

Bill No. 63 of 1948.

A BILL TO AMEND THE CONTROVERTED  
MUNICIPAL ELECTIONS ACT

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NOTE.

This Bill amends *The Controverted Municipal Elections Act*.

Section 8 is amended by adding certain words which at present occur in section 9.

Sections 9, 10 and 11 are struck out and two new sections 9 and 10 are substituted.

The amended section 9 provides that any person guilty of bribery or undue influence in an election incurs a penalty of one hundred dollars payable to the municipality or other local authority in which the election was held.

The amended section 10 provides that in default of payment of the said penalty to the municipality or other local authority within a time to be fixed by the judge, the person guilty of bribery or undue influence shall be imprisoned for such period as the judge directs not exceeding thirty days or until the penalty is paid.

These changes simplify the procedure in a controverted municipal election. At present, after a judgment is given adjudging a person guilty of bribery or undue influence in an election, a civil action must follow to recover the one hundred dollar penalty, and "any person who sues for the same" may collect the penalty. Under the amended provisions, there is no necessity for a subsequent civil suit and the penalty is payable to the municipality in which the election must be held again.

In any case where the validity of an election is contested, it seems advisable to give a judge discretionary power to confirm the election, notwithstanding minor irregularities, provided that they do not materially affect the result of the election. That is the effect of the amendment to section 30.

There is already a somewhat similar provision in *The Municipal District Act*, but the proposed amendment would apply to elections under *The School Act*, *The Municipal Hospitals Act* and other election Acts.

Under the present provisions a judge, if he finds there were irregularities, even although he is of the opinion that they did not affect the result of the election, still must declare the election invalid.

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. 63 of 1948.

An Act to amend The Controverted Municipal Elections Act.

(Assented to \_\_\_\_\_, 1948.)

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

**1.** *The Controverted Municipal Elections Act, being chapter 155 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 8 by adding immediately at the end thereof the words "and shall be disqualified from voting at any election or upon any by-law for two years thereafter".*

**2.** The said Act is further amended as to section 9 by striking out the same and by substituting therefor the following:

**"9.** Any person who is adjudged guilty of bribery or undue influence within the meaning of this Act shall incur a penalty of one hundred dollars which shall be paid to the municipality or other local authority by which the election was conducted."

**3.** The said Act is further amended as to section 10 by striking out the same and by substituting therefor the following:

**"10.—(1)** The judge shall direct that in default of payment of the said penalty to the municipality or other local authority by which the election was conducted within the time fixed by him, the person adjudged guilty of bribery or undue influence as aforesaid shall be imprisoned for such period as the judge directs not exceeding thirty days or until the penalty is paid.

**"(2)** If the person adjudged guilty of bribery or undue influence as aforesaid fails to pay the penalty within the time fixed by the judge, the judge shall issue a warrant for his arrest and imprisonment."

**4.** The said Act is further amended as to section 11 by striking out the same.

**5.** The said Act is further amended as to section 30,—

(a) by renumbering the same as subsection (1) thereof;

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

“(2) In any case where the validity of an election is contested before a judge by reason of a non-compliance with, or a violation of any provision of this Act or any other Act applicable to the said election as to the holding of the polls or the counting of the votes or by reason of any mistake in the use of any of the forms required in connection with the election or by reason of any other irregularity, the judge, in his discretion, may adjudge the election to be invalid, or if it appears to him that the election was conducted substantially in accordance with the requirements of the Act under which the election was held and to which this Act applies, and that the non-compliance, violation, mistake or irregularity did not materially affect the result of the election, he may adjudge the election to be valid.”.

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

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FIFTH SESSION  
**TENTH LEGISLATURE**  
12 GEORGE VI  
1948

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**BILL**  
An Act to amend The Controverted  
Municipal Elections Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. GERHART.

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