demanded, the same procedure, *mutatis mutandis*, shall be followed as is set out in *The Alberta Election Act*, provided that an application for

a recount shall be made within sixty days after the Clerk of the Executive Council has declared a candidate elected.

32. Except as provided by these Regulations, the provisions of *The Alberta Election Act* in so far as they are applicable, shall apply to any election held hereunder.

FORM I

(Section 5(1))

WRIT OF ELECTION FOR REPRESENTATIVES OF THE ARMED FORCES.

Canada
Province of Alberta

GEORGE THE SIXTH, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To of, in the Province of Alberta, Greeting:

Whereas, by regulations made and approved by the Lieutenant Governor in Council, provision has been made for the election of three members of the Tenth Legislative Assembly to represent members of the naval, military and air forces respectively of His Majesty serving outside of the Province of Alberta; and

Whereas for the purpose of the taking of the said vote four areas have been established for each of which areas a returning officer has been appointed by the said Regulations:

We command that in accordance with *The Alberta Election Act* and the said Regulations you do cause nominations to be made in the following area, namely:

(here describe area for which the person named in the writ has been appointed returning officer)

for the election of one member each to represent in the Tenth Legislative Assembly of the Province of Alberta the naval, military and air forces of His Majesty serving outside of Alberta;

And we further command that in the event of more than one candidate being nominated for any of the said services either in the above mentioned area or in any of the other areas established by the Regulations, you do cause a poll or polls to be taken pursuant to the Regulations and do certify to the Clerk of the Executive Council the number of votes polled in the above described area for each candidate duly nominated to represent each of the said services respectively.

Witness Our trusty and well beloved Counsellor.....
....., Lieutenant Governor of Our
Province of Alberta at Our City of Edmonton, this
day of in the year
of Our reign and the year of Our Lord 19

By order,

.....
Clerk of the Executive Council.

FORM 2

(Section 5 (4))

Oath of Returning Officer.

ELECTION OF REPRESENTATIVES OF THE ARMED FORCES

Area Number.....

I, returning officer
for Area number as defined in the foregoing
Regulations, swear (or solemnly affirm) that I am legally
qualified to act as returning officer for the said area and
that I will act faithfully in that capacity without partiality,
fear, favour or affection. So help me God.

Sworn (or affirmed) before me at }
....., in the }
Province of Alberta, this }
day of 19..... }

.....
A Commissioner for Oaths.

FORM 3

(Section 8)

ELECTION OF REPRESENTATIVES OF ARMED FORCES IN THE
TENTH LEGISLATIVE ASSEMBLY OF ALBERTA.

Nomination Paper.

We, the undersigned members of the naval (or, as the case
may be) forces of His Majesty serving outside of Alberta
and entitled to vote for representatives of the armed forces
in the Legislative Assembly of the Province of Alberta at
this election hereby nominate
(here insert name and rank of candidate)
as a candidate at the election now to be held of a member
to represent the naval forces (or, as the case may be) in
the Tenth Legislative Assembly of the Province of Alberta.

Witness our hands this..... day of.....
19

Name Rank Residence in Alberta.

.....
.....
.....

Signed by the above subscribing electors before me

.....
Signature of Commissioned Officer.
Rank

I, the said nominated
in the foregoing nomination paper, hereby consent to such
nomination, and my address for service is.....

.....
(Candidate should here insert his rank, length of service, occupa-
tion in civil life and address in Alberta.)

I declare that I am qualified to be a candidate under the
provisions of the regulations relating to the election of repre-
sentatives of the armed forces.

.....
Signature of Candidate

Signed in the presence of

.....

FORM 4

(Section 10)

ELECTION OF REPRESENTATIVES OF ARMED FORCES IN THE
TENTH LEGISLATIVE ASSEMBLY OF ALBERTA.

Declaration of Voter.

I, the undersigned, do hereby declare,—

- (a) That I am a British subject.
- (b) That I was a resident of the Province of Alberta for a period of one year out of the two years immediately prior to becoming a member of the Armed Forces.
- (c) That immediately prior to becoming a member of the Armed Forces, I resided at.....
- (d) That I have not previously voted at this election, nor have I previously voted in the Province of Alberta for a candidate for election to the Tenth Legislative Assembly of Alberta.

Declared before me this }
..... day of
..... 19..... }

.....
Deputy Returning Officer.

FORM 5

(Section 12)

APPOINTMENT OF DEPUTY RETURNING OFFICER

I hereby appoint.....
(Name, Rank and Name of Unit)
to be a deputy returning officer at.....
for the purpose of the election of a member to sit in the
Tenth Legislative Assembly of the Province of Alberta.
Date at..... the.....
day of....., 19.....

.....
Returning Officer

FORM 6

(Section 13)

OATH OF DEPUTY RETURNING OFFICER

I, appointed a
deputy returning officer for the purpose of the election of a
member to sit in the Tenth Legislative Assembly of the
Province of Alberta, do swear that I will act faithfully in
that capacity.

Sworn before me this }
day of } Signature of Deputy Returning Officer
19..... }

.....
Returning Officer or a Commissioned Officer

FORM 7

(Section 14)

APPOINTMENT OF POLL CLERK

To
(Insert name, rank and name of Unit)

In my capacity as deputy returning officer at.....
....., I hereby appoint you to be
poll clerk for the said polling place.

Given under my hand at....., this
..... day of..... 19.....

.....
Deputy Returning Officer

FORM 8
(Section 14)

OATH OF POLL CLERK

I, appointed
poll clerk at, do swear that
I will act faithfully in that capacity. So help me God.

Sworn before me this }
..... day }
of }
19..... } *Signature of Poll Clerk*

.....
Deputy Returning Officer

FORM 9
(Section 22)

FORM OF BALLOT PAPER

The elector will print in block letters the name of the
candidate for whom he wishes to vote in the space provided
hereunder for that purpose.

I vote for.....

FORM 10.
(Section 23)

OATH OF VOTER UNABLE TO MARK BALLOT

You swear that you are unable to read or understand the
ballot paper so as to mark it (or) that you are incapacitated
by blindness or other physical cause (as the case may be)
from voting without assistance.

.....
Deputy Returning Officer

FORM 11
(Section 24)

CERTIFICATE AS TO BALLOTS RECEIVED AND USED.

Polling Place at
Area Number

Number of ballot papers received from the returning officer
Number of votes cast
Number of ballots spoiled or declined.....
Number of ballot papers not used and returned to the returning officer

We hereby certify that the above statement is correct.

Dated at the day of, 19.....

.....
Deputy Returning Officer

.....
Poll Clerk

FORM 12.

(Section 26)

ELECTION OF REPRESENTATIVES OF THE ARMED FORCES.

Area Number.....
Certificate of Returning Officer

I, of in the Province of Alberta, returning officer for Area Number, do hereby certify that at the election held between the eighth day of January, 1945, and the twentieth day of January, 1945, for a member to serve in the Tenth Legislative Assembly to represent the electors of the Province of Alberta serving outside of Alberta in the Naval Forces of His Majesty (or, as the case may be) the hereinafter mentioned candidates received in Area Number the number of ballots not opposite their respective names, viz.

Name of Candidate *Number of Ballots*

.....
.....
.....

and also that ballots were rejected.

Dated at this day of, 1945.

.....
Returning Officer for Area Number.....

O.C. 1581-44

Approved and Ordered,

(Signed) J.C. BOWEN,
Lieutenant Governor.

Edmonton, Wednesday, October 4th, 1944.

The Executive Council has had under consideration the report of the Honourable the President, dated October 4th, 1944, stating that:

Whereas by Order in Council numbered 1515-44 Regulations were made providing for the election of three members to the Legislative Assembly to represent the members of the Armed Forces serving outside the Province of Alberta; and

Whereas by reason of the exigencies of war or the small number of servicemen from Alberta serving in certain places it may be deemed impossible or impracticable to have a poll in such places; and

Whereas it is deemed advisable that the Chief Returning Officer should have authority to dispense with the taking of a poll in such places;

Therefore, upon the recommendation of the Honourable the President, the Executive Council advises that the said Regulations be and are hereby amended by inserting therein, immediately after Section 6, the following section 6a:

“6a. The Chief Returning Officer may in his discretion dispense with the holding of the poll in any place, or places within any area where owing to the small number of members of the Forces entitled to vote stationed at such place, or places, the distances involved, the exigencies of war, or for any other reason, the holding of a poll in such place, or places, is not practicable.”

(Signed) ERNEST C. MANNING,
Chairman.

O.C. 1886-44

Approved and Ordered,

(Signed) J. C. BOWEN,
Lieutenant Governor.

Edmonton, Wednesday, December 13th, 1944.

The Executive Council has had under consideration the report of the Honourable the Acting Attorney General, dated December 11th, 1944, stating that:

Whereas by Order in Council numbered 1515-44, dated September 26th, 1944, as amended by Order in Council numbered 1581-44, dated October 4th, 1944, regulations were made providing for the election of three members to repre-

sent in the Tenth Legislative Assembly the members of the navy, army and air force respectively who are serving outside of Alberta; and

Whereas in the regulations the right to vote thereunder was confined to persons, who at the time of voting, were serving outside of Alberta; and

Whereas representations have been made to the Government that many members of the armed forces previously serving outside of Alberta have returned and that others will return to Alberta before the time fixed for the taking of the vote thereunder and who will not have an opportunity of voting for such representatives unless the regulations are amended and provision made for the taking of their votes within Alberta;

Therefore, upon the recommendation of the Honourable the Acting Attorney General, the Executive Council advises that the said regulations be and are hereby amended in the following respects:

(a) by adding to Section 3 the following two subsections:

“(2) Notwithstanding the provisions of subsection (1) limiting the right to vote to persons serving outside of Alberta on the day of voting, those persons who are otherwise qualified to vote by subsection (1) who were not in Alberta on the 4th day of August, 1944, shall be entitled to vote, who have prior to the date of voting served outside of Alberta, and who are on the day of voting serving in Alberta or are on leave or hospitalized in Alberta, or have prior to the date of voting been discharged from the service.

“(3) The returning officer for Area Number 1 shall designate the points in Alberta at which polls shall be held and polls shall be held at such points only.”

(b) by striking out the words “(exclusive of Alberta)” where the same occur in paragraph (a) of subsection (1) of section 5.

(c) by adding after section 10 the following new section:

“10a. Each member of the forces who applies for a ballot at a poll in Alberta shall before he receives a ballot, swear or affirm a declaration (Form 4a stating,—

“(a) that he is a British subject;

“(b) that he was a resident of Alberta for a period of one year out of the two years immediately prior to becoming a member of the forces, and the place within Alberta of which he was a resident;

“(c) that he has served as a member of the armed forces outside of Alberta and was not in the Province of Alberta on the 8th day of August, 1944;

(and if the applicant for a ballot has been discharged)

“(d) that he received his discharge from the service on the day of, 1944.”

(d) by adding after Form 4 the following new form :

“FORM 4a.

“(Section 10a)

“ELECTION OF REPRESENTATIVES OF THE ARMED FORCES IN THE TENTH LEGISLATIVE ASSEMBLY OF ALBERTA.

“Declaration of Voter.

“I, the undersigned, do hereby declare,—

“(a) That I am a British subject;

“(b) That I was a resident of the Province of Alberta for a period of one year out of the two years immediately prior to becoming a member of the Armed Forces;

“(c) That I have served as a member of the Armed Forces outside of Alberta and was not in the Province of Alberta on the 8th day of August, 1944. (and if the applicant for a ballot has been discharged)

“(d) That I received my discharge papers on the day of, 1944.

“Declared before me this }
..... day of }
....., 1945. }
.....

.....
Deputy Returning Officer.”

“(Signed) ERNEST C. MANNING,
Chairman.

“Certified a True Copy

R. A. ANDISON,
Clerk of the Executive Council.”

No. 29.

FIRST SESSION
TENTH LEGISLATURE

9 GEORGE VI

1945

BILL

An Act to Validate and Confirm Order in Council No. 1515-44, dated the 26th day of September, 1944, as amended by Order in Council No. 1581-44 dated the 4th day of October, 1944, and Order in Council No. 1886-44, dated the 13th day of December, 1944, whereby Regulations were made to Provide for the Election of Three Members to Represent the Members of the Navy, Army and Air Force respectively in the Tenth Legislative Assembly of the Province.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
A. Shnitka, King's Printer
1945