

**A BILL TO AMEND THE ALBERTA ELECTION ACT**

**NOTE.**

Section 1 of this Bill amends the definition of "corrupt practices" so as to exclude the acts set out in the section.

Section 6 of the Act prohibits the appointment as returning officer, poll clerk, etc. of persons who have been convicted of corrupt practices or of dereliction of duty in violation of *The Alberta Election Act*. The amendment made by section 2 of the Bill limits these convictions to convictions within the ten years preceding nomination day.

Section 3 of the Bill strikes out paragraph (a) of subsection (1) of section 13 which limited the time for nomination of candidates to two hours, from noon to two o'clock. The substituted paragraph allows nominations to be filed at any time up to two o'clock on nomination day and also provides that the returning officer will attend to receive nominations from noon to two o'clock.

Section 4 of the Bill enables an invalid to vote at an advance poll, where provision is made for such a poll.

Section 5 of the Bill introduces a new section 27a which enables a voter in an electoral division other than a city constituency to vote at a poll other than the poll on the voters' list on which his name appears on obtaining a certificate from the enumerator. The provisions of section 27 except (1) (d) are made to apply as to the procedure for obtaining the certificate.

Section 6 of the Bill amends section 33 in two respects: (a) By providing for the nomination of candidates "at any time after the issue of the proclamation" instead of "at any time after the date of the writ of election"; (b) by reducing the number of first preference choices which a candidate in Calgary or Edmonton must receive to save his deposit from one-fourth to one-fifth of the quota.

Section 39 of the Act deals with withdrawal of candidates. The new subsection (2) added by section 7 of the Bill provides that if a candidate withdraws within forty-eight hours of the close of nominations his deposit will be returned to him, but if his withdrawal is later, his deposit will be forfeited and paid into revenue.

Section 40 of the Act provides that if a candidate dies after being nominated and before the close of a poll, new nominations shall be called for, etc. The amendment made by section 8 excludes the electoral divisions of Edmonton and Calgary from the application of this section.

The amendment made to section 41 by section 9 of the Bill empowers the election clerk, in addition to the returning officer, to appoint deputy returning officers.

Section 10 of the Bill provides for the appointment of a poll clerk at each "polling place" in Edmonton and Calgary.

Section 11 of the Bill provides that a city constituency, that is, in Edmonton, Calgary, Lethbridge or Medicine Hat, a poll may, for convenience sake, be situate outside the bounds of a polling subdivision but adjacent thereto.

Section 52 of the Act limits the number of voters on the list for a polling place at three hundred. The new subsection (2) added by section 12 of the Bill authorizes the returning officer for a city constituency to have this number exceeded if he is satisfied that there will be ample opportunity for all voters to cast their ballots.

Section 56 of the Act provides that the rent for polling places shall be fixed by the Lieutenant Governor in Council and shall include heating, lighting, furniture, etc. etc. The proviso added by section 14 of the Bill enables the Lieutenant Governor in Council to fix the rent separately from the other charges in Calgary and Edmonton.

Sections 15 and 16 of the Bill amend the provisions relating to the printing of the ballots contained in section 58 of the Act.

Section 17 of the Bill amends section 61 of the Act which deals with voting at advance polls,—

- (a) by including invalids among those entitled to vote at an advance poll;
- (b) by enabling a returning officer to establish advance polls at points in addition to those mentioned in Form 30 in the Act;
- (c) by enabling a voter to apply for an advance poll voting certificate otherwise than "in person".

Section 18 of the Bill amends section 63 of the Act. Subsection (3) of that section authorizes each candidate to appoint three agents at each poll. The amendment made by paragraph (a) limits this to constituencies other than city constituencies. The new subsection (3a) provides for the case of city constituencies.

Section 19 of the Bill enacts a new section 64 dealing with the persons allowed in a polling place. The change made is to limit each candidate to one agent in a polling place in Calgary and Edmonton. This is because of the large number of candidates in these constituencies.

Section 20 of the Bill amends section 65 of the Act in two respects,—

- (a) by striking out of the present subsection (2) a provision which prohibited more than one voter being in a compartment of a poll at the same time;
- (b) by giving a deputy returning officer authority to determine the number of voters who shall be allowed in the room at the same time.

By the amendment made by section 21 of the Bill the Lieutenant Governor in Council may declare polling day, from four o'clock on, a public holiday.

The purpose of section 22 of the Bill is to clarify the language of section 69 (1).

Section 23 of the Bill amends section 76 which provides that the poll clerk shall make additions, etc., to the voters' list during the poll. This section is not applicable to city constituencies.

Section 24 of the Bill strikes out the proviso to section 85 (2) (a) which authorizes the use of either a cross or the figure 1 for first choice in single member constituencies.

Section 25 of the Bill amends in three respects section 90 which deals with the duties of the deputy returning officer after the close of a poll,—

- (a) by requiring him to seal up the envelopes;
- (b) by striking out the proviso to subsection (5) which is no longer necessary in view of the striking out of the provisions permitting use of a cross for first choice;
- (c) by amending subsection (12) for the purpose of clarification.

Section 26 of the Bill strikes out section 106. This section authorized a returning officer or deputy returning officer on nomination day or polling day to require any person within half a mile of the place of nomination or polling to deliver up firearms, swords, etc.

Section 27 of the Bill introduces a new subsection (1a) in section 156 which subsection provides that a candidate's deposit shall not be returned until he has complied with subsection (1), by filing a statement of election, expenses, etc. The expense of publication of the returning officer's abstract of the statement is deducted from the deposit and the candidate relieved of the payment by paragraph (b) of the amending section. Paragraph (c) strikes out subsection (3) of section 156 which imposed a penalty on an agent or candidate who makes default in delivering the statement of the returning officer. The new subsection (3) makes a candidate responsible for the default of his official agent. The penalties are increased, with a minimum penalty of fifty dollars provided.

Section 28 strikes out portions of Form 29 dealing with directions to voters in constituencies where either a cross or figure 1 could be used for first choice, that is, in constituencies other than Edmonton and Calgary. These are no longer appropriate as the right to use the cross is eliminated.

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. 68 of 1947.

An Act to amend The Alberta Election Act.

(Assented to \_\_\_\_\_, 1947.)

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Alberta Election Act*, being chapter 5 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 2 by adding immediately at the end of paragraph (e) thereof the words "but shall not include the driving of voters to the polls by or on behalf of a candidate where no remuneration or other consideration is paid or given to the owner of the vehicle or any other person in connection with such driving, nor shall it include the furnishing of meals by or on behalf of a candidate to any person acting as agent for the candidate at any poll or polling place".

2. The said Act is further amended as to section 6 by adding immediately at the end of paragraph (f) of subsection (1) thereof the words "within the period of ten years preceding the date fixed for the nomination of candidates".

3. The said Act is further amended as to section 13 by striking out paragraph (a) of subsection (1) thereof and by substituting therefor the following:

"(a) notice that he will receive nominations of candidates at any time before two o'clock in the afternoon of the day fixed for the closing of nominations, and that he will also attend from twelve o'clock noon until two o'clock in the afternoon on the day fixed in the writ of election at a named place in the electoral division, which place shall be the court house, city hall, town hall or some other public or private building in the most central or most convenient place for the majority of the voters;"

4. The said Act is further amended as to section 26 by adding immediately after the word "who", where the same occurs in the third line thereof, the words "is an invalid or who".

5. The said Act is further amended by adding immediately after section 27 thereof the following new section:

"27a. Any person whose name appears on the list of voters of a polling subdivision of an electoral division other than

a city constituency as that of a qualified voter and who desires to vote at a poll other than that on the list of voters on which his name appears may apply for a certificate that he is a qualified voter in his home polling subdivision, and the provisions of section 27 except paragraph (d) of subsection (1) shall, *mutatis mutandis*, apply to the granting of the said certificate and to the duties of the enumerator therein contained."

**6.** The said Act is further amended as to section 33,—

- (a) by striking out the words "after the date of the writ of election", where the same occur in subsection (1) thereof, and by substituting therefor the words "after the issue of the proclamation by the returning officer mentioned in section 13";
- (b) by striking out the words "one-fourth", where the same occur in subsection (5) thereof, and by substituting therefor the words "one-fifth".

**7.** The said Act is further amended as to section 39 by adding immediately at the end thereof the following new subsection:

"(2) If a candidate withdraws pursuant to subsection (1) within forty-eight hours after two o'clock in the afternoon of nomination day, the sum deposited by him shall be returned to him, but if he withdraws after the expiration of such period of forty-eight hours, the deposit shall be transmitted by the returning officer to the Clerk of the Executive Council, and by him deposited to the credit of the General Revenue Fund of the Province."

**8.** The said Act is further amended as to section 40 by adding immediately at the beginning thereof the words "In any electoral division other than the electoral divisions of Edmonton and Calgary".

**9.** The said Act is further amended as to section 41 by adding immediately after the words "returning officer", where the same occur in the first line of subsection (1) thereof, the words "or election clerk".

**10.** The said Act is further amended as to section 44 by adding immediately at the end thereof the following new subsection:

"(2) Notwithstanding the provisions of subsection (1), in the electoral divisions of Edmonton and Calgary the returning officer shall appoint a poll clerk for each polling place to assist the deputy returning officer in taking the poll, and the provisions of subsection (1) shall, *mutatis mutandis*, apply to such appointment."

**11.** The said Act is further amended as to section 51 by adding immediately at the end of subsection (1) thereof the following additional proviso:

"Provided further that in a city constituency where better facilities and accommodation can be provided outside the boundaries of a subdivision but adjacent thereto, the polling place instead of being fixed and provided in the polling subdivision, may be fixed and provided outside the subdivision and adjacent thereto."

**12.** The said Act is further amended as to section 52 by adding immediately at the end thereof the following new subsection:

"(2) Notwithstanding the provisions of subsection (1), the returning officer of a city constituency may provide a polling place where there are more than three hundred names on the list of voters to be used at such polling place if he is satisfied that there will be ample opportunity for all voters presenting themselves to cast their ballots."

**13.** The said Act is further amended by renumbering subsection (5) of section 53 as section 53a.

**14.** The said Act is further amended as to section 56 by adding immediately at the end thereof the following proviso:

"Provided that with respect to the electoral divisions of Edmonton and Calgary, the Lieutenant Governor in Council may fix the amount of rent for polling places separate and apart from the other charges hereinbefore mentioned."

**15.** The said Act is further amended as to section 58,—

(a) by striking out subsection (3) thereof, and by substituting therefor the following:

"(3) In the case of a city constituency, the ballots shall be printed in alphabetical order in batches of one hundred ballots, and shall be printed in rotation on the ballot paper by advancing each respective name one position on every successive four ballot papers, and placing at the bottom of said four ballot papers the name of the candidate at the top of the preceding four ballot papers.";

(b) by striking out the words "substance number 24", where the same occur in subsection (6) thereof, and by substituting therefor the words "substance number 20".

**16.** The said Act is further amended by adding immediately after section 59 thereof the following new section:

"**59a.** Notwithstanding the provisions of section 59 in the electoral divisions of Edmonton and Calgary the Clerk of the Executive Council shall furnish the paper required for the printing of the ballot papers in substance number 20 to the returning officers, and the returning officers shall make arrangements for the printing of the ballots, including the printing on the back of the ballots of a stamp in the form as authorized by subsection (2) of section 59."

**17.** The said Act is further amended as to section 61,—

- (a) by adding immediately after the word "electors", in the first line of subsection (1) thereof, the words "who are invalids, and electors";
- (b) by adding immediately after the word "hereto", where the same occurs in the eighth line of subsection (1) thereof, the words "and also at a city, town or other place designated by the returning officer in each electoral division not mentioned in Form 30";
- (c) by striking out the words "in person" where the same occur in the fifth line of subsection (5) thereof.

**18.** The said Act is further amended as to section 63,—

- (a) by adding immediately at the beginning of subsection (3) thereof the words "In any electoral division other than a city constituency";
- (b) by adding immediately after subsection (3) thereof the following new subsection:

"(3a) In a city constituency each candidate may appoint in writing one voter of the electoral division as agent to represent him at each polling place, and in the absence of such appointment one voter of the polling subdivision on his request may act as such agent and shall, on being admitted to the polling place, take the oath of secrecy in Form 48."

**19.** The said Act is further amended as to section 64 by striking out the same and by substituting therefor the following:

"64. The deputy returning officer, the poll clerk, the interpreter or interpreters, if any, the constable in the event of it being necessary to have one appointed, the candidates and their agents not exceeding at any one time one for each candidate in the electoral divisions of Edmonton and Calgary and not exceeding two at any one time for each candidate in any other electoral division, and in the absence of agents, one voter to represent each candidate on the request of such voter, and no other person, shall be permitted to remain in the polling place during the time the poll remains open and at the counting of the votes."

**20.** The said Act is further amended as to section 65,—

- (a) by striking out subsection (2) thereof and by substituting therefor the following:
 

"(2) Each voter upon entering the room where the poll is held shall declare his name, his place of residence and occupation, which particulars shall be entered in the poll book by the poll clerk, a consecutive number being affixed to each name.";
- (b) by adding immediately at the end thereof the following new subsection:
 

"(3) The deputy returning officer may determine at any time how many voters shall be allowed in the



said room at any one time and may at any time forbid the entrance of a voter or voters until some of those already in the room have left the room."

**21.** The said Act is further amended as to section 66 by adding immediately at the end thereof the following new subsection:

"(2) The Lieutenant Governor in Council may declare that portion of polling day after the hour of four o'clock in the afternoon to be a public holiday."

**22.** The said Act is further amended as to section 69 by striking out the words "Except only in city constituencies", where the same occur in the first line of subsection (1) thereof, and by substituting therefor the words "In any electoral division other than a city constituency".

**23.** The said Act is further amended as to section 76 by adding immediately at the beginning thereof the words "In any electoral division other than a city constituency".

**24.** The said Act is further amended as to section 85 by striking out the proviso to paragraph (a) of subsection (2) thereof.

**25.** The said Act is further amended as to section 90,—

- (a) by striking out the words "ready to seal up", where the same occur in subsection (1) thereof, and by substituting therefor the words "which he shall at once seal";
- (b) by striking out the proviso to subsection (5) thereof;
- (c) by striking out subsection (12) thereof and by substituting therefor the following:

"(12) He shall put the rejected ballots and the unused ballot papers into separate envelopes and shall endorse each so as to indicate the contents and shall seal the same, and any agent present may write his signature across the flap of each envelope or parcel, and may affix his seal."

**26.** The said Act is further amended as to section 106 by striking out the same.

**27.** The said Act is further amended as to section 156,—

- (a) by adding immediately after subsection (1) thereof the following new subsection:

"(1a) The deposit of a candidate shall in no case be returned to him unless he and his official agent have complied with subsection (1) and the cost of the publication of an abstract of the statement as required by subsection (2) shall be deducted from the deposit before it is returned.";



- (b) by striking out the words "at the expense of the candidate" where the same occur in subsection (2) thereof;
- (c) by striking out subsection (3) thereof and by substituting therefor the following:

"(3) Any candidate or official agent who makes default in complying with the provisions of subsection (1) and any candidate who fails to deliver or cause to be delivered to the returning officer any statement or other document required by subsection (1) to be delivered to the returning officer whether by himself or by his official agent, shall be guilty of an offence and liable on summary conviction to a penalty of not less than fifty dollars nor more than one hundred dollars."

**28.** The said Act is further amended as to Form 29,—

- (a) by striking out from the heading to the Form the words "in the Electoral Divisions of Edmonton and Calgary";
- (b) by striking out all that portion of the Form commencing with the heading "Direction for Guidance of Voters in Electoral Divisions other than Edmonton and Calgary".

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

No. 68

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FOURTH SESSION  
TENTH LEGISLATURE  
11 GEORGE VI  
1947

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**BILL**

A Bill to Amend The Alberta  
Election Act.

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Received and read the

First time.....

Second time .....

Third time .....

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HON. MR. MAYNARD.

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EDMONTON:  
A. Shnitka, King's Printer  
1947