

No. 18

2nd Session, 13th Legislature, Alberta
4 Elizabeth II, 1956

BILL 18

A Bill respecting the Election of Members of the
Legislative Assembly

HON. MR. COLBORNE

EDMONTON, ALBERTA
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Explanatory Note

This Act will repeal and replace The Alberta Election Act. It is essentially a revision of the present Act which it replaces but a number of substantive changes are made, the most important being the abolition of the transferable voting system for the single or "X" voting system.

1. The title is shortened to distinguish the present Act which is entitled "The Alberta Election Act".

2. This is the present section 2 with the following changes:

Clause (b): only the one word "Assembly" is defined;

Clause (c): only the one word "candidate" is defined and the clause is subdivided for clarity;

Clause (e): only the one term "corrupt practice" is defined;

Clause (j): only the word "elector" is defined as that word only is used when the defined meaning is intended;

Clause (l): the words "by enumerators" dropped from definition as this would not apply in a city constituency;

Clause (n): New—See remarks on former clause (x);

Clause (r): New—defines a new concept, the official candidate; (Present clause (n) defining "Indian" omitted as it is now unnecessary. See clause 16 (1) (b)).

(Present subclause (w) omitted as "suburban poll" is not now used.)

(Present clause (x) omitted as "voter's list" now becomes "list of electors"—the more exact term.)

BILL

No. 18 of 1956

An Act respecting the Election of Members of the
Legislative Assembly

(Assented to , 1956)

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

1. This Act may be cited as "*The Election Act*".

Interpretation

2. In this Act,

- (a) "advance poll" means a voting in advance as provided by section 63;
- (b) "Assembly" means the Legislative Assembly of Alberta;
- (c) "candidate" means a person
 - (i) who is elected to serve in the Assembly,
 - (ii) who is nominated as a candidate at an election, or
 - (iii) who, on or after the date of the issue of the writ for the election or after the dissolution of the Assembly or the occurrence of a vacancy in consequence of which the writ has been issued, is declared by himself or by others to be a candidate;
- (d) "city constituency" means the electoral divisions of Edmonton, Calgary, Lethbridge and Medicine Hat as constituted by *The Legislative Assembly Act, 1955*;
- (e) "corrupt practice" means bribery and any act or offence declared to be a corrupt practice by this or any other Act of the Legislature of Alberta or recognized as such by the common law of parliament;
- (f) "court" means the district court of the judicial district within which the electoral division affected is wholly or mainly situated and "judge" means a judge of the said court;
- (g) "election" means an election of a member to serve in the Assembly;
- (h) "election court" means a court constituted under *The Controverted Elections Act* for the trial of a petition or in case of an appeal therefrom the court for the hearing of the appeal;

3. Subsection (1)—the existing section 3 (1).

Subsection (2)—the existing subsection (2).

Subsection (3)—the existing subsection (3) revised to bring out the meaning more clearly and also to make it clear that the reference to an earlier holding of an election to fill a vacancy means earlier than 180 days but not earlier than the minimum time specified in subsection (1).

Subsection (4)—the existing proviso of subsection (3) subdivided for clarity.

- (i) "election officer" means the returning officer, election clerk, deputy returning officer, poll clerk or other person having any duty to perform under this Act, and to the faithful performance of which he may be sworn;
- (j) "elector" means a person entitled to vote at an election under this Act;
- (k) "electoral division" means a place or territorial area in Alberta entitled to return one or more members to serve in the Assembly;
- (l) "enumerator", "enumerated" and all words of similar import includes all proceedings had or taken in connection with lists of voters to be made or revised pursuant to the provisions of this Act;
- (m) "Form" means a form in the First Schedule to this Act;
- (n) "list of electors" means any list of persons entitled to vote at an election and made or revised under this Act, or a certified copy of such list;
- (o) "member" means a member of the Assembly;
- (p) "oath" includes affirmation and statutory declaration;
- (q) "official agent" means the agent appointed as such by a candidate pursuant to this Act;
- (r) "official candidate" means the candidate who is certified pursuant to this Act as being the recognized candidate of a political party that is registered for the constituency within which the candidate is to be nominated;
- (s) "poll book" means the book or sheet or sheets containing the names of persons who have received ballot papers at an election;
- (t) "polling day" means the day fixed for voting at an election;
- (u) "polling place" means the place where votes are recorded at an election;
- (v) "polling subdivision" means the portion of an electoral division for which a polling place is established;
- (w) "voting" or "to vote" means voting or to vote at the election of a member to serve in the Assembly;
- (x) "writ" means the document addressed by the Clerk of the Executive Council to the returning officer and requiring the holding of an election.

Commencement of Election Proceedings

3. (1) Every election shall be commenced by the passing of an order of the Lieutenant Governor in Council

- (a) authorizing the issue of a writ of election in Form 1, directed and addressed to a resident elector of each electoral division for which an election is to take place, who shall be named therein as returning officer of the electoral division,

4. The present section 4.

5. The present section 5 subdivided in subsections and tabulated in (1) for clarity.

- (b) fixing the date of the writ, which shall be the same for all writs in the case of a general election,
- (c) appointing a day not more than thirty nor less than twenty days from the date of the writ as nomination day,
- (d) providing that where voting is necessary, the fourteenth day after nomination day will be the day on which voting is to take place, or if such fourteenth day is a holiday then on the next following day not being a holiday, and
- (e) directing that the writ be returned as provided by this Act.

(2) Upon receipt of the said order the Clerk of the Executive Council shall issue writs in accordance with the provisions set out in the order and shall cause each writ to be transmitted by mail to the returning officer named therein.

(3) Notwithstanding any provision to the contrary in *The Legislative Assembly Act, 1955*,

- (a) if a vacancy is in any way created in the representation of an electoral division, and
- (b) if no general election is to be held before the next session of the Legislature,

an election to fill such vacancy shall be held within one hundred and eighty days after the occurrence of the vacancy, or, subject to subsection (1), within such shorter period as may be necessary to give the electoral division representation at the next ensuing session of the Legislature.

(4) Notwithstanding subsection (3), if a vacancy is created in the representation of an electoral division entitled to be represented by more than one member, an election need not be held to fill any such vacancy,

- (a) if the vacancy is created after the expiration of three years from the date of the return of the writs for the general election, and
- (b) if and so long as the electoral division, notwithstanding the vacancy, continues to be represented in the Legislative Assembly by at least one-half of the number of members to which it is entitled.

4. If the person to whom the writ is addressed dies or refuses to act or is absent or incapacitated or unable from any cause to act, the Lieutenant Governor in Council may appoint some other person to be returning officer.

5. (1) If a writ has been issued to a person

- (a) whose appointment is afterwards superseded, or
- (b) in whose stead a returning officer has been appointed under section 4,

a new writ may be issued or the new returning officer may act under the writ already issued as if the same had been addressed to him.

6. The present section 6 with the following changes: "Enumerator" added to the offices specified, in subsections (1) and (2); clause (d) of subsection (1) made to refer to magistrates and justices; clause (g) added to prevent the offices going to persons who are not qualified to vote in a provincial election.

7. The present section 7 re-arranged as to form.

8. The present section 8 re-arranged to set out the exemption factors more clearly.

(2) The validity of proceedings had or taken under the first appointment is not affected by the new appointment, but the new returning officer may appoint a new election clerk or clerks as hereinafter provided and new deputy returning officers, if he thinks fit, in the place of the persons, if any, appointed to such offices by the person previously named as returning officer.

6. (1) The following shall not be appointed or act as returning officer, deputy returning officer, election clerk, enumerator or poll clerk, namely:

- (a) a member of the Executive Council;
- (b) a member of the Parliament of Canada, or of the Assembly;
- (c) a minister, priest or ecclesiastic under any form or profession of religious faith or worship,
- (d) judges of federal courts and judges, magistrates or justices of provincial courts;
- (e) a person who at any time has been found guilty by a competent tribunal of any corrupt practice or who has been convicted by any competent tribunal of any offence or dereliction of duty in violation of this Act or of any other Act previously in force in this Province relating to the elections;
- (f) persons convicted of any indictable offence within the period of ten years preceding nomination day;
- (g) persons who are not electors.

(2) If any such person acts as returning officer, deputy returning officer, election clerk, enumerator or poll clerk, he is guilty of an offence and liable on conviction to a fine of two hundred dollars.

7. The following are not obliged to accept appointment or to act as returning officer, deputy returning officer, election clerk or poll clerk, namely:

- (a) a physician or surgeon;
- (b) a person sixty years of age or over;
- (c) a person who has within the five years immediately preceding the date of the writ served as returning officer at any election to the Assembly.

8. A person who refuses to perform the duty of returning officer after having received the writ of election is guilty of an offence and liable upon conviction to a fine of two hundred dollars, unless

- (a) he is disqualified by this Act, or
- (b) he has a right to claim exemption under section 7 and has claimed exemption by letter setting forth the grounds of such exemption and forwarded to the Clerk of the Executive Council within two days next after the receipt of the writ of election.

9. Subsection (1) is new; subsection (2) is present section 9.

10. Present section 10 with following changes: (a) Subsection (1) made into two subsections (1) and (2), and tabulation used in subsection (2) for clarity; (b) the present subsection (4) made into two subsections (5) and (6).

11. The present section 11.

12. The present section 12 with slight alteration in wording.

9. (1) With the writ of election, the Clerk of the Executive Council shall transmit to the returning officer named in the writ any recommendations with respect to the boundaries of the polling subdivisions as constituted for the last election and as submitted to the Clerk by the returning officer for the preceding election in that electoral division.

(2) As soon as possible after transmitting the writ to a returning officer, the Clerk of the Executive Council shall furnish the returning officer with election forms and material of the nature, number or quantity set out in Form 2.

10. (1) The Clerk of the Executive Council shall procure a supply of enumerators' badges in sufficient quantity to provide one badge for each enumerator appointed pursuant to this Act as an enumerator for a polling subdivision of a city constituency.

(2) The badges

- (a) shall be of such material and design as the Clerk may prescribe,
- (b) shall be numbered serially, and
- (c) shall bear on them the words "Province of Alberta Enumerator" and the serial number thereof.

(3) As soon as possible after the issue of the writ of election for a city constituency, the Clerk shall furnish the returning officer for the constituency with a sufficient supply of badges.

(4) Whenever the returning officer for a city constituency appoints an enumerator for any polling subdivision, he shall furnish the enumerator with one badge and shall keep an accurate record of every badge so furnished.

(5) Every enumerator shall immediately upon the termination of his duties return the badge to the returning officer.

(6) The returning officer shall as soon as possible after polling day return to the clerk all the badges that have been returned to the returning officer together with all the other badges furnished to him by the Clerk, and where any such badge is not returned, the returning officer shall notify the Clerk and forward such information concerning the badge as the Clerk may require.

Returning Officer

11. The returning officer shall forthwith on receiving the writ of election endorse thereon the date of its receipt and take and subscribe the oath of office in Form 3, which may be sworn before a justice of the peace, a commissioner for oaths or a notary public, who shall administer it without charge.

12. An oath or affidavit with respect to an election and required by this Act from any person other than the returning officer may be sworn or affirmed, as the case may be, before a returning officer who has himself taken the oath of office.

13. Present section 13 with slight modification in phrasing and omitting present clause (d) of subsection (1) referring to "suburban polls"; the present proviso of subsection (2) is made subsection (3).

13. (1) Upon the receipt of the writ of election the returning officer shall, at least eight days before the day fixed in the writ for the nomination of candidates, publish by proclamation in Form 4 and under his hand and in the English language

- (a) notice that he will receive nominations of candidates at any time before two o'clock in the afternoon of the day fixed for 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 electors,
- (b) the day on which voting is to be held in case voting is necessary and the hours at which the polling places will open and close,
- (c) the numbers and fully described boundaries of the polling subdivisions of the electoral division and the polling places therein,
- (d) the polling place and the days and the hours fixed for taking votes at an advance poll in the city, town or other place where this Act provides for an advance poll,
- (e) the place where and the time when on the tenth day, not being a holiday, after the day fixed for voting the returning officer will attend and announce the result of the count of the votes and declare the candidate or candidates, to the number required by law, having the highest number of votes duly elected, or if such tenth day is a holiday then on the next following day not being a holiday, and
- (f) a copy of subsection (1) of section 152.

(2) The proclamation shall be posted up in at least two conspicuous places in each polling subdivision in the electoral division at least eight days before nomination day, neither the last day allowed for posting up nor the nomination day being reckoned in the said eight days.

(3) In a city, town or village the proclamation shall be posted up at the city or town hall or other public place where the meetings of the municipal council are held and in at least one other public place in each polling subdivision.

(4) The returning officer may, at any time not less than forty-eight hours before the time fixed in the proclamation for the nomination of candidates, make or cause to be made upon the proclamation so posted corrections of obvious errors and omissions.

(5) Where from any unforeseen cause the proclamation could not be posted up so as to leave the required time between the posting up and the nomination day, the returning officer shall with his return report to the Clerk of the Executive Council the cause of the delay in the posting.

14. The present section 14 with modifications in wording only.

15. The present section 15 (1); modified as to form of expression and by stating the method of listing married women and widows; subsection (2) is revised by placing in a Second Schedule the rules re the appointment of enumerators in city constituencies.

Election Clerks

14. (1) After taking the oath of office and before posting the proclamations, the returning officer shall by commission under his hand in Form 5 appoint an elector of the electoral division to be the election clerk.

(2) The returning officer may, at any time during the election and in the same manner, appoint another election clerk if the one appointed dies or refuses or neglects or is unable to perform his duties.

(3) The returning officer may, in the same manner and upon first obtaining the consent in writing of the Clerk of the Executive Council to each appointment, appoint one or more additional election clerks.

(4) An election clerk shall assist the returning officer in the performance of his duties and if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another, the election clerk, or if more than one the one first appointed, shall act in his stead as returning officer.

(5) An election clerk shall before entering upon his duties take and subscribe the oath of office in Form 6 and the appointment and oath of an election clerk shall be either endorsed on or attached to the writ.

(6) A person appointed election clerk who refuses to accept the office or who having accepted the office refuses or neglects to take and subscribe the oath or to perform the duties of election clerk is guilty of an offence and liable on conviction to a fine not exceeding forty dollars.

(7) An election clerk whose duty it becomes to act in the place of the returning officer is not required to possess any other qualifications nor to take the returning officer's oath of office, but he is liable to the same penalties as the returning officer for any neglect or refusal to perform the duties and to fulfil all the obligations of that office in like manner as if he had been appointed returning officer.

(8) Any oath or affidavit with respect to an election and required by this Act from any person other than a returning officer or an election clerk may be sworn or affirmed, as the case may be, before an election clerk.

List of Electors for a General Election

15. (1) A list of electors of the several electoral divisions of Alberta for use in a general election shall be made and revised at the time and in the manner hereinafter provided:

- (a) for the purpose of making and revising lists of electors hereunder the electoral divisions for which lists are to be made or revised shall be the electoral divisions set out in the Schedule of *The Legislative Act, 1955*;

16. Replaces present section 16 which commands that certain persons be not placed on the list of voters. With one exception the class of persons so named have been retained in subsection (1). In the case of inmates of prisons, the period is more exactly stated, but no departure from principle is intended. Patients in mental hospitals and schools for mental defectives are dealt with separately, instead of being grouped with prison inmates.

- (b) upon receipt by the returning officer of an electoral division of the Province of the writ for the election he shall subdivide the electoral division into as many polling subdivisions as he deems necessary for the convenience of the voters, taking care to include every part of the electoral division in some polling subdivision;
 - (c) upon making such subdivision,
 - (i) in the case of an electoral division that is a city constituency, the returning officer conjointly with the election clerk or one of the election clerks of the electoral division shall, in the manner set out in the "Rules for the Appointment of Enumerators" in the Second Schedule, appoint under their hands in Form 7 two persons as enumerators for each subdivision, and
 - (ii) in the case of all other electoral divisions the returning officer conjointly with the election clerk or one of the election clerks of the division shall appoint under their hands in Form 7 one competent and reliable person as enumerator for each polling subdivision;
 - (d) every enumerator shall, before acting as such, take the oath of office in Form 8 which may be sworn before the returning officer, an election clerk, a justice of the peace, a commissioner for oaths or a notary public, who shall administer the oath free of charge;
 - (e) each enumerator immediately upon his having taken the oath of office shall compile a list of the persons qualified as electors for the polling subdivision at the election then pending, and the list shall
 - (i) be in Form 9 and in quadruplicate,
 - (ii) contain the names of the electors alphabetically arranged according to the first letter of their surnames and, in the case of a married woman or a widow, under her own Christian name and the surname of her husband, using the abbreviation "Mrs." as prefix, and
 - (iii) give the occupation and residence of each elector, including the number of his suite or room when an elector resides in an apartment block or a hotel.
- (2) In city constituencies the rules set out under the heading of "Rules for the Appointment of Enumerators" in the Second Schedule govern the appointment of enumerators.
- 16.** (1) The following persons are disqualified to be registered as electors and shall not vote:
- (a) the judges of the Supreme Court and the district courts;
 - (b) a person, wholly or partly of Indian blood and ordinarily resident on an Indian reservation, who is

17. In part present section 17 and new. Recognition is given to the status of Canadian citizen without altering the scope of franchise; the section is altered by relating the voting age to polling day and citizenship requirements to the date of the writ, while residence is related to the date of the writ. The requirement that an elector reside for two months in the electoral division is omitted.

18. Partly section 18 and new.

- entitled to receive any annuity or other benefit under any treaty with the Crown in the right of Canada;
- (c) a person disqualified from voting under this Act or any Act relating to corrupt practices;
 - (d) a person who on the day on which the writ was issued or who at any time after the issue of the writ and prior to the day of polling or who on polling day is a prisoner in gaol or prison undergoing punishment for a criminal offence;
 - (e) a person who is a patient in a mental hospital or school for mental defectives.

17. (1) Except as provided in section 16, the persons entitled to be registered as electors and to vote at an election under this Act are those persons mentioned in subsection (2).

(2) A person is qualified to be registered as an elector and to vote, who

- (a) on the day on which the writ was issued was a Canadian citizen or British subject,
- (b) is of the full age of nineteen years or will attain the full age of nineteen years on or before polling day,
- (c) had, on the day on which the writ was issued resided in Alberta for at least twelve months immediately prior to that day, and
- (d) was, on the day on which the writ was issued, ordinarily resident in the electoral division and polling subdivision in which he or she seeks to vote.

(3) An elector shall be registered on the list of electors for the electoral division in which the elector ordinarily resided on the day on which the writ was issued, and on no other.

18. (1) For the purposes of registration of electors under this Act, residence shall be governed by the following rules:

1. The residence of a person is the place in which his habitation is fixed and to which when absent therefrom he has the intention of returning.
2. A person does not lose his residence by reason of temporary absence from home.
3. If a person leaves this Province with the intention of making his residence elsewhere he loses his residence in Alberta.
4. The place where a person's family resides shall be deemed to be his place of residence unless he takes up or continues his abode at some other place with the intention of remaining there, in which case he shall be deemed to be resident at such other place.
5. The residence of a single person is where such person usually sleeps.

19. Present section 21 with some revision of language and subsection (4) constituting the present proviso of subsection (3), with corresponding renumbering of subsections (3) to (5). Subsection (7) is new.

6. A change of residence can be made only by actual removal with the intention to remain permanently in another place.
7. There can be only one residence.
8. A person while he remains in Alberta shall be deemed not to have lost his residence therein until he acquires another.

Posting and Correction of Lists

19. (1) In every electoral division other than a city constituency, each enumerator shall on the last weekday before nomination day

- (a) complete, date at his place of residence and sign four copies of the list of electors compiled as aforesaid,
- (b) forthwith post up two of the copies for each polling subdivision in two of the most conspicuous public places within the polling subdivision,
- (c) forward the third copy to the returning officer, and
- (d) retain the fourth for revision.

(2) One of the places where a copy of the list is to be posted up shall be a conspicuous place outside and adjoining the main entrance to the polling place.

(3) The enumerator shall attach to each of the copies posted up by him a certificate and notice in Form 10 signed by him and designating a place within the polling subdivision where electors may find him between the hours of ten o'clock in the forenoon and four o'clock in the afternoon during the last two consecutive weekdays next before the polling day.

(4) Notwithstanding subsection (3), where for the greater convenience of electors the polling place for a polling subdivision not included within the limits of a city or town but adjacent thereto has been fixed in the city or town it adjoins, the enumerator may designate a place at or near the polling place as the place where he may be found during the said two days.

(5) After the posting up of the two copies of the list and before delivery of the certified copy to the deputy returning officer as provided in section 28, the enumerator of any polling subdivision shall, between the hours of nine o'clock in the forenoon and ten o'clock in the afternoon daily, except Sunday, allow any candidate or any agent of a candidate to inspect or make a copy of the list prepared by the enumerator for the polling subdivision.

(6) An enumerator who refuses or neglects to allow a candidate or an official agent to inspect or make, as herein provided, a copy of the list prepared by the enumerator is guilty of an offence and liable on conviction to a fine not exceeding twenty-five dollars.

(7) If the returning officer deems it expedient, he may print any or all of the copies of the list of electors compiled and submitted to him by the enumerators as aforesaid, and the returning officer may post up printed copies thereof in such places as he deems most conspicuous.

20. Present section 22. This section removed to Third Schedule with respect to the "rules" and made to apply to "city constituencies" without exception.

21. Present subsections (2) and (3) of section 22 with slight revision of mode of expression. Present subsection (4) omitted as parts of city constituency not to be differentiated.

22. Present section 23 with slight revision of language.

23. Present sections 23 and 24 with all reference to city constituencies removed therefrom.

20. The list of electors for each polling subdivision in a city constituency shall be made and dealt with according to the rules set out in the Third Schedule under the heading "Rules for Compiling List of Electors in City Constituencies".

21. (1) In a city constituency, the returning officer shall furnish free of charge one copy of the list filed with him to every candidate for the electoral division or his agent within twenty-four hours after two o'clock in the afternoon of the day fixed for nomination.

(2) A returning officer who refuses or neglects to furnish one copy of the list of electors upon request as herein provided or who refuses to allow any candidate or his agent to inspect or make a copy of the list as herein provided is guilty of an offence and liable on conviction to a fine not exceeding twenty-five dollars.

22. (1) If an enumerator, or in a city constituency the returning officer, at any time after posting up the list of electors and before the time fixed for the closing of the revision of the list is fully satisfied from representations made to him by any creditable person and by independent inquiry that the name of any qualified elector has been omitted from the list of electors of the polling subdivision to which such elector belongs, the enumerator or the returning officer, as the case may be, shall add such name to the copy of the list in his possession below his own signature and shall attest such addition by his initials.

(2) If an enumerator or returning officer, as the case may be, in like manner is fully satisfied that there is on the list the name of any person who is not qualified as an elector of the polling subdivision, he may remove such name therefrom by drawing lines through the name and shall attest such removal by his initials.

(3) If an enumerator or returning officer, as the case may be, finds the occupation, or residence of any voter to be inaccurately stated in the list, he may make the necessary alteration and affix his initials thereto in like manner.

(4) A person who corruptly makes a false statement for the purpose of inducing an enumerator or a returning officer

(a) to omit the name of any person entitled to have his name entered on the list of electors, or

(b) to insert or retain on the said list the name of any person who is not entitled to have his name so inserted or retained,

is guilty of an offence and liable on conviction to a fine of not more than one hundred dollars.

23. (1) On the first of the days and at the time and place designated in the notice attached to the list posted up, the enumerator shall attend for the purpose of hearing and disposing of applications for the revision of the list.

24. New. Similar to clause 23 but provides for four days for revision and one day, the fifth, for issuing of certificates for advance polls. This applies only in the case of "city constituencies".

25. The present section 26 subdivided in subsections (1) and (2).

(2) At four o'clock in the afternoon on such day or so soon thereafter as all applications of persons present at such hour have been disposed of and the copy of the list retained by or supplied to him has been revised and corrected, he shall subscribe to and attach at the foot thereof close to the last name thereon a certificate in Form 13 and thereafter he shall make no change in the list except to note the granting of certificates as hereinafter provided.

(3) On the second of the days and at the time and place designated in the notice attached to the list posted up, the enumerator shall attend for the purpose of answering inquiries, granting certificates and having the list accessible to all persons who may apply to see it or take extracts therefrom.

24. (1) In the case of a city constituency, the returning officer shall, on the first four of the days designated in the notice attached to the list posted up by the enumerator and at the time and place designated in the said notice, attend for the purpose of hearing and disposing of applications for the revision of the list.

(2) At four o'clock in the afternoon of the fourth day so designated or so soon after that hour as all applications of persons present at such hour have been disposed of and the copy of the list supplied to him has been revised and corrected, the returning officer shall subscribe to and attach at the foot thereof close to the last name thereon a certificate in Form 13, and thereafter he shall make no change in the list except to note the granting of certificates as hereinafter provided, and to provide for inclusion therein of names obtained pursuant to Division Two of the Rules for Compiling List of Electors in the Third Schedule.

(3) On the fifth of the days and at the time and place designated in the notice attached to the list posted up, the returning officer shall attend for the purpose of answering inquiries, granting certificates and having the list accessible to all persons who may apply to see it or take extracts therefrom.

Advance Poll Certificates

25. (1) Any qualified elector of an electoral division in which provision has been made for the holding of an advance poll

(a) who is an invalid, or

(b) who deems it necessary to vote at such advance poll, may apply personally to the enumerator, or in a city constituency to the returning officer, for "An Advance Poll Voting Certificate".

(2) If the applicant's name appears on the list of electors for the polling subdivision the enumerator or returning officer, as the case may be, shall grant a certificate in Form 14 and shall mark opposite the name of the elector on the list retained by him the words "Advance poll".

26. The present section 27 with following changes: Subsection (1) divided into five subsections and tabulated in the new subsection (1); and wording revised.

Poll Officials' and Agents' Certificates

26. (1) A deputy returning officer, poll clerk, candidate or agent of a candidate

- (a) whose name appears on the list of electors of a polling subdivision as that of a qualified elector,
- (b) who is to be employed on polling day in some other polling subdivision, and
- (c) who desires to vote at the poll in which he is so employed,

may apply for a certificate that he is a qualified voter in his home polling subdivision.

(2) If the home polling subdivision of the applicant is within the limits of an electoral division other than a city constituency, the application shall be made to the enumerator of such polling subdivision.

(3) If the home polling subdivision of the applicant is within the limits of a city constituency, the application shall be made to the returning officer of the electoral division.

(4) The enumerator, or in a city constituency the returning officer, if satisfied that the applicant is a qualified elector and that his name appears on the list of electors for the voter's home polling subdivision, shall grant such certificate in Form 15.

(5) The enumerator or the returning officer, as the case may be, shall grant such certificate in accordance with the following provisions:

- (a) he shall not issue any certificate until after two o'clock in the afternoon of the day of nomination, and he shall not issue any certificate in blank;
- (b) he shall
 - (i) number each certificate in consecutive order of issue,
 - (ii) set out in writing the name of the person to whom it is issued,
 - (iii) certify that such person is a qualified elector, giving the number of the polling subdivision to which he belongs and the electoral division, and
 - (iv) if the applicant is a deputy returning officer, poll clerk or agent, state the position and number of the polling subdivision to which he is appointed, which polling subdivision shall be in the same electoral division as the polling subdivision to which he belongs;
- (c) he shall correctly date and sign each certificate and if he is an enumerator, shall give the number of the polling subdivision of which he is enumerator;
- (d) he shall not issue a certificate to more than each of three agents of any candidate for use in any one polling subdivision and to such three only on the production by each of a written appointment as agent signed by the candidate.

27. The present section 27a with slight revision.

28. The present section 28 with slight revision.

29. The present section 29 with slight revision and tabulation in subsection (1), and revised slightly in following subsections.

(6) Upon the issue of any certificate as herein provided the enumerator, or in a city constituency the returning officer, shall mark on the list opposite the name of an elector to whom a certificate has been granted the words "certificate issued".

27. A person whose name appears on the list of electors of a polling subdivision of an electoral division other than a city constituency as that of a qualified elector and who desires to vote at a polling subdivision other than that on the list of electors on which his name appears may apply for a certificate that he is a qualified elector in his home polling subdivision, and the provisions of section 26 except clause (d) of subsection (5) apply *mutatis mutandis*, to the granting of the said certificate and to the duties of the enumerator.

28. (1) The enumerator or the returning officer, as the case may be, shall, after four o'clock in the afternoon of the day referred to in section 23 or section 24 hereof and before eight o'clock in the morning of the polling day, deliver the list of electors so certified to the deputy returning officer for the polling subdivision to which the list relates.

(2) Subject to such further correction on the polling day as herein provided, the list as received by the deputy returning officer shall be the list of electors for the polling subdivision and shall be and constitute the polling list within the meaning of this Act.

(3) The enumerator of any polling subdivision in an electoral division other than a city constituency shall on the form provided deliver to the deputy returning officer with the certified copy of the list of electors a certified voucher of his fees as enumerator, according to the schedule of fees adopted by order in council.

Lists for By-Election or Plebiscite

29. (1) Where a plebiscite, or an election other than an election held in the course of a general election, is to be held in an electoral division, then if

- (a) the writ of election for such plebiscite or election is issued within one year after the issue of the writ of election for an election in that electoral division and issued in the course of a general election, and
- (b) a list of electors was prepared for and in the course of the last mentioned election and is of record in the office of the Clerk of the Executive Council,

the list of electors prepared and used for the purpose of the previous election shall be the list of electors for the subsequent plebiscite or election, as the case may be.

(2) In such event the Clerk of the Executive Council shall forward to the returning officer with the writ of election three certified copies of the list of electors for each polling place of the electoral division of record in his office.

30. The previous section 30 re-arranged in form and wording for greater clarity of intent.

(3) The certified copies shall be delivered by the returning officer to the enumerators respectively appointed and each enumerator or each returning officer, as the case may be, shall post, revise, correct, certify, grant certificates and otherwise act in all respects as if such certified copies were lists of electors preliminarily prepared, completed and signed by an enumerator or returning officer as in this Act provided.

(4) The copy so revised and certified and as received by the deputy returning officer from the enumerator shall be the list of electors for the polling subdivision to which it relates.

(5) If there is in any electoral division a polling subdivision for which a list of electors is not of record in the office of the Clerk of the Executive Council, a list for such polling subdivision shall for the purposes of any election or plebiscite be wholly prepared in the manner by this Act provided.

Penalties for Non-performance of Duties

30. (1) An enumerator or returning officer who corruptly

- (a) omits from the list of electors the name of a person entitled to have his name entered thereon, or
- (b) inserts or retains on the list of electors the name of a person who is not entitled to have his name so inserted or retained,

is in each case guilty of an offence and liable on conviction to a penalty of one dollar and costs for each such omission, insertion or retention, or the penalty may be recovered by suit in the district court of the district in which the said electoral division is wholly or partially situated.

(2) The information may be laid or the suit may be brought, within one month from the time of the close of the revision of the said list, by any elector of the electoral division or by anyone authorized by the Clerk of the Executive Council in that behalf, and the penalty is recoverable by distress or otherwise.

(3) Any penalty so recovered is payable to the elector laying such information or bringing such suit, or when the information is laid under the authority of the Clerk of the Executive Council, to the Province.

(4) Any party laying such information or bringing such suit shall deposit with the court the sum of twenty-five dollars as security for costs, and if he fails to prove the charge

- (a) the costs of such proceedings shall be paid by the complainant,
- (b) the money deposited as security shall be paid to the party entitled thereto so far as necessary, and
- (c) if the deposit is insufficient, execution for the balance may issue out of the district court upon a judge's order.

(5) Nothing in this section shall be held to interfere with any other remedy provided by law against an enumerator or returning officer for neglect or breach of duty.

31. A person is in each case guilty of an offence

- (a) who, being an enumerator for a polling subdivision of a city constituency, wears the enumerator's badge issued to him at any time except during the time he is engaged upon making the house-to-house visitation pursuant to Rule 2 of the Third Schedule,
- (b) who, being such enumerator as aforesaid, wears any enumerator's badge other than the badge issued to him, or
- (c) who, being a person other than an enumerator for a polling subdivision of a city constituency, wears any badge purporting to be an enumerator's badge.

Nomination

Qualification of Candidate

32. A person is qualified to be a candidate at an election if he or she is an elector of the full age of twenty-one years who is not disqualified by *The Legislative Assembly Act, 1955*, or by any other Act.

Registration of Political Organization

33. (1) At any time before the tenth day after the day upon which the writ was issued a political organization may, in respect of any one or more electoral divisions in the Province, register itself with the Clerk of the Executive Council as a political organization that may desire to nominate candidates in such electoral divisions.

(2) In a form which may be prescribed by the Clerk of the Executive Council, the application for registration shall designate the official name of the political organization, the authorized designation of the political affiliation of its candidates at the election and the names of its representatives who are authorized to sign certificates on its behalf in such electoral divisions.

(3) The Clerk of the Executive Council shall maintain a list of registrations under this section and as soon as possible after the tenth day after the issue of the writ shall inform the returning officer of each electoral division of any such registration and of the authorized designation of official candidates thereof and of the authorized representatives, if any, of such registered political organization in the returning officer's electoral division.

(4) A registration under this section expires after an election in the electoral division for which registration was made, but a further registration may be made in accordance with subsection (1) at any time after the election for which the previous registration was made.

31. The present section 31.

32. The present section 32 shortened by reference to the requirement that a candidate be a qualified elector of the full age of twenty-one years.

33. New. Registration of political organization for the purposes of clause 34.

34. New. Makes provision for the designation with the political label of an official candidate of a party.

35. The present section 33, subsections (1) and (2) thereof revised slightly and including a new requirement, viz, that a candidate state he is qualified to be a candidate, and in (2) (d) referring to new "official candidate" status.

34. (1) When a candidate is chosen in an electoral division by a political organization registered under section 33 in respect of that division, the registered representatives or any of them in that electoral division may issue a certificate certifying that the candidate so chosen is the official candidate of that political organization and entitled to be nominated as the official candidate of the registered political organization.

(2) When a political organization is registered under section 33 in respect of an electoral division, the returning officer thereof

- (a) shall not, for the purpose of nomination, accept a statement of a candidate's political affiliation to the registered political organization unless the candidate presents, with his nomination or within the time allowed for his nomination, the certificate referred to in subsection (1) duly signed by a registered representative of the political organization, and
- (b) shall, if a candidate fails or is unable to present such certificate, designate the candidate's political affiliation for the purposes of the nomination and election as being "Independent", unless the candidate designates his political affiliation otherwise than in the terms authorized by a registered political organization for its official candidate.

Nomination Procedure

35. (1) Four or more electors may, at any time after the issue by the returning officer of the proclamation mentioned in section 13 and before two o'clock in the afternoon of the day fixed for nomination, nominate a candidate by causing to be filed with the returning officer, a nomination paper in Form 16 signed before a justice of the peace, a commissioner for oaths, a notary public, or the returning officer.

(2) A nomination paper is not valid nor shall it be acted upon by the returning officer unless

- (a) it contains a statement duly signed by the official in whose presence the signatures were made, setting forth that the same were in fact so made,
- (b) it states an address within the Province at which legal process and notices or other documents issued or to be served either under this Act or under *The Controverted Elections Act* may be served upon the candidate,
- (c) it is accompanied by the consent in writing of the person therein nominated except where such person is absent from the electoral division, in which case such absence shall be stated in the nomination paper,
- (d) it is accompanied by a statement of the political affiliation of the person named therein, signed by the person therein nominated or by his official agent, or by a registered representative of the political organization as provided in section 34,

36. Subsections (3) to (7) of present section 33 revised, subsection (2a) relating to members of the Armed Forces at the time of the dissolution of the Ninth Legislative Assembly is omitted; subsections (2) and (3) herein have been altered to remove the reference to first preference votes; and subsections (2) to (5) herein have been amended to provide for a deduction of the cost of publishing statement of election expenses as provided in present section 156 (2); number of votes required to hold deposit spelled out in (2) and (3).

- (e) it is accompanied by a statement duly signed by the candidate that he is qualified under section 32 to be a candidate at that election except where the candidate is absent from the electoral division,
- (f) the appointment, name and address of the official agent of the candidate
 - (i) is set over the signature of the candidate, or
 - (ii) where the candidate is absent from the Province, is filed on a separate sheet,
 and
- (g) it is accompanied by a deposit of one hundred dollars.

(3) Upon the foregoing requirements of this section being complied with the returning officer shall give his receipt for the nomination paper and such receipt is in every case sufficient proof of the filing of the nomination paper and of the consent of the candidate.

(4) The leaving of a copy of any process, notice or other document at the address stated by the nomination paper pursuant to clause (b) of subsection (2) shall be deemed for all purposes to be personal service upon the candidate of the process, notice or other document.

36. (1) The returning officer shall accept the deposit mentioned in clause (g) of subsection (2) of section 35 if it is tendered

- (a) in Bank of Canada notes,
- (b) by a cheque drawn upon and accepted by any Treasury Branch of the Province of Alberta,
- (c) by a cheque drawn upon and accepted by any chartered bank doing business in Canada, or
- (d) partly in one and partly in another of such forms of tender,

but he need not accept any form of tender of money other than one herein specified.

(2) The sum so deposited by any candidate in an election where there is only one member to be elected shall, subject to subsection (5), be returned to him in the event of his being elected or if he obtain a number of votes at least equal to one-half of the total number of votes polled for the candidate elected, or in the event of his withdrawal as provided in section 42.

(3) The sum so deposited by a candidate in an election where there are more members than one to be elected shall, subject to subsection (5), be returned to him in the event of his being elected, or if he obtains a number of votes at least equal to one-half of the number of votes polled for the candidate elected with the least number of votes, or in the event of his withdrawal as provided in section 42.

(4) In the case of the death of a candidate after being nominated and before the closing of the poll the sum so deposited shall be returned to the personal representatives of the candidate subject to subsection (5).

37. The present section 34, tabulated for easier reference.

38. The present section 35; revised and tabulated for clarity.

39. The present section 36; revised and tabulated.

(5) If a candidate does not obtain the number of votes stipulated in subsection (2) or subsection (3), as the case may be, the deposit less the cost of publishing the statement of election expenses as provided for in section 165 shall be transmitted by the returning officer to the Clerk of the Executive Council and by him placed to the credit of the General Revenue Fund of the Province.

Procedure on Nomination Day

37. (1) Every returning officer on nomination day and at the place fixed in the proclamation

- (a) shall proceed to the hustings, which shall be at such place that all electors may have free access thereto,
- (b) shall at the hour of twelve o'clock noon read or cause to be read publicly in an audible voice the writ of election and the nominations that he has received, and
- (c) shall from time to time until two o'clock in the afternoon of the day so read further nominations as he receives them.

(2) At the hour of two o'clock in the afternoon the returning officer

- (a) shall declare the nomination closed, and
- (b) shall announce in an audible voice the names of the several candidates.

Return by Acclamation

38. When only one candidate or only such a number of candidates as is required by law to be elected to represent the electoral division for which the election is held has or have been nominated within the time fixed for that purpose, the returning officer,

- (a) shall forthwith declare such candidate or candidates elected,
- (b) shall make his return to the Clerk of the Executive Council in Form 17 that such candidate or candidates, as the case may be, is or are duly elected for the electoral division, and
- (c) shall as soon as possible thereafter forward to the Clerk of the Executive Council the writ of election and all ballot boxes and other election material not used or required for use in the election.

The Granting of a Poll

39. If at the close of the time for receiving nominations more candidates than there are vacancies to be filled remain nominated, the returning officer

- (a) shall announce the polling day and the day, hour and place at which the result of the election will be declared, and

40. The present section 37.

41. Present section 38; the reference to "occupations" is changed to "political affiliations" to comply with present practice.

42. The present section 39 in part, except that a candidate will not be permitted to withdraw later than 48 hours before the opening of the poll. Subsections (5) to (7) are new.

- (b) shall deliver a list of the candidates nominated to every candidate, or to any person authorized in writing by the candidate or any of his nominators to act on his behalf.

Official Agent

40. (1) Every candidate shall appoint an official agent whose name and address shall be declared in writing to the returning officer on or before nomination day and whose duties shall be as hereinafter defined.

(2) The returning officer shall announce at the place and on the day of the nomination, and shall on or immediately after the day of nomination publish the names and addresses of the official agents of the candidates in a newspaper published within the electoral division, or in case no newspaper is so published, then in the newspaper published nearest thereto.

(3) In the event of the death or incapacity of his official agent, the candidate shall forthwith appoint another official agent in his place and give notice to the returning officer of the name and address of the person appointed, which shall be forthwith published by the returning officer as provided in subsection (2).

Election Notice

41. (1) If a poll is necessary the returning officer shall with the least possible delay after the close of the nomination cause to be posted up at all the places where the proclamation was posted up a notice in Form 18 of the holding of the poll indicating the names, residences and political affiliations of the candidates nominated in the order in which they are to be printed on the ballot papers.

(2) The returning officer may make or cause to be made upon the election notice so posted corrections of obvious errors and omissions at any time up to forty-eight hours of the time fixed by the proclamation for the opening of the poll, and forthwith after such corrections are made shall give notice to the nominated candidates by registered letter or telegram addressed to the addresses given for such candidates in the respective nomination papers.

Withdrawal of Candidate

42. (1) At any time after his nomination but not later than forty-eight hours before the opening of the poll, a candidate may withdraw by filing with the returning officer a declaration in writing to that effect signed by himself and duly witnessed.

(2) If after such withdrawal there remains only one candidate for each vacancy to be filled, the returning officer

- (a) shall forthwith return as duly elected the candidate or candidates so remaining, and

43. Present section 40; subdivided in subsections.

44. Present sections 41 and 42 combined.

(b) shall proceed as directed in section 38 of this Act.

(3) If pursuant to subsection (1) a candidate withdraws within forty-eight hours after two o'clock in the afternoon of nomination day, the sum deposited by him shall be returned to him.

(4) If the candidate withdraws after the expiration of such period of forty-eight hours, the sum deposited shall be transmitted by the returning officer to the Clerk of the Executive Council, and by him placed to the credit of the General Revenue Fund of the Province.

(5) When after nomination day and after the ballot papers are printed, a candidate withdraws in an electoral division and there remain more candidates than there are members to be elected, the returning officer shall advise by letter or telegram, each deputy returning officer of his electoral division of such withdrawal, and if time permits a notice of the withdrawal shall be printed by the returning officer and distributed to each deputy returning officer, who shall, on polling day, post up a copy of the printed notice of withdrawal in a conspicuous place in his polling place.

(6) When, in any such case referred to in subsection (5), time does not permit of the printing and distribution of the notice of withdrawal, the deputy returning officer, upon being advised by letter or telegram by the returning officer of the withdrawal of any candidate, shall himself prepare by hand a notice to that effect and post it up in a conspicuous place in his polling place.

(7) Whether or not the notice is received from the returning officer or printed by himself, the deputy returning officer shall, when delivering a ballot to each voter, inform the voter of the withdrawal of any candidate.

Death of a Candidate

43. (1) In any electoral division other than the electoral divisions of Edmonton and Calgary, if a candidate dies after being nominated and before the close of the poll, the returning officer shall fix new days for the nomination of candidates and for polling.

(2) Nomination day shall be the nearest day practicable after allowing the required time between the posting up of the proclamation and the nomination day.

(3) With his return to the Clerk of the Executive Council the returning officer shall report the cause of the postponement of the election.

Proceedings Preliminary to the Poll

44. (1) If a poll is to be held the returning officer or election clerk shall, by a commission under his hand in Form 19, appoint a deputy returning officer for every polling place.

(2) No person shall be so appointed who is not an elector in the electoral division wherein the polling place for which he is appointed is situated.

45. Present section 43.

46. Present sections 44 and 45 combined.

47. Present section 46; tabulated.

48. Present sections 47 and 48 combined.

(3) An enumerator if an elector in such electoral division may be appointed as deputy returning officer.

(4) Every deputy returning officer before acting shall take and subscribe the oath in Form 20 before a justice of the peace, a commissioner for oaths, a notary public, the returning officer or an election clerk, any of whom shall administer the oath free of charge.

(5) A person appointed as a deputy returning officer who refuses to accept the office or who after having accepted it refuses or neglects to take and subscribe the oath or to perform the duties of a deputy returning officer is guilty of an offence and liable on conviction to a fine of not more than one hundred dollars.

45. In case of the death, illness or absence of a deputy returning officer, or his refusal or neglect to act, the returning officer may, by commission as provided in subsection (1) of section 44, appoint another deputy returning officer to act in his stead, and the appointment and oath of the person so appointed shall be endorsed upon or attached to the poll book.

46. (1) The deputy returning officer shall by commission under his hand in Form 21 appoint a person other than himself as poll clerk to assist him in taking the poll, and the poll clerk before acting shall take and subscribe the oath in Form 22, which oath may be sworn before a justice of the peace, a commissioner for oaths, a notary public, the returning officer, an election clerk or the deputy returning officer, any of whom shall administer the oath free of charge.

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

(3) Every person appointed poll clerk who refuses to accept the office or who after accepting it refuses or neglects either to take and subscribe the oath or to perform the duties of a poll clerk is guilty of an offence and liable on conviction to a fine of not more than forty dollars.

47. The poll clerk shall

- (a) keep the poll book in Form 23,
- (b) assist the deputy returning officer in the performance of his office, and
- (c) obey the orders of the deputy returning officer.

48. (1) If the deputy returning officer refuses or neglects to perform the duties of his office, or from any cause becomes unable to perform them, and no other deputy returning officer appointed by the returning officer appears at

49. Present section 49.

50. Present section 50 subdivided.

51. Present section 51; present subsection (1) subdivided into subsections (1) and (2) and tabulated; present subsection (4) subdivided into subsections (6) and (7). Subsection (8) is new.

the polling place, the poll clerk shall, under the same penalties as are hereinbefore imposed in like cases on a deputy returning officer, act as deputy returning officer and perform all the duties and be subject to all the obligations of that office without taking the oath of a deputy returning officer.

(2) Where a poll clerk acts as a deputy returning officer he may appoint by commission under his hand in Form 21 another person as poll clerk to assist him in the performance of the duties of his office, and may administer to him the oath, and such commission and oath shall be endorsed on or attached to the poll book.

49. If a poll clerk refuses or neglects to perform the duties of his office, or from any cause becomes unable to perform them, the deputy returning officer may appoint another person as poll clerk and the commission and the oath shall be endorsed on or attached to the poll book.

50. (1) The deputy returning officer may appoint a constable, but shall not do so unless he considers such appointment necessary for the preservation of order at the polling place.

(2) A constable so appointed shall take and subscribe an oath in Form 24 before the deputy returning officer or other person entitled to administer the same.

Polling Places

51. (1) The returning officer on receiving the writ shall fix and provide for each polling subdivision a polling place in the place in the subdivision most central or convenient for the electors.

(2) Notwithstanding subsection (1),

(a) whenever the greater convenience of electors would be suited thereby, the polling place for a polling subdivision not included within the limits of a city or town but adjacent to a city or town may, instead of being fixed and provided in the polling subdivision, be fixed and provided in the city or town it so adjoins,

(b) 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.

(3) The returning officer may take and use as a polling place any school house that is the property of any school district or school division organized by virtue of any Act, if the school house is convenient for that purpose.

(4) The building in which the polling place is situated shall not be a place where intoxicating liquor is sold and there shall be free access to the polling place for every voter.

52. Present section 52, subdivided as to subsection (1) and altered as to draft subsection (3) to apply generally and not only in a city constituency as at present.

53. Present section 53 slightly revised.

(5) If a poll is to be held the returning officer as soon after nomination day as possible, shall make certain that the required polling places are available.

(6) Whenever by reason of some unforeseen emergency it is found not to be practicable to have the polling place in the place designated in the proclamation, the returning officer may, after having given notice by registered letter or telegram to the candidates of his intention to change the polling place to another named place in the same polling subdivision and of the reason for such change, fix another polling place for such subdivision as near as practicable to the first place designated.

(7) In such event the returning officer shall affix or cause to be affixed to the place first designated a notice clearly and distinctly stating the new polling place, and the new polling place shall for all purposes be taken to be the polling place for the polling subdivision in the same way as though it had originally been designated as such in accordance with this Act.

(8) The returning officer shall have prepared conspicuous signs advising the location of a polling place and shall distribute signs to each deputy returning officer who shall place the sign or signs at such places as will best direct attention to the polling place.

Divided Polling Subdivision

52. (1) Where the list of electors for a polling subdivision contains a large number of names, the returning officer shall provide additional polling places according to the total number of qualified electors, so that when equally divided not more than three hundred nor less than one hundred and fifty names of qualified electors shall be on the list for each polling place.

(2) Such polling places shall be as near to one another as possible.

(3) Notwithstanding subsection (1), the returning officer may provide a polling place where there are more than three hundred names on the list of electors 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.

53. (1) The returning officer in cases provided for by section 52 shall prepare or cause to be prepared from the list of electors for the polling subdivision a separate list with approximately an equal number of names for each polling place arranged in alphabetical order according to the initial letter of the surname of each elector.

(2) Each separate polling place shall be designated by the initial letters of the surnames of the electors on the list who are to vote in such polling place in the following manner: From A to K and from L to R and from S to Z, or as the case may be.

54. Present section 53a, subdivided into subsections.

55. Present section 54 subdivided into subsections.

56. Present section 55.

57. Present section 56, subdivided and slightly re-arranged in phrasing.

58. Present section 57 slightly rephrased in (3) and (4).

(3) An elector, the initial letter of whose surname is included within the letters of the alphabet designating a polling place and whose surname is contained in such list may only vote in the polling place so designated.

(4) The returning officer shall appoint a deputy returning officer for each polling place and shall deliver to such deputy in due time a list certified by him to be a correct list of all electors on the list of electors whose surnames commence with the letters of the alphabet by which the polling place is designated.

54. (1) Before any general or other election, the Clerk of the Executive Council shall cause to be printed in conspicuous characters a notice relating to secrecy of voting as set out in Form 25, and shall place two copies of the notice in each ballot box sent out for delivery to the deputy returning officer.

(2) The deputy returning officer shall post up one such copy in a conspicuous place outside the polling place and one copy in a conspicuous place within the polling place, and he shall ensure that they remain so posted up from the opening to the close of the poll.

55. (1) Every polling place shall contain one or more compartments so arranged that each voter may be screened from observation and may mark his ballot paper without interference or interruption.

(2) Notwithstanding subsection (1), for polling places in the cities of Edmonton and Calgary, the Clerk of the Executive Council may give to the returning officer such instructions as are deemed necessary concerning the provision of compartments.

56. In each compartment there shall be provided for the use of voters in marking their ballots a table, desk or shelf with a hard and smooth surface and a suitable black lead pencil, which shall be kept properly sharpened throughout the hours of voting.

57. (1) The rent for each polling place for which a deputy returning officer is appointed shall be the amount fixed therefor by order of the Lieutenant Governor in Council, which amount shall include all charges for heating, lighting fixtures, lighting, caretaking and the use of table and chairs, if any, on the premises.

(2) Notwithstanding subsection (1), 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 mentioned in subsection (1).

Ballot Boxes

58. (1) The Clerk of the Executive Council shall provide the returning officer with a sufficient number of ballot boxes.

59. Present section 58, subsection (3) altered to clarify meaning and to conform with printing practice; subsection (6) new and provides for a new ballot paper form where there are more than six candidates on the ballot; the order of the names and surnames have been reversed.

(2) The ballot boxes shall be made of some durable material, furnished with lock and key and so constructed that the ballot papers may be deposited therein but cannot be withdrawn therefrom without unlocking the boxes.

(3) At least two days before polling day the returning officer shall deliver to each deputy returning officer one ballot box, which shall contain election material of the nature, number or quantity set out in Form 26.

(4) The property in the ballot boxes, ballot papers, marking instruments, books, papers and documents procured for or used at an election is vested in the Crown.

Ballot Papers

59. (1) The returning officer shall cause to be printed on the paper furnished to him as hereinafter provided a sufficient number of ballot papers, not being less than twenty-five per cent more than the total number of electors in the electoral division.

(2) There shall be printed on the ballot paper the name and surname of each candidate together with his address and political party or political affiliation as shown on the statement accompanying his nomination paper, and the name or names shall be printed first with type not less than the size known as "eight point, caps", and the surname shall be printed second with type of the size known as "ten point, caps".

(3) In the case of a city constituency, the ballot papers shall be printed in batches of one hundred, and shall be so printed that upon the first batch the surnames of the candidates are in alphabetical order, and that upon each successive batch the alphabetical order of the surnames is altered only by advancing each name one position and by placing at the bottom of the list the name that appeared at the top of the list in the preceding batch.

(4) In the case of any constituency other than a city constituency the surnames of the candidates shall be printed in alphabetical order.

(5) Every ballot paper shall be provided with a counterfoil and a stub and there shall be a line of perforations between the ballot paper and the counterfoil and between the counterfoil and the stub.

(6) Where a ballot paper will contain less than six names of candidates, the ballot paper, counterfoil and stub shall be printed in Form 27, and where the ballot paper will contain more than six names of candidates, the ballot paper shall be printed in Form 28 and the counterfoil and stub as in Form 27.

(7) The ballot papers shall be printed upon paper of a weight of not less than that known to the printing trade as "substance number 20".

(8) The paper required for the printing of the ballot papers shall be furnished to the returning officer by the

60. Present section 59 (1).

61. Present section 59 (2) to (4) except that provision is made to permit the returning officer's stamp to be printed on the ballot paper instead of being impressed thereon personally. Present section 59a is omitted as amendment in printing of stamp makes it unnecessary.

62. Present section 60 subdivided.

63. Present section 61 in Part. This section has been altered to permit up to three advance polling places to be opened as an advance poll. Otherwise the section has only been subdivided, tabulated and re-arranged, as to wording and phrasing in accordance with present drafting practice.

Clerk of the Executive Council when the writ of election is transmitted to him, or as soon thereafter as required.

(9) The stub and counterfoil shall be numbered on the back, the same number printed or written on the stub as on the counterfoil.

(10) The ballot papers together with their counterfoils and stubs shall be bound or stitched in books containing ten, fifteen, twenty-five, fifty or one hundred as may be most suitable for supplying the polling subdivisions proportionately to the number of electors in each.

(11) All ballot papers shall be of the same description and, subject to subsection (3), as nearly alike as possible.

(12) The name of the printer who prints the ballot papers shall appear on the back of each ballot paper and not on the stub or counterfoil.

(13) The printer shall with the ballot papers deliver to the returning officer an affidavit in Form 29.

60. The returning officer shall furnish each deputy returning officer with a sufficient number of ballot papers to supply the electors on the list of electors of his polling place or polling subdivision and he shall keep a record of the number and the serial numbers of the ballot papers supplied.

61. (1) Every ballot paper shall have printed thereon the stamp of the returning officer, which shall be printed from a cut of the stamp furnished to the returning officer by the Clerk of the Executive Council, the stamp being so printed on the ballot paper that when it is folded by a voter the stamp can be seen without the ballot paper being opened.

(2) The cut shall be specially designed and made for the purpose of the election, and shall be forwarded by the Clerk of the Executive Council to the returning officer so as to reach him on or about nomination day.

(3) The stamp shall show the name of the electoral division, and shall show the year of the election, and shall be of such design that it will readily be recognizable.

62. (1) The returning officer shall furnish each deputy returning officer with at least two copies of the printed directions, in Form 30, for the guidance of voters.

(2) The deputy returning officer shall before or at the opening of the poll on polling day cause such printed directions to be posted up in conspicuous places, one outside and one inside the polling place.

Advance Poll

63. (1) The returning officer shall establish not more than three special polling places for the purpose of enabling electors who are invalids, and electors who believe that they will necessarily be absent from their places of residence on

the day fixed for the election to vote in advance at an election held in the electoral division in which such electors reside.

(2) The advance polling places shall be established in central and convenient locations in each electoral division.

(3) An advance polling place shall be open between the hours of two and five, and seven and ten o'clock in the afternoon of the Thursday, Friday and Saturday of the week preceding that of the election, and at no other times.

(4) Except as provided in this section, an advance polling shall be conducted and all things done in respect thereof in the same manner as is provided by this Act for the conduct of an election in the electoral division in which the advance poll is located.

(5) The returning officer shall, on the proclamation required by section 13, publish the place, dates and time fixed for the holding of an advance polling.

(6) A qualified elector whose name appears on the list of electors and who deems it necessary to vote at an advance poll may, at any time after the list of electors has been posted and before the approved copy has been given to the deputy returning officer, apply to the enumerator of the polling subdivision in which he is entitled to vote, or in a city constituency to the returning officer, for an "Advance Poll Voting Certificate", which shall be in Form 14.

(7) If the applicant's name appears on the list of electors for the polling subdivision, the certificate shall be given by the enumerator, or in a city constituency by the returning officer, and upon the granting of such certificate the enumerator or the returning officer, as the case may be, shall write opposite the name of the elector on the list of electors the words "Advance poll" and the election officers at the elector's home polling place on polling day shall deem him to have already voted.

(8) If an elector who has obtained an advance poll voting certificate does not vote at the advance poll, he may vote on polling day at the polling place at which his name appears upon the list of electors, if before voting he surrenders his advance poll voting certificate to the deputy returning officer, who shall then and there cancel the certificate and the entry concerning it on the official list of electors, and thereupon the elector is entitled to vote as if the certificate had not been issued.

(9) An elector presenting a certificate and applying to vote at an advance poll shall first be required by the deputy returning officer in charge of the polling place to make and sign the declaration in Form 14 in addition to any other oath that may be required of voters under this Act, and the declaration shall be attached to the certificate and kept by the deputy returning officer with his other records.

(10) A person who corruptly

(a) for the purpose of obtaining from an enumerator or a returning officer, as the case may be, an advance poll voting certificate, makes to such officer any false statement,

64. Remainder of present section 61, namely subsections (8) to (11) thereof.

- (b) forges or fabricates an advance poll voting certificate or any name thereon, or not being the person named therein presents any such certificate to any deputy returning officer or poll clerk at any polling place,
- (c) makes a false statement in any declaration made before a deputy returning officer,
- (d) after having obtained an advance poll voting certificate votes or attempts to vote at any other than the advance poll, except upon the surrender on election day of the certificate as is provided for herein, or
- (e) in any other manner contravenes any of the provisions of this section,

is guilty of an offence and liable on conviction to a fine of not more than one hundred dollars.

64. (1) The poll clerk at an advance poll shall after the name of each voter record in the poll book supplied for the recording of all such votes and in a column headed "Remarks", a note that such person has signed the declaration referred to in subsection (9) of section 63.

(2) At the close of an advance poll on each day, the deputy returning officer and the poll clerk and also any candidate or agent of a candidate present who desires to do so shall affix their seals to the ballot box in such manner that it cannot be opened nor any ballot papers deposited in it without breaking such seals.

(3) The deputy returning officer shall at all times after the opening of the advance poll take every precaution to prevent any person whatsoever other than the poll clerk during the voting from having access to the ballot box.

(4) No seals placed on the ballot box shall be removed between the opening of the advance polling and the time fixed for the closing of the polls on election day, except only at the opening of the advance poll on the second and third days' voting, and then only such seals shall be removed as may be necessary to permit the insertion of ballot papers in the ballot box.

(5) At the close of an advance poll on the third day

- (a) the deputy returning officer and the poll clerk and also any candidate or agent of a candidate present who desires to do so shall affix their seals to the ballot box in such a manner that it cannot be opened nor ballot papers deposited in it without breaking the seals, and
- (b) the deputy returning officer shall take charge of and safely keep the ballot box until the closing of the poll on election day, when he and the poll clerk shall proceed as directed by section 96.

65. Present section 62 except that the time of voting has been made the same throughout the Province.

66. Present section 63 subdivided and tabulated for easier reference.

67. Present section 64 subdivided for easier reference.

Hours of Poll

65. In all polling places except in advance polling places, the poll shall be opened at nine o'clock in the forenoon and shall be kept open until eight o'clock in the afternoon of the same day.

Preparatory to Opening the Poll

66. (1) The deputy returning officer shall attend at the polling place at least fifteen minutes before the hour fixed for opening the poll.

(2) During such fifteen minutes agents and voters entitled to be present in the polling place during voting hours are entitled

(a) to have the ballot papers intended for use thereat counted in their presence before the opening of the poll, and

(b) to inspect the ballot papers and all other papers, forms and documents relating to the poll.

(3) In any electoral division other than a city constituency

(a) each candidate may appoint in writing not more than three electors of the electoral division as agents to represent him at each polling place,

(b) in the absence of such appointments two electors of the polling subdivision on their own request may act as such agent, and

(c) each agent or elector acting as agent shall, on being admitted to the polling place, take the oath of secrecy in Form 49.

(4) In a city constituency

(a) each candidate may appoint in writing one elector of the electoral division as agent to represent him at each polling place.

(b) in the absence of such appointment one elector of the polling subdivision on his own request may act as such agent, and

(c) each agent or elector acting as agent shall, on being admitted to the polling place, take the oath of secrecy in Form 49.

(5) An agent bearing a written authorization from the candidate is entitled to represent the candidate in preference to and to the exclusion of any two electors not authorized in writing.

Those Entitled To Remain in the Polling Place

67. (1) The deputy returning officer, the poll clerk, the interpreters, if any, the constable in the event of it being necessary to have one appointed, the returning officer and election clerk in the course of their duties, the candidates and their agents, and in the absence of agents, one elector

68. Present section 65 tabulated and authority expressly given to returning officers and election clerks to remain in polling places in course of duties.

69. New. Replaces present section 66 dealing with the same subject matter.

representing each candidate by his own request, 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.

(2) The number of agents permitted to remain in the polling place shall not at any one time exceed

- (a) one for each candidate in the electoral divisions of Edmonton and Calgary, and
- (b) two for each candidate in any other electoral division.

68. (1) The deputy returning officer

- (a) shall immediately before opening the poll show the ballot box to the persons present in the polling place so that they may see that it is empty,
- (b) shall then lock the empty box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal,
- (c) shall place and thereafter keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and
- (d) shall keep the box so locked and sealed.

(2) Each voter upon entering the room where the poll is held shall declare his name and 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.

(3) The deputy returning officer at any time

- (a) may determine how many voters are to be allowed in the said room together, and
- (b) may forbid the entrance of additional voters until some of those already in the room have left the room.

Employee's Time To Vote

69. (1) An employee who is a qualified elector shall, while the polls are open on polling day at an election, have three consecutive hours for the purpose of casting his vote.

(2) If the hours of the employee's employment do not allow for such three consecutive hours, his employer shall allow him such additional time for voting as may be necessary to provide the said three consecutive hours, but the additional time for voting shall be granted at the convenience of the employer.

(3) No employer shall make any deduction from the pay of any such employee nor impose upon or exact from him any penalty by reason of absence from his work during such three consecutive hours or additional time.

(4) This section extends to railway companies and to scheduled commercial air service companies and their employees, except such employees as are actually engaged in

70. Present section 67, subdivided, tabulated in subsections (1), (2) and (3) which are the present subsection (1). Some rephrasing for visual clarity.

71. Present section 68 with slight revision of wording, and subdivision into subsections for visual clarity.

the operation and dispatch of railway trains and scheduled commercial aircraft and to whom the three consecutive hours mentioned in subsection (1) cannot be allowed without interfering with the operation or dispatch of such trains or aircraft.

(5) An employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting, to any elector in his employ, of the three consecutive hours for voting, as in this section provided, is guilty of a corrupt practice and of an offence and liable on conviction,

- (a) in the case of an individual, to a fine not exceeding one hundred dollars, and
- (b) in the case of a corporation, to a fine not exceeding three hundred dollars.

Who May Vote

70. (1) Any person whose name is on the list of electors for a polling place may vote at an election

- (a) if he has not obtained an advance poll voting certificate at an advance poll,
- (b) if he has not obtained an enumerator's certificate to enable him to vote at some other polling place, at which he is employed,
- (c) if having obtained either an advance poll voting certificate or an enumerator's certificate he delivers such certificate to the deputy returning officer unused, to be cancelled, and
- (d) if, should he be required to do so, he takes the oath to be taken by a voter in Form 31.

(2) Any candidate, agent or elector may require that the oath in Form 31 be taken by any person applying to vote.

(3) Where a deputy returning officer has reason to believe that a person offering to vote

- (a) is not a qualified elector,
- (b) has already voted,
- (c) is tendering his vote under a false name or designation,
- (d) is personating an elector, or
- (e) is representing himself falsely as being on the list of electors,

the deputy returning officer shall administer the prescribed oath to the voter whether the deputy returning officer has been required to do so or not.

(4) A deputy returning officer who fails to administer the prescribed oath as required by subsection (2) or (3) is guilty of an offence and liable on conviction to a fine not exceeding two hundred dollars.

71. (1) If before being permitted to vote a person whose name is on the list of electors is required to take the oath in Form 31 and refuses to do so, his name shall be removed

72. Present section 69 subdivided and tabulated for visual clarity. Subsection (5) introduces the permanent Registry of Electors, which will apply only to Edmonton and Calgary.

from the list by drawing lines through his name on the list of electors and in the poll book if his name has been entered in the poll book, and the words "refused to be sworn" written thereafter.

(2) No person whose name is so removed from the list of electors shall receive a ballot paper or be permitted to vote at the election.

72. (1) In any electoral division other than a city constituency every person otherwise qualified to vote at a poll

- (a) whose name is not on the list of electors, and
- (b) who is vouched for by an elector
 - (i) whose name appears upon the list,
 - (ii) who is a resident in the polling subdivision, and
 - (iii) who, for the purpose of vouching, may be admitted to the room at the same time as the applicant voter,

may make application to the deputy returning officer while the poll is open to have his name added to the list.

(2) The deputy returning officer shall administer to the applicant the oath in Form 31 and the elector vouching for the applicant the oath in Form 32, and such oaths having been taken by the applicant and by such elector, the deputy returning officer shall at once cause the applicant's name to be added to the list of electors with the word "sworn" written thereafter.

(3) The name and particulars of the applicant shall be entered in the poll book, followed by the name and particulars and number on the list of electors of the elector who vouched for him, followed by the word "sworn" and the applicant may thereupon vote.

(4) No resident elector shall vouch for more than one applicant voter.

(5) In the city constituencies of Edmonton and Calgary, every person otherwise qualified to vote whose name is not on the list of electors but whose name is on the Registry of Electors maintained under Division II of the Rules for Compiling List of Electors in the Third Schedule to this Act may while the poll is open make application to the returning officer and he may cast his vote in a special ballot box to be kept by the returning officer for the purpose and all the provisions of this Act relating to voting, presence of persons in the polling place, swearing in of voters and secrecy of the ballot paper apply *mutatis mutandis* thereto.

(6) A person

- (a) who votes or who attempts to vote under this section, knowing he has no right to vote,
- (b) who takes a false oath,
- (c) who falsely vouches for an applicant voter, or
- (d) who induces or procures or attempts to induce or procure or who aids and abets any other person to vote or attempt to vote hereunder, knowing such person has no right to vote,

73. Present section 70, tabulated for visual simplification.

74. Present section 71 tabulated.

75. Present section 72.

76. Present section 73.

77. Present section 74, rephrased slightly.

78. Present section 75.

is guilty of an offence and liable on conviction to a fine of not less than one hundred dollars, and in default of payment to imprisonment for not more than three months.

73. (1) A deputy returning officer, candidate, agent or poll clerk who belongs to a polling subdivision other than the one at which he is employed as such on polling day may vote at the polling place where he is so employed if he

- (a) produces a certificate in Form 15 from the enumerator of the polling subdivision to which he belongs or in a city constituency from the returning officer,
- (b) files the certificate with the deputy returning officer, and
- (c) takes, if required, before either the deputy returning officer or poll clerk the oath in Form 33,

and there shall be entered in the poll book opposite the voter's name in the column for remarks a memorandum stating the particular office or position that the voter is filling at the polling subdivision.

(2) A deputy returning officer, candidate, agent or poll clerk before being allowed to vote at his home polling subdivision may also be required by any candidate or agent present to take the oath to be administered to voters in Form 31 which may be administered by the deputy returning officer or poll clerk.

74. A deputy returning officer, candidate, agent or poll clerk

- (a) who votes at an election when he is not qualified to do so as provided by this Act, or
- (b) who though qualified to vote, votes more than once at an election,

is guilty of an offence and liable on conviction to a fine of not less than fifty nor more than two hundred dollars.

75. If a deputy returning officer is an elector on the list of electors at the polling place at which he has been appointed to act, the poll clerk or in his absence the agent of a candidate authorized to be present may administer to him the oath to be taken by a voter.

76. Not more than three agents for one candidate shall vote in any one polling place.

77. A deputy returning officer may, and when he is required to do so by any candidate or agent of a candidate shall, administer to any voter the oath in Form 31.

78. (1) A person who has refused to take the oath when required to do so shall not receive a ballot paper or vote.

(2) A deputy returning officer who receives such vote or causes the same to be received is guilty of an offence and

79. Present section 76, slightly reworded to conform to earlier reference to "removals" by drawing lines through a name, rather than "erasures by drawing lines".

80. Present section 77; subdivided and revised.

81. Present section 78; revised to express meaning less ambiguously and tabulated for visual clarity.

82. Present section 79, altered to specify words to be used to inform voter how to vote under the "X" system.

83. Present section 80; subsection (1) tabulated; subsection (2) revised in wording and tabulated for clarity.

liable on conviction to a fine of not more than two hundred dollars and to imprisonment for a term not exceeding six months.

79. In any electoral division other than a city constituency the poll clerk shall make such additions, alterations and removals in the list of electors and such entries in the poll book as the deputy returning officer directs him to make and as are required by any provision of this Act.

80. (1) As soon as the ballot paper has been deposited in the ballot box the poll clerk shall enter in the poll book opposite the name of the voter the word "Voted".

(2) The poll clerk shall also enter in the same book the words "Sworn" or "Affirmed" opposite the name of each voter to whom the oath has been administered and the words "Refused to be sworn" or "Refused to affirm" opposite the name of each elector who has refused to take any oath that he has been required to take.

81. An elector who presents himself to vote shall receive from the deputy returning officer a ballot paper

- (a) on the back of which the deputy returning officer has previously put his initials so placed, as indicated in Form 27, that when the ballot paper is folded they can be seen without opening it, and
- (b) on the back of the counterfoil on which he has placed a number corresponding to that placed opposite the voter's name in the poll book.

82. (1) In an electoral division where one member is to be elected, the deputy returning officer shall, without inquiring or ascertaining for whom the voter intends to vote, except in the cases provided for by section 83, instruct the voter how to mark his ballot paper in the following or like words: "Mark the ballot by placing an 'X' opposite the name of the candidate of your choice."

(2) In an electoral division where two or more members are to be elected, the deputy returning officer shall, without inquiring or ascertaining for whom the voter intends to vote, except in the cases provided for by section 83, instruct the voter how to mark his ballot paper in the following or like words: "Mark the ballot by placing an 'X' opposite the names of not more than (*stating the number of members to be elected*) candidates of your choice."

Voter Incapacitated

83. (1) The deputy returning officer on the application of any voter who is unable to read or who is incapacitated from any physical cause other than blindness from voting in the manner prescribed by this Act

- (a) shall require the voter making such application to take before him the oath in Form 34,
- (b) shall thereafter assist such voter by marking his ballot paper in the manner directed by such voter in

84. Present section 81, subsection (1) subdivided into subsections (1) and (2) herein and tabulated; subsection (2) revised and becomes subsection (3) herein, subsection (4) present subsection (3) expanded to include rest homes and homes for the aged and infirm.

Present section 81a relating to votes of servicemen is omitted.

the presence of the poll clerk and of the agents of the candidates in the polling place and of no other person, and

- (c) shall place the ballot paper so marked in the ballot box.

(2) In the case of a voter who by reason of blindness is incapacitated from voting in the manner prescribed by this Act

- (a) the deputy returning officer, if required to do so by such voter and if the voter is accompanied by a friend, shall, after the voter has taken the oath in Form 34, permit the friend, upon his taking before the deputy returning officer an oath in Form 35, to accompany the voter into a voting compartment for the purpose of marking the voter's ballot paper, and
- (b) the ballot paper when marked shall be delivered by the voter or the friend to the deputy returning officer to be placed by him in the ballot box.

(3) When a ballot paper has been marked in any manner provided in this section, the deputy returning officer shall enter or cause the poll clerk to enter in the poll book opposite the name of the voter, in the column for remarks, in addition to any other requisite entry, the reason why such ballot paper was so marked.

Hospital Voting

84. (1) If, from the written statement of the superintendent or other person having the charge of a hospital situate within an electoral division, it is made to appear to the returning officer of that division, at any time after nomination day and not later than the second day before polling day, that there are in the hospital not less than ten patients who are then entitled to vote at the election then being held in the electoral division, the returning officer

- (a) shall appoint a deputy returning officer and a poll clerk to take a poll of the votes of the patients then being inmates of the hospital but of no other persons whatsoever, and
- (b) shall fix a period on election day for the taking of the poll, and appoint the times at which the poll shall be opened and closed.

(2) During the time fixed for taking the poll, the deputy returning officer and poll clerk, accompanied by an officer of the hospital and by the representatives of the candidates, if any,

- (a) shall attend with a ballot box upon such patients as the superintendent or other person having charge of the hospital certifies to the deputy returning officer in writing under his hand to be *bona fide* patients in the hospital, and to be well enough to vote, and
- (b) shall take the vote of any such patient who wishes to vote.

85. Present section 82 subdivided with respect to present subsection (1) and revised.

86. Present section 83.

87. Present section 84.

88. Previous section 85 (1) altered to remove reference to the transferable vote and to provide for the multiple member constituency.

89. New. Replaces the transferable and proportional representation voting system now referred to in present section 85.

(3) Every hospital at which a poll is taken under this section is a polling place within the meaning of this Act and sections 66 to 97 apply, *mutatis mutandis* and so far as the same are applicable, to the holding of a poll under this section and to all proceedings in connection therewith or incidental thereto.

(4) For the purposes of this section the word "hospital" includes sanatoria, rest homes and homes for the aged or infirm, but does not include any hospital within the meaning of *The Mental Diseases Act* or any hospital within the meaning of *The Mental Defectives Act*.

Interpreter

85. (1) If an elector does not understand the English language, the deputy returning officer may employ an interpreter to translate the oath as well as any lawful question necessarily put to or by the voter and the answers thereto.

(2) Before acting as interpreter the interpreter shall first take the oath in Form 36.

(3) If no interpreter is found or presents himself at the polling place the elector shall not be allowed to vote.

86. A voter shall vote without undue delay and shall leave the polling place as soon as his ballot paper has been placed in the ballot box.

87. While a voter is in a compartment for the purpose of marking his ballot paper no other person shall be allowed to enter the compartment or to be in a position from which such other person can see for whom the voter marks his ballot paper.

Mode of Marking the Ballot Paper

88. (1) In an electoral division where one member is to be elected, an elector shall have one vote only.

(2) In an electoral division where more than one member is to be elected, an elector shall have as many votes as there are members to be elected and no more.

89. (1) A voter on receiving his ballot paper shall forthwith proceed into one of the compartments of the polling place and there, with the black lead pencil provided, mark his ballot paper by placing a cross, thus X, on any part of the space containing the name of the candidate or candidates for whom he intends to vote.

(2) The voter shall then fold the ballot paper so that the initials and stamp on the back of it and the numbers on the counterfoil can be seen without opening it, and shall then hand the ballot paper so folded to the deputy returning officer.

90. Present section 86, subdivided, tabulated and revised in subsection (2) to indicate more clearly the case referred to.

91. Present section 87.

92. Present section 88 subdivided and revised to obtain uniform mode of expression.

93. Present section 89 subdivided and revised to remove slight uncertainty and awkwardness in the section.

(3) The deputy returning officer without unfolding the ballot paper

- (a) shall ascertain by examining his initials and the stamp and the number on the counterfoil that it is the same ballot paper that he furnished to the voter,
- (b) shall then in full view of all present, including the voter, remove the counterfoil and tear it up or otherwise destroy it, and
- (c) shall place the ballot paper in the ballot box.

Declined Ballots

90. (1) A person who receives a ballot paper shall not take it out of the polling place.

(2) Where a person who receives a ballot paper leaves the polling place without delivering the ballot paper or returns his ballot paper declining to vote, such person forfeits his right to vote and the deputy returning officer

- (a) shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot paper but took it out of the polling place, or returned it declining to vote, as the case may be, and
- (b) in the latter case shall immediately write the word "Declined" upon the ballot paper and preserve it to be returned to the returning officer.

91. (1) If a person representing himself to be an elector applies for a ballot paper after another person has voted in the name of such elector he is entitled to receive a ballot paper and to vote after taking the oath and otherwise establishing his identity to the satisfaction of the deputy returning officer.

(2) The name of the voter shall be entered in the poll book and a note shall be made stating the fact that he voted after taking the oath, the objections, if any, made and the names of the candidates on behalf of whom the objections were made.

Cancelled Ballot Papers

92. (1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used may obtain another upon returning the first mentioned ballot paper to the deputy returning officer.

(2) The deputy returning officer shall immediately write the word "Cancelled" upon the first mentioned ballot paper and preserve it to be returned to the returning officer.

93. (1) A person who applies for a ballot paper shall by so doing be deemed to tender his vote or to offer to vote.

(2) A person who has placed his ballot paper, or caused it to be placed, in the ballot box, or has delivered it to the deputy returning officer or poll clerk for the purpose of having it placed in the ballot box, shall be deemed to have voted.

94. Present section 90, subsections (1) to (6) altered to provide for the non-transferable vote system and subdivided and revised for ease of reference. Subsection (6) is new; subsection (7) present subsection (1) of section 39 in Part and revised.

Proceedings After Closing the Poll

94. (1) Immediately after the closing of the poll the deputy returning officer shall first place all cancelled and declined ballot papers in a separate envelope which he shall at once seal.

(2) The deputy returning officer shall then count the number of electors whose names appear on the list of electors and the number of voters whose names appear by the poll book to have voted and shall make an entry thereof in the poll book on the line immediately below the name of the voter who voted last, thus:

"Number of names on list

"Number who voted

"We hereby certify that the above statement is correct.

"Dated at, 19.....

..... *Poll Clerk* *Deputy Returning Officer*"
and he and the poll clerk and such of the agents of the candidates as are present and desire to do so shall sign their names thereto.

(3) The deputy returning officer shall then in the presence of the poll clerk and of such of the candidates or their agents as are then lawfully present, open the ballot box and count the number of the ballot papers therein and shall record the result.

(4) If there are more ballot papers in the box than there should be according to the poll book, any ballot paper that has not on its back the initials of the deputy returning officer or that is otherwise invalid according to this Act shall be set aside.

(5) The deputy returning officer shall reject any ballot papers

- (a) that have not been supplied by him,
- (b) on which a cross or X is not marked, but subject to subsection (6), or
- (c) on which there is any writing or mark by which the voter can be identified,

but no word, letter or mark written, made or omitted to be written or made by the deputy returning officer on the ballot paper makes it void or warrants its rejection.

(6) Where a voter has, with an honest intention in favour of one of the candidates whose name is upon a ballot paper and without any apparent intention of identification, marked his ballot paper with some mark other than a cross mark (X) or marked his ballot paper with a pen or pencil other than the pencil provided, clearly indicating in either case an intent to mark in favour of a name, it shall be deemed a sufficient vote for the candidate in whose favour the same is so marked, but not if a cross mark and other mark or either appear for more candidates than there are members to be elected.

95. Present section 90, subsections (7) to (14); altered so as to remove reference to "first preference" votes—subdivided and tabulated for easier reference.

(7) A vote cast for a candidate who has withdrawn is void in so far as it affects that candidate, and shall be disregarded, but a ballot paper on which such a vote occurs shall not merely on that account be held invalid as regards the votes thereby given for other candidates.

(8) The deputy returning officer shall make a note in the poll book of every objection taken to a ballot paper by an agent of any of the candidates or an elector present, and each objection shall be numbered and a corresponding number placed on the back of the ballot paper and initialled by the deputy returning officer.

(9) The deputy returning officer shall decide any question arising out of the objection, but his decision may be reversed or modified by the returning officer, whose decision is final, subject only to reversal of an appeal, recount or final addition of votes as hereinafter provided.

95. (1) All the valid ballot papers shall be examined and arranged in parcels according to the name of each candidate marked with a cross or (X).

(2) The deputy returning officer shall then count the number of ballot papers in each parcel of valid ballot papers and credit each candidate with the total of his respective parcel.

(3) After the number of votes recorded for each candidate has been ascertained the result may be announced to the public.

(4) The deputy returning officer shall make out a statement in triplicate in Form 37, which statement shall forthwith be signed by him and the poll clerk and such of the agents of the candidates as are present and desire to sign it, and

- (a) one copy of the statement shall be attached to the poll book,
- (b) another copy shall be retained by the deputy returning officer, and
- (c) the third copy shall be enclosed by the deputy returning officer in a separate envelope supplied for the purpose, and handed to the returning officer, or placed in the ballot box.

(5) After making and signing the last mentioned statement the deputy returning officer shall deliver to the agents of each of the candidates, or in the absence of agents, to the electors present and representing the candidates, a certificate in Form 38.

(6) The deputy returning officer

- (a) shall then place the ballot papers for each candidate in a separate envelope provided for the purpose, marking on the outside of the envelope the name of the candidate whose ballot papers are contained therein, and

96. Present section 90, subsection (15) altered to provide for the (X) voting system.

97. Present section 91, altered by the addition of a provision relating to address label (see subsection (4) (a) herein) otherwise only subdivided and tabulated for easier reference.

- (b) shall then place the said envelopes in a large envelope provided for the purpose which he shall seal and endorse so as to indicate the contents and any agent present may write his signature across the flap of the envelope and may affix his seal,

(7) The deputy returning officer shall put the rejected ballot papers 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.

(8) The deputy returning officer shall then place or cause to be placed in the ballot box

- (a) the list of electors,
- (b) the different envelopes containing the ballot papers, and
- (c) the poll book and other documents that were used at the election,

and shall then immediately lock and seal the ballot box with his seal and with the seals of such of the agents of the candidates as desire to affix their seals.

(9) Immediately after the completion of the counting of the votes, the poll clerk shall take and subscribe the oath in Form 39.

96. At the hour fixed for the closing of the poll on election day the deputy returning officer of an advance poll and his poll clerk shall attend with the ballot box at the place where the advance poll was held and then, and not sooner, in the presence of such of the candidates or their agents as attend,

- (a) shall open the ballot box,
- (b) shall count the ballot papers for each of the candidates, and
- (c) shall, as near as may be, take all other proceedings as provided in sections 94 and 95 in connection with the conduct of an election after the closing of the poll.

Return of Ballot Boxes

97. (1) The deputy returning officer after locking and sealing the ballot box shall enclose the key in an envelope supplied for the purpose, and as soon as possible thereafter shall personally deliver the ballot box and key to the returning officer, or his agent appointed to call for it.

(2) Notwithstanding subsection (1), if the returning officer lives a distance away and a post office or express office is near at hand, the deputy returning officer may send the ballot box and key to the returning officer by registered mail, or the box by express and the key by registered mail.

98. New; replaces sections 92 to 94, which now provide for counting where one member is to be elected and two candidates go to poll, and in the case where more than two go to the poll. This change arises out of the X voting system here provided for.

99. New (see note to clause 98).

(3) Where the deputy returning officer is unable to attend to the return of the ballot box and key owing to illness or other imperative cause, he shall

- (a) deliver them to the poll clerk, or where the poll clerk is unable to act, to some reliable messenger,
- (b) write on the box or on a ticket attached thereto the name of the person to whom the box and key have been delivered, and
- (c) take a receipt therefor in Form 40.

(4) The poll clerk or person so chosen shall

- (a) without delay deliver or mail the ballot box and key or mail the key and express the ballot box to the returning officer, having first attached to the ballot box a label on which the name and address of the returning officer is clearly indicated,
- (b) take before the returning officer, election clerk, a justice of the peace, a commissioner for oaths or a notary public, the oath in Form 41, and
- (c) personally deliver such oath or transmit it by registered mail to the returning officer.

(5) The deputy returning officer after the closing of the poll

- (a) shall take and subscribe before the returning officer, election clerk, a justice of the peace, a commissioner for oaths or a notary public the oath in Form 42, and
- (b) shall personally deliver such oath or transmit it by registered mail to the returning officer.

(6) The deputy returning officer before leaving the polling place shall see that vouchers in duplicate for all fees and expenses of poll officials, and rent are properly filled out and certified.

(7) The vouchers referred to in subsection (6) shall not be put into the ballot box but shall be delivered or mailed to the returning officer.

Count by Returning Officer Where One Member is to be Elected

98. Where one member is to be elected and there are more candidates than there are members to be elected, the returning officer of the electoral division shall provide adequate quarters and facilities for receiving and counting the ballot papers received from all the deputy returning officers of the electoral division.

99. No person shall be allowed in the room where the counting is taking place except

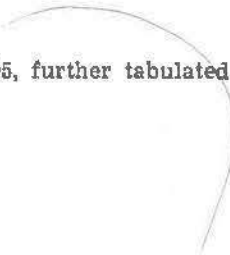
- (a) the returning officer, election clerk or clerks, and the sorting staff, if any,

100. New (see note to clause 98). The rules for counting are being placed in a Schedule so that they may all be together.

101. Adapted from provisions now in 92 (1) and 93 (1).

102. Present section 95, subsections (1) and (2).

103. Present subsection (3) of section 95, further tabulated in (c).



- (b) deputy returning officers in the discharge of their duties, and
- (c) on behalf of each candidate
 - (i) not more than two agents, or
 - (ii) the candidate himself and not more than one agent.

100. The counting of votes and proceedings subsequent thereto shall be according to the regulations contained in the Fourth Schedule.

101. (1) On the counting of votes, the returning officer shall make a note in the poll book of every objection taken to a ballot paper by a candidate or his agent and shall decide any question arising out of the objection.

(2) The returning officer shall give his decision thereon irrespective of whether or not such question has already been decided by the deputy returning officer and of the nature of his decision, if given.

(3) The decision of the returning officer thereon is final, subject to appeal, recount or final addition of votes as hereinafter provided.

**Count by the Returning Officer Where More Than One Member
is to be Elected and There are More Candidates than
there are Members to be Elected**

102. (1) Where more than one member is to be elected and where there are more candidates than there are members to be elected, the returning officer of the electoral division shall provide adequate quarters and facilities for receiving and counting the ballot papers received from all the deputy returning officers of the electoral division.

(2) For the purpose of checking and counting the ballot papers, the Lieutenant Governor in Council shall appoint one or more supervisors and a staff of sorters all of whom shall be under the supervision of the returning officer.

103. No person shall be allowed in the room where the counting is taking place except

- (a) the returning officer, election clerk or clerks, the supervisors, if any, and the sorting staff,
- (b) deputy returning officers in the discharge of their duties, and
- (c) on behalf of each candidate
 - (i) not more than two agents, or
 - (ii) the candidate himself and not more than one agent.

104. New; the rules for counting of votes are being placed in a Schedule.

105. Present section 96 reworded to conform to earlier alterations.

106. Present section 97 revised slightly and subdivided.

107. Present section 98 subdivided and tabulated for easier reference, and subsection (6) added to require recommendations re polling subdivision changes.

104. The counting of votes and the proceedings subsequent thereto shall be according to the regulations contained in the Fourth Schedule.

Death of Member for Multi-Member Electoral Division

105. If one of the members for a multi-member electoral division dies or resigns, or if a vacancy arises in such a division in any other way, a by-election to fill such vacancy shall be held under the provisions of this Act relating to the election of a member in an electoral division returning one member where there are two or more than two candidates, as the case may be.

Proceedings if After an Election Any of the Ballot Boxes With the Ballot Papers Have Not Been Returned to the Returning Officer

106. (1) If in any electoral division all the ballot boxes and ballot papers have not been returned to the returning officer by the day fixed in the proclamation for announcing the result of the count of the votes, the returning officer shall adjourn the proceedings to a subsequent day which shall be not more than a week later than the day originally fixed, and further like adjournments may be made but the announcement of the result of the count may not be delayed for a longer period than one month from the day originally fixed in the proclamation.

(2) If at the expiration of the said one month the returning officer is convinced that the missing box or boxes with ballot papers is or are not recoverable, he shall forthwith announce the result of the count, leaving out of consideration the missing ballot papers.

(3) If for any other cause the returning officer cannot at the day and hour appointed by him for announcing the result of the count ascertain the number of votes given for each candidate, he may adjourn to a future day and hour the announcement of the result of the count and so on from time to time, but such adjournment or adjournments shall not in the aggregate exceed two weeks.

Election Return

107. (1) When a poll has been held, the returning officer shall

- (a) immediately after the tenth day after announcing the result of the count and declaring the names of the candidates duly elected, unless before that time he receives notice that he is required to attend before a judge for the purpose of an appeal, recount or final addition of the votes given at the election, or
- (b) where there has been an appeal, recount or final addition, immediately after the receipt of the certificate of the result,

108. Present section 90.

transmit his return in Form 47, duly certified, and the writ to the Clerk of the Executive Council.

(2) The returning officer shall transmit his return to the Clerk of the Executive Council together with a copy of the statement in Form 43, and a copy of the statement in Form 45 or in Form 46, as the case may be, together with a report of his proceedings in which he shall make any observations he thinks proper relating to the state of the ballot boxes or ballot papers as received by him.

(3) The returning officer shall at the same time enclose in the ballot box and transmit to the Clerk of the Executive Council

- (a) the stamp cut furnished him for stamping the ballot papers,
- (b) the lists of electors for each of the polling places, and
- (c) all the ballot papers, poll books and other documents sent to him by the deputy returning officer.

(4) The cases containing the ballot boxes shall be sent by express or freight and any separate parcels by mail or express.

(5) An affidavit in Form 48 shall be made by the returning officer forthwith after transmitting his return and shall be forthwith transmitted by him by registered post to the Clerk of the Executive Council.

(6) When submitting the returns required by this section, the returning officer shall also forward to the Clerk of the Executive Council twelve copies of the proclamation issued by the returning officer pursuant to section 13 and shall make any recommendations he deems advisable with respect to the boundaries of the polling subdivisions in his electoral division indicating the recommended changes on one of the copies of the proclamation being forwarded to the Clerk of the Executive Council.

108. (1) If a returning officer wilfully delays, neglects or refuses

- (a) to add up the votes,
- (b) to declare elected the candidate or candidates having the largest number of votes,
- (c) to give his casting vote where he is by law required to do so, or
- (d) to make the return as required by this Act of the candidate or candidates having the largest number of votes,

the person aggrieved or any elector who voted at the election may apply to a judge of the Supreme Court for a *mandamus* commanding the returning officer to perform the duty that he is shown to have omitted.

(2) The notice shall be served upon the returning officer and upon any person who was a candidate at the election.

(3) In other respects the provisions of *The Judicature Act* and the rules made thereunder apply to such application.

109. Present section 100 in part; subdivided as to present subsection (1); present subsection (2) altered slightly to remove doubts as to the method of service upon candidates, and subdivided for easier reference; present subsection (6) herein becomes subsections (9) and (10).

(4) Nothing in this section affects or impairs any other right or remedy of the person aggrieved.

Recount or Final Addition by Judge

109. (1) Where, upon the application of a candidate or elector made within eight days after that on which the returning officer has announced the result of the count and declared the names of the candidate or candidates elected, it is by affidavit made to appear to the judge that the returning officer has in counting the ballot papers

- (a) improperly counted any ballot paper,
- (b) improperly rejected any ballot paper,
- (c) made an incorrect statement of the number of votes cast for a candidate, or
- (d) improperly added up the votes,

then, if the applicant deposits within the said time with the clerk of the court as security for costs the sum of one hundred dollars in legal tender, or in the bills of any chartered bank doing business in Canada, or by a cheque for the amount drawn upon and accepted by any such bank, the judge may in writing appoint a time and place to hear and determine an appeal from any decision of the returning officer and, where the same is asked, to recount or finally add up the votes cast at the election.

(2) Where the application is limited to an appeal or appeals from any decision or decisions of the returning officer and does not involve a recount, the security for costs provided in subsection (1) shall be ten dollars.

(3) A candidate served with notice of an application limited to an appeal or appeals from any decision or decisions of the returning officer, as provided for in subsection (4), may

- (a) within two days after being served with such notice, and
- (b) upon complying with the other provisions of this subsection,

make application for such further appeal or appeals or recount or final addition as is provided for herein and shall proceed with the said application as if it had been made within the said eight days.

(4) At least four days' notice in writing of the time and place appointed for the hearing and determination of the appeal shall be given by the applicant to the candidates in the manner provided in subsection (4) of section 35, and to the returning officer and the election clerk or clerks and the notice so given shall state upon whose application the recount is being held.

(5) The judge may at the time of the application or afterwards direct that service of the notice upon the returning officer and election clerk or clerks may be substitutional or may be made by mail or in such other manner as he thinks fit.

110. Further part of present section 100; viz. subsections (9) to (17); subdivided and slightly revised as to present subsection (9).

(6) The returning officer after the receipt of the notice shall delay making his return to the Clerk of the Executive Council until he receives the certificate from the judge of the result of the appeal, recount or final addition, and upon receipt of the certificate shall make his return.

(7) The judge may require the clerk of the court to be present at the time and place appointed.

(8) The returning officer, his supervisor or supervisors, and his election clerk or clerks shall attend, at the time and place appointed, with the ballot boxes and documents required for the appeal or recount.

(9) The ballot boxes and documents shall continue in the custody of the returning officer and he shall be responsible for them subject to any directions which the judge may give in respect thereto.

(10) The returning officer and the election clerk or clerks shall be present at the recount or final addition and each candidate may be represented by not more than two agents and may himself be present.

(11) Where a candidate is not represented any two electors who declare their desire to attend on his behalf may attend.

(12) Except with the sanction of the judge no other person shall be present.

110. (1) At the time and place appointed and in the presence of the persons mentioned in subsections (7) to (12) of section 109, the judge

(a) shall hear and determine appeals from the decision of the returning officer in respect of any vote or ballot paper, or recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and

(b) in the case of a recount shall open all the sealed envelopes containing

- (i) the used ballot papers that have been counted,
- (ii) the rejected ballot papers,
- (iii) the cancelled ballot papers,
- (iv) the declined ballot papers, and
- (v) the unused ballot papers.

(2) The judge shall as far as practicable proceed continuously allowing only time for refreshment and excluding, except so far as he and the persons present otherwise agree, the hours between six o'clock in the afternoon and nine in the succeeding forenoon.

(3) During such excluded time and time for refreshment, the judge shall place the ballot papers and other documents relating to the election in a closed container and under his own seal and the seals of such of the persons present as desire to affix their seals, and shall take all other necessary precautions for the security of such papers and documents.

(4) The judge shall in the case of a recount proceed according to the rules for the counting of the ballot papers by a returning officer at the close of the poll and shall verify and if necessary amend the statement of the poll.

(5) The judge may, upon an appeal from the decision of the returning officer as hereinbefore provided, receive such oral evidence as may be adduced by any of the parties to the appeal in respect of the ballot paper or ballot papers appealed against.

(6) Upon the completion of the recount the judge shall seal up all the ballot papers in their separate envelopes and upon the completion of a final addition he shall seal up the original statements in their respective envelopes.

(7) Where either party requests him to do so, the judge shall number the disputed ballot papers on the back and enclose them in a separate envelope.

(8) The decision of the judge on all appeals from the decision of the returning officer is final and if no recount or final addition has been demanded the judge shall forthwith certify the result to the returning officer, who shall then forthwith declare elected the candidate or candidates who, taking into account the result of the appeals, have the largest number of votes.

(9) When there has been a recount or final addition the judge shall delay sending his certificate to the returning officer for two days after the completion of the recount or final addition in order to permit of an appeal as provided in section 112.

111. (1) If no notice of appeal is given to the judge within two days after the completion of the recount or final addition, the judge shall forthwith certify the result to the returning officer, who shall then forthwith declare elected the candidate or candidates, as the case may be, having the largest number of votes.

(2) In case of an equality of votes the returning officer shall determine the candidate to be declared elected by application of the proper regulations in the Schedules.

(3) The cost of appeals and of the recount or final addition shall be in the discretion of the judge, who may order by whom, to whom, and in what manner the same is to be paid.

(4) The judge shall tax the costs and shall as nearly as possible follow the tariff of costs with respect to proceedings in the district court.

(5) When costs are directed to be paid by the applicant the moneys deposited as security for costs shall so far as necessary be paid to the party entitled thereto.

(6) If the moneys deposited are insufficient, execution for the balance may issue out of the district court upon the judge's order.

112. Present section 101; subsection (2) subdivided into subsections (2) to (4).

113. Present section 102.

114. Present section 103 amended to require that poll books and lists be retained for five years, rather than three, and then destroyed by burning.

Appeals From Decision on Recount or Final Addition

112. (1) If a party desires to appeal from the decision of the judge, he may do so by giving to the opposite party or parties, and to the judge, within two days after the completion of the recount or final addition, a notice in writing of his intention to appeal and he may, by the notice, limit the appeal to specified ballot papers.

(2) When the appeal is limited the judge shall seal up in a separate packet the ballot papers that are the subject of the appeal and shall forward them together with the notice and a certificate showing his findings with regard to the ballot papers in dispute by registered post to the Registrar of the Supreme Court.

(3) If the appeal is not limited the judge shall forward all the ballot papers and other papers to the said Registrar and in either case he shall await the result of the appeal before sending his certificate to the returning officer.

(4) The judge shall upon request allow each party to make a copy of the certificate of his findings before it is forwarded to the Registrar.

(5) On receipt of the ballot papers and notice, the Registrar shall forthwith obtain an appointment, from one of the judges of the Supreme Court, for hearing the appeal and shall notify the parties or their solicitors of the time so appointed.

(6) The time appointed for hearing the appeal shall not be more than ten days from the date of the appointment.

(7) At the time appointed the judge of the Supreme Court shall recount the ballot papers or such of them as are the subject of appeal, or review the final addition, as the case may be, and shall forthwith certify his decision to the judge of the district court, who shall conform to the decision and certify the result without delay to the returning officer, who shall then forthwith declare elected the candidate having the largest number of votes.

(8) In case of an equality of votes the returning officer shall determine the candidate to be declared elected by application of the proper regulations provided by this Act.

(9) The judge of the Supreme Court may direct by and to whom the costs of the appeal shall be paid.

Publication of Return.

113. The Clerk of the Executive Council shall, on receiving the return of a member elected to the Legislative Assembly, give in *The Alberta Gazette* notice of the receipt of the return and of the name of the candidate or candidates elected.

Custody and Copies of Election Papers

114. (1) Subject to the provisions of this Act, the Clerk of the Executive Council shall

115. Present section 104; subdivided by making present subsection (2) subsections (2) and (3).

116. Present section 105.

- (a) retain in his possession for at least five years the lists of electors and poll books transmitted to him by a returning officer, and shall then destroy them by fire, and
- (b) retain in his possession the other documents for at least three months, or if there is an appeal against the result of the election, for at least three months after the appeal has been finally determined, and shall then destroy them by fire.

(3) The Clerk of the Executive Council shall supply copies of any lists of electors of record in his office to any person demanding the same on payment at the rate of one cent for each name per copy.

Inspection of Election Papers

115. (1) A candidate or his agent may, within thirty days after the name of the candidate elected has been published in *The Alberta Gazette*, inspect any election papers in the custody of the Clerk of the Executive Council, except ballot papers.

(2) After the expiration of the thirty days no person shall be allowed to inspect any such election papers except upon an order of a judge of the Supreme Court, which if and when made the Clerk of the Executive Council shall obey.

(3) The order may be made by the judge on his being satisfied by an affidavit or other evidence on oath that the inspection or production of the election papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to election papers or for the purpose of a petition questioning an election or return.

(4) An order for the inspection or production of election papers may be made subject to such conditions with regard to persons, time, place and mode of inspection or production as the judge deems expedient.

Preservation of the Peace

116. Every returning officer and every deputy returning officer, from the time he takes his oath of office until completion of the performance of his duties as such officer, shall be a preserver of the peace, and vested with all the powers appertaining to a justice of the peace and

- (a) may require the assistance of justices of the peace, constables or other persons present to aid him in maintaining peace and good order at the election,
- (b) may on a requisition made in writing by any candidate or by his agent or by any two electors, swear in any such special constables as he deems necessary,
- (c) may arrest or cause by verbal order to be arrested and place or cause to be placed in the custody of a constable or other person any person disturbing the peace and good order at the election, and

117. Present section 107, brought up to date in its reference to offensive weapons, and subdivided for ease of reference.

118. Present section 108; subdivided.

119. Present section 109; subdivided and revised slightly.

120. Present section 110.

- (d) may cause such arrested person to be imprisoned under an order signed by him until an hour not later than the close of the poll.

117. (1) No person armed with any firearm, or offensive weapon shall approach within a distance of one mile of a place of nomination or of a polling place unless called upon to do so by lawful authority.

(2) Subsection (1) does not apply to the returning officer, the election clerk, the deputy returning officer, the poll clerk, the constable, and any special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the nomination or poll and the preservation of the public peace thereat.

(3) A person who contravenes any of the provisions of this section is guilty of an offence and liable on conviction to a fine of one hundred dollars.

118. (1) Every printed advertisement, handbill, placard, poster or dodger having reference to any election shall bear upon its face the name and address of its printer and publisher.

(2) Any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any document referred to in subsection (1), unless it bears upon its face the name and address of its printer and publisher, is guilty of an offence and liable on conviction to a fine not exceeding one hundred dollars.

(3) A person

- (a) posting up within or on the outside of any building used for a polling place, or
- (b) distributing within such building or within one hundred feet thereof,

any election circular, card, poster, bill or other paper on polling day is guilty of an offence and liable on conviction to a fine not exceeding twenty-five dollars.

119. (1) No spirituous or fermented liquors or alcoholic drinks shall be sold or given at any hotel, tavern, shop, liquor vendors or other place within the limits of any polling subdivision in the electoral division during the whole of the polling day at an election.

(2) Subsection (1) does not apply to the days appointed as polling days at advance polls.

(3) A person who contravenes or fails to observe any of the provisions of this section is guilty of an offence and liable on conviction to a fine not exceeding two hundred and fifty dollars.

Secrecy of Proceedings

120. Every person in attendance at a polling place or at a counting of votes shall maintain and aid in maintaining the secrecy of the voting.

121. Present section 111; revised for clarity.

122. Present section 112.

123. Present section 113.

124. Present section 114.

125. Present section 115.

126. Present section 116 subdivided; new subsection (6) incorporating the intent of present section 129 therein in a more readily seen provision.

121. (1) No person shall interfere or attempt to interfere with a voter when the voter is marking his ballot paper or attempt to obtain at the polling place information with regard to the candidate for whom a voter is about to vote, is voting or has voted.

(2) No person shall communicate any information obtained at a polling place with regard to the candidate for whom a voter at such polling place is about to vote, is voting or has voted.

122. No person shall directly or indirectly induce or attempt to induce a voter to show his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has voted.

123. Subject to section 83, a voter shall not show his ballot paper when marked to any person so as to allow the name of the candidate for whom he voted to be known.

124. A person who contravenes any of the provisions of sections 120 to 123 is guilty of an offence and liable on conviction to imprisonment for any term not exceeding six months.

125. (1) Every returning officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place or at the counting of the votes shall before entering on his duties take the oath of secrecy in Form 49.

(2) If a returning officer, election clerk, deputy returning officer or poll clerk becomes aware or has reason to believe or suspect that any provision of the law relating to secrecy has been violated, he shall communicate the particulars with all convenient speed to the Attorney General.

(3) The Attorney General shall on receiving such information from such officer or from any other person forthwith inquire into the case and if proper prosecute the offender.

(4) A person who has voted shall not in any legal proceeding questioning the election or return be compelled to state for whom he voted.

Corrupt Practices

126. (1) Every person is guilty of an offence who directly or indirectly, himself or by any other person on his behalf

(a) gives, lends or agrees to give or lend or offers or promises any money or valuable consideration or promises to procure or to endeavour to procure any money or valuable consideration to or for an elector or to or for a person on behalf of an elector or to or for a person in order to induce an elector to vote or refrain from voting,

(b) gives or procures or agrees to give or procure or offers or promises any office, place or employment or promises to procure or endeavour to procure any office, place or employment to or for an elector or to or for any other person in order to induce an elector to vote or refrain from voting,

- (c) corruptly does any act referred to in clause (a) or (b) on account of an elector having voted or refrained from voting at an election,
- (d) makes a gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in the Assembly or the vote of an elector at an election, or
- (e) on account of and as payment for voting or for his having voted or for illegally agreeing or having agreed to vote for a candidate at an election or on account of and as payment for his having illegally assisted or agreed to assist any candidate at an election applies to any candidate or his agent for the gift or loan of any money or valuable consideration or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment or for the promise of any office, place or employment.

(2) Every person is guilty of an offence who

- (a) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement as is mentioned in clauses (a) to (d) of subsection (1) procures or engages or promises or endeavours to procure the return of any person to serve in the Assembly or the vote of an elector at an election,
- (b) advances or pays or causes to be advanced or paid money to or for the use of any other person with the intent that such money or any part thereof shall be expended in corrupt practices at an election, or knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election,
- (c) before or during an election, directly or indirectly, himself or by any other person on his behalf receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to refrain from voting at an election,
- (d) after an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting or for having induced any other person to vote or refrain from voting at an election, or
- (e) in order to induce a person to allow himself to be nominated as a candidate or refrain from becoming a candidate or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure or endeavours to procure any office, place or employment for such person or for any other person.

127. Present section 117 incorporating the provision of present section 129 therein, and legalizing the furnishing of meals to the agent of a candidate at a poll.

128. Present section 118, incorporating therein provision of present section 129.

(3) Any person guilty of an offence under this section is liable on conviction to a fine of two hundred dollars and to a term of imprisonment of not less than one month and not more than six months.

(4) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election and incurred by the candidate or any agent in good faith and without corrupt intent shall be deemed to be expenses lawfully incurred and payment thereof is not a contravention of this Act.

(5) The distribution by a candidate or his agent of political pamphlets or other political literature, or the sending or causing to be sent to voters by a candidate or his agent of newspapers containing political articles, reports of political meetings or other matters of public interest is not a contravention of this Act.

(6) An offence under subsection (1) or (2) is a corrupt practice within the meaning of this Act.

127. (1) A candidate shall not nor shall any other person provide or furnish meat, drink, refreshment, or make any other provision at the expense of such candidate or other person at a meeting of electors assembled for the purpose of promoting the election previous to or during the election or pay or promise or engage to pay therefor, but nothing herein extends to meat, drink, refreshment or provision furnished to a meeting of electors by or at the expense of any person at his usual place of residence where such a residence is a private house, nor to 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) A person contravening this section is guilty of an offence and liable on conviction to a fine not exceeding one hundred dollars.

(3) A contravention of this section is a corrupt practice within the meaning of this Act.

128. (1) No candidate at an election, and no person who has been nominated or selected as a candidate for election by any political party or group of individuals at a convention, or by petition, request or otherwise, shall, at any time after his nomination or selection as aforesaid, and before the holding of the poll, if any, at the election, make or promise to make directly or indirectly a subscription or donation of any kind whatsoever for any religious, charitable or philanthropic purpose or to any society or association.

(2) No person shall solicit any subscription or donation from any candidate or person during the period mentioned in subsection (1).

(3) A contravention of this section is a corrupt practice within the meaning of this Act.

129. Present section 119 but the reference to The Controverted Elections Act is removed as that Act does not use the term "corrupt practice".

130. Present section 120.

131. Present section 121; subdivided and incorporating provisions of present section 120, also the exceptions of present section 2 (e).

129. (1) A candidate who corruptly, himself or by, or with any person or by any other way or means on his behalf at any time either before or during an election directly or indirectly

(a) gives or provides or causes to be given or provided,
 (b) is accessory to the giving or providing of, or
 (c) pays wholly or in part any expenses incurred for any meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected or for the purpose of corruptly influencing such person or any other person to vote or refrain from voting at an election is guilty of an offence and liable on conviction to a fine of not more than two hundred dollars, in addition to any other penalty to which he may be liable therefor.

(2) The giving of meat, drink, refreshment or provision to electors extensively or generally by a candidate or by his agent or the taking part therein by either of them or giving the same wholly or partly at the expense of a candidate or his agent is *prima facie* proof of an offence under this section.

(3) It is not a sufficient answer to a charge of corrupt practice under this section that the person charged has been in the habit of treating.

(4) An offence under this section is a corrupt practice within the meaning of this Act.

130. (1) A candidate who before or during the election

(a) makes a bet or wager, or
 (b) takes a share or interest in or in any manner becomes a party to a bet or wager,

upon the result of the election in the electoral division or in any part thereof or on any event or contingency relating to the election shall be deemed to commit a corrupt practice within the meaning of this Act.

(2) A candidate or other person who provides money to be used by another in betting or wagering upon the result of the election in the electoral division or in any part thereof or on any event or contingency relating to the election shall be deemed to commit a corrupt practice within the meaning of this Act.

(3) A person who for the purpose of influencing an election makes a bet or wager on the result thereof in the electoral division or in any part thereof, or on any event or contingency relating thereto, shall be deemed to commit a corrupt practice within the meaning of this Act.

131. (1) A candidate who himself or by any person on his behalf and every other person

(a) who hires or pays or promises to pay for a conveyance to carry an elector to or near or from or on the way to or from a polling place, or
 (b) who pays the travelling or other expenses of an elector in going to or returning from a polling place,

132. Present section 122, incorporating present section 129.

133. Present section 123, subdivided and incorporating present section 129.

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry an elector other than the hirer to or near or from or on the way to or from a polling place is guilty of an offence and liable on conviction to a fine of one hundred dollars and, if an elector, is disqualified from voting at the election.

(2) Subsection (1) does not apply to the driving of electors to the polls by or on behalf of a candidate where no remuneration or consideration is paid or given to the owner of the vehicle or any person in connection with such driving, other than the furnishing of meals to the driver of the vehicle, nor does anything in this section apply to the carrying of electors to the polls in the conveyance mentioned in clause (e) of subsection (2) of section 162.

(3) A person who provides or furnishes transportation by boat or on a railway free of charge or at a lower rate to an elector to or near or from or on the way to or from a polling place, whether passes or tickets or the like are or are not supplied is guilty of an offence and liable on conviction to a fine of one hundred dollars and, if an elector, is disqualified from voting at the election.

(4) "Conveyance" for the purpose of this section includes a horse, team, carriage, cab, automobile, taxi-cab, sleigh, cutter, vehicle, aeroplane, boat or vessel.

(5) An offence under this section is a corrupt practice within the meaning of this Act.

132. (1) A person who gives or causes to be given to an elector on the nomination day or on polling day, on account of his being about to vote or having voted, any meat, drink, refreshment or provision or any money, ticket or order to enable him to procure the same is guilty of an offence and liable on conviction to a fine of ten dollars.

(2) An offence under this section is a corrupt practice within the meaning of this Act.

133. (1) A person

(a) who directly or indirectly, himself or by any person on his behalf, uses or threatens to use force, violence or restraint or inflicts or threatens to inflict injury, damage, harm or loss or in any manner practices intimidation upon or against an elector in order to induce or compel him to vote or refrain from voting or on account of his having voted or refrained from voting, or

(b) who by abduction, duress or false or fraudulent pretence, device or contrivance impedes, prevents or otherwise interferes with the free exercise of the franchise of an elector or thereby compels, induces or prevails upon an elector to vote or refrain from voting,

is guilty of an offence and liable on conviction to a fine of two hundred dollars or to imprisonment for a term not exceeding one year.

134. Present section 124, incorporating present section 129.

135. Present section 125, incorporating present section 129.

136. Present section 126, incorporating present section 129.

137. Present section 127, incorporating present section 129.

(2) It is a false pretence within the meaning of this section to represent to an elector directly or indirectly that the ballot to be used or the mode of voting at an election is not secret.

(3) An offence under this section is a corrupt practice within the meaning of this Act.

Other Illegal Practices

134. (1) A person is guilty of the offence of personation who

- (a) at an election applies for a ballot paper in the name of another person whether living or dead, or of a fictitious person,
- (b) having already voted applies at the same election for a ballot paper in his own name, or
- (c) votes more than once at the same election.

(2) A person who commits or who directly or indirectly aids or abets, counsels or procures the commission of the offence of personation is guilty of an offence and liable on conviction to a fine of four hundred dollars, and to imprisonment for a term not exceeding one year.

(3) An offence under this section is a corrupt practice within the meaning of this Act.

135. (1) A person who

- (a) procures an appointment as deputy returning officer or poll clerk by false pretence, deceit or other improper means, or
- (b) acts as deputy returning officer without lawful authority,

is guilty of an offence and liable on conviction to a fine of four hundred dollars, and to imprisonment for a term not exceeding one year.

(2) An offence under this section is a corrupt practice within the meaning of this Act.

136. (1) An election official who knowingly appoints as election clerk, deputy returning officer or poll clerk a person who has at any time been found guilty by a competent tribunal of any corrupt practice is guilty of an offence and liable upon conviction to a fine of four hundred dollars.

(2) An offence under this section is a corrupt practice within the meaning of this Act.

137. (1) A person who votes, knowing that he has no right to vote or who induces or procures any other person to vote, knowing that such person has no right to vote is guilty of an offence and liable on conviction to a fine of not less than fifty nor more than one thousand dollars.

(2) An offence under this section is a corrupt practice within the meaning of this Act.

138. Present section 128, subdivided and incorporating present section 129.

139. Present section 130, slightly revised. Section 129 omitted as its contents have been incorporated within the sections to which it refers.

140. Present section 131 slightly revised.

141. Present section 132.

138. (1) A person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or securing the election of another candidate is guilty of an offence and liable on conviction to a fine of not less than fifty and not more than one thousand dollars.

(2) The election of a candidate shall not be avoided by reason of a contravention of this section, unless committed by such candidate or by his agent.

(3) An offence under this section is a corrupt practice within the meaning of this Act.

Consequences of Corrupt Practices

139. If an election court determines and reports that a corrupt practice has been committed by a candidate or by his agent, whether with or without the actual knowledge and consent of the candidate, the election of the candidate is *ipso facto* void except as provided in section 140.

140. If an election court determines that an agent of a candidate is guilty of a corrupt practice that would otherwise render the election void, and further finds

- (a) that no corrupt practice was committed at such election by the candidate personally and that the corrupt practice of the agent was committed contrary to the order and without the sanction or connivance of the candidate,
- (b) that the candidate took all reasonable means for preventing the commission of corrupt practices at such election,
- (c) that the corrupt practice was of a trivial, unimportant and limited character, and
- (d) that in all other respects so far as disclosed by the evidence the election was free from any corrupt practice on the part of the candidate and of his agent,

then the election of the candidate does not become void by reason of the corrupt practice.

141. (1) Subject to subsection (2), where an election court determines and reports that a corrupt practice has been committed by or with the actual knowledge and consent of a candidate then his election, if he has been elected, is *ipso facto* void and he is, during the eight years next after the date of his being found guilty, incapable of

- (a) being elected to and sitting in the Assembly or in any municipal council,
- (b) being entered on any list of electors,
- (c) being registered as an elector,
- (d) voting at an election, or
- (e) holding any office at the nomination of the Crown or any municipal office.

142. Present section 133, tabulated in subsection (1).

143. Present section 134 subdivided.

144. Present section 135 slightly revised.

145. Present section 136.

(2) If the election court finds that an act constituting in law a corrupt practice was committed by a candidate or with his actual knowledge and consent but without any corrupt intent and in an ignorance that was involuntary and excusable, and that the candidate honestly desired and in good faith endeavoured so far as he could to have the election conducted according to law, the candidate does not become subject to the penalties and disabilities that he would otherwise incur under subsection (1).

142. (1) A person other than a candidate

- (a) who is found guilty of a corrupt practice in a proceeding in which after notice of the charge he has had an opportunity of being heard, or
- (b) who upon his own evidence given at the trial of a petition has been found guilty of a corrupt practice and has been reported therefor,

unless such finding and report have been reversed or set aside on appeal under *The Controverted Elections Act*, is during the eight years next after the date of his being found guilty, subject to the penalties and disabilities mentioned in section 141.

(2) No person is subject to the penalties and disabilities referred to in subsection (1) by reason of

- (a) a mere technical breach of law, or
- (b) an act not being an intentional violation of law.

143. (1) If an election is set aside and a second held, the second election shall be deemed to be a new election and shall not be avoided by reason of corrupt practices committed at the former election other than personal acts of the candidate or of his agent done with his actual knowledge and consent.

(2) Notwithstanding subsection (1), the new election shall not be avoided for corrupt practices by the candidate at the former election or affecting the same if they were not set up and proved at the trial of the petition and so adjudged by the election court as by law to involve the penalties and disabilities mentioned in section 141.

144. The election of a candidate is void, if it is proved on the trial of an election petition that the candidate personally engaged a canvasser or agent knowing that within eight years previous to such engagement the canvasser or agent had been found guilty by a competent tribunal of, or reported by an election court for, a corrupt practice.

145. If, at any time after a person has become disqualified, the witnesses on whose testimony he has become disqualified or any of them are convicted of perjury in respect of such testimony, the court of appeal upon the motion of the person disqualified and upon being satisfied that such disqualification was procured by reason of perjury may order that the disqualification thereafter cease and determine.

146. Present section 137 revised and subdivided.

147. Present section 138 subdivided.

148. Present section 139.

149. Present section 140 incorporating present section 129.

150. Present section 141 subdivided.

146. (1) Every executory contract, promise or undertaking that in any way refers to or arises out of or depends upon an election is void.

(2) Subsection (1) extends to the payment of lawful expenses or the doing of a lawful act.

147. (1) No pecuniary penalty or forfeiture is recoverable for a corrupt practice if it appears

(a) that the person charged and another person or persons were together guilty of the act charged, either as giver and receiver or as accomplices or otherwise, and

(b) that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the corrupt practice.

(2) Subsection (1) does not apply if the court or judge before whom the person claiming the benefit thereof is charged certifies that it clearly appears to the court or judge that the person so charged took the first step towards the commission of the offence and that he was in fact the principal offender.

Offences and Penalties

148. A person who before or during an election and for the purpose of affecting the return of a candidate at such election makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate is guilty of an offence and liable on conviction to a fine of not more than five hundred dollars and not less than one hundred dollars and to imprisonment for one month.

149. (1) If a returning officer, deputy returning officer, enumerator or other person

(a) whose duty it is to deliver poll books or lists of electors, or

(b) who has the custody of a certified list of electors, wilfully makes any alteration or insertion in or omission from or in any way wilfully falsifies such certified list, list of electors or poll book, he is guilty of an offence and liable on conviction to a fine of two thousand dollars and to imprisonment for one year.

(2) An offence under this section is a corrupt practice within the meaning of this Act.

150. (1) A person is guilty of an offence who

(a) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon,

(b) fraudulently and without authority supplies a ballot paper to any person,

(c) fraudulently places in a ballot box a paper other than the ballot paper that he is authorized by law to place therein,

151. Present section 142 tabulated in subsection (1) and incorporating present section 129 in subsection (3).

- (d) fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer,
- (e) fraudulently takes a ballot paper out of the polling place,
- (f) fraudulently and without authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper in use or used for the purposes of an election,
- (g) fraudulently uses the authorized stamp for any purpose other than the stamping of ballot papers or not being a returning officer fraudulently has in his possession any such stamp or any counterfeit or imitation thereof,
- (h) being a deputy returning officer, fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election,
- (i) with fraudulent intent prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election,
- (j) being authorized by the returning officer to print the ballot papers for an election, with fraudulent intent prints more ballot papers than he is authorized to print, or
- (k) attempts to do any of the foregoing acts or things.

(2) A person who is guilty of an offence under this section is liable on conviction

- (a) if he is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, to imprisonment without the alternative of a fine for a term of not more than two years and not less than six months, and
- (b) if he is any other person, to imprisonment for a term of not more than one year and not less than three months,

and is disqualified for a term of eight years thereafter from voting at an election held under this Act.

151. (1) A person who wilfully and maliciously destroys, injures or obliterates or causes to be destroyed, injured or obliterated

- (a) a writ of election,
- (b) a return to a writ of election, or
- (c) a poll book, list of electors, certified list of electors, certificate or affidavit prepared or drawn according to or for the purpose of meeting any of the requirements of this Act,

is guilty of an offence and liable on conviction to a fine of two thousand dollars and to imprisonment for one year.

152. Present section 143 tabulated and revised for ease of reference.

153. Present section 144 altered to make it clear that an act here made an offence must be a wilful one.

154. Present section 145 with present section 129 incorporated.

(2) A person who aids, abets, counsels or procures the commission of a violation of subsection (1) is guilty of an offence and liable on conviction to a fine of two thousand dollars and to imprisonment for one year.

(3) An offence under this section is a corrupt practice within the meaning of this Act.

152. (1) A person unlawfully taking down, covering up, mutilating, defacing or altering any proclamation, notice or other document required to be posted up under any of the provisions of this Act is guilty of an offence and liable on conviction

- (a) if he is an enumerator, returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged under the provisions of this Act, to a fine of not more than five hundred dollars and not less than one hundred dollars, or in default of payment of such fine, to imprisonment for a term not exceeding one year and not less than three months, and
- (b) in the case of any other person, to a fine of not more than one hundred dollars and not less than twenty-five dollars, or in default of payment of such fine, to imprisonment for a term of not more than six months and not less than one month.

(2) A copy of subsection (1) shall be printed in large type upon every such proclamation, notice, list of electors or other document or shall be printed as a separate notice and posted up where it can be easily read close to such posted proclamation, notice or other document.

153. (1) A deputy returning officer who wilfully

- (a) omits to put his initials on the back of a ballot paper in use for the purposes of an election, or
- (b) puts on any ballot paper any word, letter, figure or mark not required by this Act,

is in respect of every such ballot paper guilty of an offence and liable on conviction to a fine of twenty dollars and to imprisonment for a term of not more than one month.

(2) A deputy returning officer or poll clerk who refuses or who wilfully neglects to perform any of the duties imposed upon him by sections 93 or 97 is guilty of an offence and liable on conviction to a fine not exceeding two hundred dollars for each refusal or neglect.

154. (1) A returning officer, deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll is guilty of an offence and liable on conviction to a fine of two hundred dollars and one month's imprisonment.

(2) An offence under this section is a corrupt practice within the meaning of this Act.

155. Present section 146.

156. Present section 147.

157. Present section 148.

158. Present section 149.

159. Present section 150.

160. Present section 151.

161. Present section 152 revised to remove a slight ambiguity.

162. Present section 153 with a clearer reference made in clause (c) of subsection (4) to a conveyance.

155. An officer engaged in an election who is guilty of a wilful act or omission in contravention of this Act shall in addition to any other penalty or liability to which he may be subject forfeit to any person aggrieved thereby a sum not exceeding four hundred dollars.

Prosecutions

156. (1) Proceedings for the imposition of punishment by fine, penalty or imprisonment for violation of any of the provisions of this Act where not herein otherwise prescribed shall be brought summarily before the judge of the district court of the judicial district in which such violation was committed, sitting and acting as a summary conviction court under the provisions of Part XXIV of the *Criminal Code*, and the provisions of that Part, except as herein specially excepted, apply *mutatis mutandis* to such proceedings.

(2) No appeal lies from the decision of a district court judge under this section except in cases involving offences declared to be corrupt practices and punishable by imprisonment, whether alone or in addition to a pecuniary penalty or fine, in which cases an appeal lies from a conviction to the Appellate Division of the Supreme Court and the appeal is subject to the Rules of Court in civil matters.

157. In any proceeding it is not necessary at the hearing to produce the writ of election or the return thereto or the authority of the returning officer founded upon the writ of election, but general evidence is sufficient.

158. The certificate of the returning officer to that effect constitutes proof that the election was held and that any person therein stated to have been a candidate was such a candidate, and such facts may also be proved by parol evidence.

159. A pecuniary penalty, fine or sum of money that an accused person has been ordered to pay shall be paid into the General Revenue Fund of the Province where not otherwise herein provided for.

160. In the event of suspension or delay at any stage of such proceedings, the court before which the matter is pending may permit one or more persons to intervene and carry on such proceedings to a final determination.

161. Except as herein otherwise provided, no proceedings for the violation of any provision of this Act shall be commenced unless within six months after the violation was committed.

Election Expenses

162. (1) No payment other than those relating to the personal expenses of a candidate and no advance, loan or

163. Present section 154; subsection (1) revised without altering its intent,

deposit shall be made by or on behalf of a candidate before, during or after the election on account of the election otherwise than through his official agent.

(2) "Personal expenses" when used in this section includes the following expenses, and payment therefor may lawfully be made by the candidate personally:

- (a) reasonable and *bona fide* rent or hire of halls or other places used by a candidate personally in which to address public meetings of electors, and the expenses incurred in heating, lighting and cleaning the same;
- (b) reasonable, ordinary and necessary travelling and living expenses of the candidate;
- (c) reasonable, ordinary and necessary travelling and living expenses of one speaker for each meeting who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate;
- (d) reasonable and ordinary charges for the hire and keep of horses and hire of conveyances for the use of the candidate in travelling to and from public meetings and in canvassing in the electoral division and reasonable and ordinary charges for the services and maintenance of a driver;
- (e) reasonable and ordinary charges for use by the candidate personally of not more than one conveyance and the services of a driver on the polling day.

(3) The onus is upon the candidate to show that the personal expenses paid by the candidate were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation.

(4) The contracting for or the receipt of ordinary and reasonable charges

- (a) by the owner or possessor of a hall or room in which to hold *bona fide* public meetings for the purposes of the election,
- (b) by a printer for printing list of electors, election addresses or advertisements or notices of election meetings, or
- (c) by any person for the hire of horses or vehicles used in connection with and for the proper purposes of the election and not for carrying voters otherwise than by the candidate in a conveyance provided for in clause (e) of subsection (2) hereof,

is lawful and does not disqualify such owner, printer or other person from voting.

163. (1) Unless a person who has any monetary claim against a candidate for or in respect of an election sends in the claim to the official agent of the candidate within one month of the day of the declaration of the result of the election, the right to recover the claim is barred.

164. Present section 155.

165. Present section 156—but “abstract” of statement of election expenses is abolished for a statement set out in Form 51, which will be completed, published and sent to the Clerk of the Executive Council, and the penalty for failure to submit the expense statement is increased to twenty-five dollars for each day in default.

(2) In case of the death within the said month of any person having such monetary claim, unless his legal representative sends in the claim within one month after probate or administration has been obtained, the right to recover the claim is barred.

(3) In case of the death of the official agent or of his incapacity to act, if no other agent has been appointed, the claim may be sent in or delivered to the candidate.

(4) No such claim shall be paid without the authority of the candidate and the approval of the official agent.

164. (1) Notwithstanding anything in section 163, any claim that would have been payable if sent in within one month of the day of the declaration may be paid by the candidate through his official agent after that time if the claim is approved by the judge.

(2) All claims allowed by the judge shall within one week thereafter be advertised by the returning officer at the expense of the candidate in the same newspaper in which the statement of the other election expenses was published.

165. (1) A detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall

- (a) within two months after the polling day, or
- (b) where by reason of the death of the creditor no claim has been sent in within such period of two months, then within one month after the claim has been sent in,

be made out in Form 50 and signed by the official agent who has made the payment, or by the candidate in case of payments made by him, and delivered to the returning officer together with the bills and vouchers relating thereto.

(2) The deposit of a candidate shall not be returned to him unless he and his official agent have complied with subsection (1) and the cost of the publication of the statement as required by subsection (3) shall be deducted from the deposit before it is returned.

(3) The returning officer within fourteen days after receiving the statement shall publish it in a newspaper published or circulating in the electoral division and the returning officer shall mail a copy of the statement, together with a copy of the newspaper in which the statement was published, to the Clerk of the Executive Council.

(4) The returning officer shall preserve all such bills and vouchers and shall during the six months next after they have been delivered to him permit any elector to inspect them on payment of a fee of twenty-five cents.

(5) A candidate or official agent who makes default in complying with subsection (1) and a candidate who fails to deliver or cause to be delivered to the returning officer any statement or other document required by subsection (1) to

166. Present section 157, subdivided and tabulated for ease of reference.

167. Present section 158 tabulated.

168. Present section 159 tabulated for clarity.

be delivered to the returning officer whether by himself or by his official agent, is guilty of an offence and liable on summary conviction to a fine of not less than twenty-five dollars for each day he is so in default.

(6) An agent or candidate who wilfully furnishes to the returning officer an untrue statement is guilty of an offence and liable on conviction to a fine of four hundred dollars.

Fees and Expenses

166. (1) The compensation of returning officers and other persons employed at or in connection with elections under this Act and all expenses consequent thereupon shall be paid by the Provincial Treasurer out of the General Revenue Fund of the Province.

(2) Only such sums as are determined by the Lieutenant Governor in Council shall be allowed or paid for such services and expenses.

(3) All accounts for compensation in respect of services and expenses payable under this section shall be

- (a) rendered in duplicate,
- (b) duly certified,
- (c) accompanied by satisfactory vouchers showing disbursements, if any, and
- (d) forwarded for payment as herein provided to the Clerk of the Executive Council.

(4) The returning officer shall keep an account in an expense book of the costs in connection with an election, which account shall show

- (a) the names of the parties,
- (b) the nature of services performed,
- (c) the amounts paid or charged, and
- (d) the total cost for the electoral division,

and the returning officer shall forward the account to the Clerk of the Executive Council as soon as completed.

Plebiscite

167. The Lieutenant Governor in Council may give directions for the holding of a general plebiscite of the electors of the Province when and as often as it appears to the Lieutenant Governor in Council expedient that an expression of opinion about the desirability of

- (a) amending existing legislation, or
- (b) introducing new legislation,

relative to any subject matter whatsoever should be elicited from the electors.

168. In giving any directions under section 167 the Lieutenant Governor in Council may fix

- (a) the question or questions to be submitted to the electorate,

169. Present section 160.

170. Present section 161.

171. Present section 162; clause (c) is new.

172. New.

- (b) the method of instituting the plebiscite,
- (c) the forms of ballot to be used,
- (d) the person or persons to conduct the plebiscite, and
- (e) the general machinery for the taking of the plebiscite,

and generally may determine all matters preparatory to, consequent upon, ancillary to or connected with the plebiscite.

169. The provisions of this Act relating to elections apply *mutatis mutandis* to all plebiscites taken under this Act except where it is otherwise expressly directed by order of the Lieutenant Governor in Council.

General

170. The Lieutenant Governor in Council may make such rules and regulations as he deems necessary for giving effect to this Act and for carrying out the provisions thereof according to its intent and meaning.

171. The Lieutenant Governor in Council whenever it is deemed necessary to do so may from time to time

- (a) vary any of the forms in the First Schedule,
- (b) cause to be adopted any other forms considered applicable to any special case or class of cases for which a form has not been provided in the First Schedule, and
- (c) make regulations for the purpose of enabling electors who will necessarily be absent from their places of residence on the day fixed for polling to vote at any advance polling place in any electoral division, but regulations made pursuant to this clause have no force or effect until a draft of the regulations has been laid before the Legislature and approved by a resolution of the Legislature.

172. (1) The Lieutenant Governor in Council may, from time to time and at any time, appoint a resident elector of an electoral division to be the returning officer therein for the purpose of elections under this Act or plebiscites under this or any other Act of the Province.

(2) If after any such appointment a writ of election is issued for an election in that electoral division, the returning officer so appointed shall be named in the writ as the returning officer for that electoral division.

(3) After each election in an electoral division for which a returning officer has been appointed under this section, a new appointment may be made and in the absence of a new appointment the resident elector named in the writ of election issued for a subsequent election in that electoral division is the returning officer for that election.

173. Present section 163.

174. Repealing clause.

Irregularities in Conduct of Election

- 173.** No election shall be declared invalid by reason of
- (a) an irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll,
 - (b) a failure to hold a poll at any place appointed for holding a poll,
 - (c) a non-compliance with the provisions of this Act relating to the taking of the poll or the counting of the votes or with regard to limitations of time, or
 - (d) any mistake in the use of the forms contained in the First Schedule,

if it is shown to the satisfaction of the tribunal having the determination of the question that the election was conducted in accordance with the principles laid down in this Act and that such irregularity, failure, non-compliance or mistake did not materially affect the result of the election.

174. *The Alberta Election Act*, being chapter 5 of the Revised Statutes of Alberta, 1942, is hereby repealed.

175. This Act comes into force on the day upon which it is assented to.

FIRST SCHEDULE

FORM 1

(Section 3)

WRIT OF ELECTION

CANADA

PROVINCE OF ALBERTA

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To, of,
in the Province of Alberta, Greeting:

Whereas, by advice of Our Executive Council of Our Province of Alberta, We have ordered a Legislature to be holden at Our City of Edmonton on the day of next (*omit this preamble in case of a by-election*):

We command you that, notice of the time and place of election being given, you do cause an election to be held according to law of a member or members to service in the Legislative Assembly of Our said Province of Alberta for the Electoral Division of (*in case of a by-election insert here "in the place of, deceased," or otherwise state cause of vacancy*), and that

you do cause a nomination of candidates at such election to be held on the day of next, and that in the event of a poll being granted you do cause a poll to be taken on the day of 19....., and do cause the name of each member so elected whether he be present or absent to be certified to Our Clerk of the Executive Council as by law directed.

In testimony whereof We have caused these Our letters to be made patent and the Great Seal of Our said Province of Alberta to be hereunto affixed.

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

(ENDORSEMENT)

Received the within writ on, being the
day of, 19.....

Returning Officer

FORM 2
(Section 9)

LIST OF FORMS AND MATERIAL TO BE SENT TO THE RETURN-
ING OFFICER AFTER THE ISSUE OF A WRIT OF ELECTION

Number or Quantity	No. of Form	Section of Act	Description
1 for each enumerator	..	..	Instructions to Enumerators.
1	2	9	List of Forms and Election Material sent to R.O. immediately after issue of Writ.
1	3	11	Oath of R.O.
1	4	13	Form of Proclamation.
1	5	14	Commission of Election Clerk
1	6	14	Oath of Election Clerk.
1 for each poll	7	15	Commission of Enumerator.
1 for each poll	8	15	Enumerator's Oath of Office.
Sufficient supply	9	15	List of Electors.
2 for each poll	10	19	Enumerator's Certificate, true copy of list.
1 for each poll	13	23	Enumerator's Certificate, approved copy of list.
Sufficient supply	14	25 & 63	Advance Poll Certificate — only Electoral Divisions where advance polls.
Sufficient supply			
each candidate	15	26 & 73	Enumerator's Certificate.
3	16	35	Nomination Paper.

Number or Quantity	No. of Form	Section of Act	Description
1	17	38	Returning Officer's Return, where acclamation.
1 for each poll	18	41	Form Election Notice.
1 for each poll	19	44	Commission of Deputy Returning Officer.
1 for each poll	20	44	Deputy Returning Officer's Oath of Office.
1	29	59	Affidavit of Printer.
Sufficient supply	34	83	Form of Oath of Inability to read.
Sufficient supply	35	83	Form of Oath of Friend of Blind voter.
2	43	99, 101 & 107	General Statement of Returning Officer.
1 for each candidate	44	99 & 101	Returning Officer's Certificate of the result of the poll.
2	45	107	Statement by Returning Officer of the Result of the Poll at an Election Where One Member is to be Elected.
2	46	104, 107 and Fourth Schedule	Statement delivered to the Returning Officer by the Supervisors, or prepared by the Returning Officer for Return to the Clerk of the Executive Council, of the votes gives each candidate, with the final results, names of candidates elected and order of their election.
2	47	107	Returning Officer's return after a poll has been taken.
1	48	107	Oath of Returning Officer after transmitting his return.
Sufficient supply	49	66 & 125	Oath of Secrecy.
2 for each poll	..	..	Vouchers for enumerator's accounts.
1 for each enumerator	..	..	Schedule of Fees.
2	..	..	Bibles for Administering Oaths.
1	..	166	Expense Book.

and in addition to the foregoing in the case of a city constituency,

Number or quantity	Number of Form	Section of Act	Description
Sufficient supply	11	20 Rules 2 and 7 of Third Schedule	Enumerator's notice to elector
Sufficient supply		10	Enumerators' badges

FORM 3
(Section 11)

OATH OF RETURNING OFFICER

Electoral Division of.....

I, A.B., returning officer for the Electoral Division of....., swear (*or solemnly affirm*) that I am legally qualified to act as returning officer for the said electoral division and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God.

Sworn (<i>or affirmed</i>) before me	} A.B., Returning Officer.
at	
..... the	
of in the	
Province of Alberta this.....	
..... day of....., 19.....	

.....
A Commissioner, J.P. or N.P.

FORM 4

(Section 13)

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE
TIME AND PLACE FOR THE NOMINATION OF CANDIDATES AND
THE DAY FOR OPENING THE POLL
(Provincial Arms)

P R O C L A M A T I O N

Electoral Division of.....

Public notice is hereby given that in obedience to Her Majesty's writ to me directed and bearing date the..... day of....., 19....., I require the presence of the electors, at the town hall (*or as the case may be*) in the city (*or town, or village, as the case may be*) of..... in the Electoral Division of..... on the..... day of..... 19....., from noon until two o'clock in the afternoon, for the purpose of nominating a person (*or persons, as the case may be*) to represent them in the Legislative Assembly; and notice is further given that in case a poll is demanded and allowed in the manner by law prescribed, such poll will be open on the..... day of....., 19..... in each of the polling subdivisions hereinafter mentioned, from the hour of nine o'clock in the forenoon until eight o'clock in the evening.

Poll No. 1, Avondale, etc.

Here should be filled in the consecutive number, name and boundaries of each poll and the polling place designated. Notice of an advance poll at places where such is provided for by The Election Act or by order in council should be given as follows:

ADVANCE POLL: For the convenience of electors who will be necessarily absent from their homes on election day, or who are invalids, an advance poll will be open from the hour of two o'clock till five o'clock in the afternoon and from seven o'clock till ten o'clock in the evening of the Thursday, Friday and Saturday of the week before that of the election at *(fill in location of polling place or places)*.

And further that at *(describe place where the result of the election will be announced)*, on the..... day of....., 19....., at the hour of ten o'clock in the forenoon, I shall attend and announce the result of the count of the votes and declare the candidate or candidates to the number required by law having the highest number of votes duly elected.

Of which all persons are hereby required to take notice and govern themselves accordingly.

GOD SAVE THE QUEEN

Given under my hand at.....	} <i>Returning Officer</i>
in the Province of Alberta.....	
this..... day of.....	
in the year 19.....	

(Add section 152 subsection (1) of *The Election Act* here)

FORM 5

(Section 14 (1))

COMMISSION OF ELECTION CLERK

Electoral Division of.....

To E.F. *(set forth his residence and occupation)*.

In my capacity of returning officer for the Electoral Division of....., I hereby appoint you to be my election clerk to act in that capacity at the approaching election for the said electoral division which election will be opened by me on the..... day of..... 19..... *(the date to be inserted here is the day of nomination)*.

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

A.B.,

Returning Officer

FORM 6
(Section 14 (5))

OATH OF ELECTION CLERK

Electoral Division of.....

I, E.F., appointed election clerk for the electoral division of....., swear (or solemnly affirm) that I am legally qualified to act as election clerk, and that I will act faithfully in that capacity and also in that of returning officer, if required to act in that capacity, without partiality, fear, favour or affection. So help me God.

Sworn (or affirmed) before me {
at {
the { E.F.,
of in the Province { Election Clerk.
of Alberta, this {
day of, 19..... }

.....
A Commissioner, J.P., N.P., or R.O.

FORM 7
(Section 15 (1) (c))

COMMISSION OF ENUMERATOR

To
(Full name)
of
(Residence) (Occupation)

We, the undersigned, hereby appoint you to be enumerator for Polling Subdivision No..... in the electoral division of..... in the Province of Alberta, at the election to be held on the..... day of, 19....., which duties you are required to perform in accordance with the provisions of *The Election Act*.

Given under our hands at the..... of.....
in the Province of Alberta, this..... day of, 19.....

.....
Returning Officer

.....
Election Clerk

I certify that the foregoing is a true copy of the list of electors in Polling Subdivision No. (or as the case may be) of the Electoral Division of, as prepared by me for use in the election of a member or members (as the case may be) of the Legislative Assembly

of Alberta for the said electoral division now pending, and I hereby designate.....as the place where and when electors may conveniently find me between ten o'clock in the forenoon and four o'clock in the afternoon during the last (two or five, *as the case may be*) consecutive week days next before the polling day.

.....
Enumerator

FORM 11

(Section 20 and Rules 2 and 7 of the Third Schedule)

ENUMERATOR'S NOTICE TO ELECTOR

Electoral Division of.....
City of.....
Urban Polling Subdivision No.....

Notice is hereby given:

That application having been made to the enumerators for the above polling subdivision to include in the list of electors therefor an entry as undernoted, such application has been disposed of as hereinafter mentioned.

That if any entry made in this notice or in the list of electors is in any respect incorrect, such list may be corrected on application to the returning officer at the place and time of which notice will in due course be given by the returning officer for the above mentioned electoral division.

Name of Elector
(*Family Name First*)

Occupation
(*Insert Occupation*)

Address
(*Insert Address*)

This application has been
granted. (Strike out in-
refused. applicable word).

Dated this.....day of....., 19.....

.....
Enumerator

.....
Enumerator

NOTE: This notice should be preserved until after polling day at the pending election.

FORM 12

(Section 20 and Rule 8 of the Third Schedule)

PLACE DESIGNATED BY RETURNING OFFICER

*(The place designated must be the office of the
Returning Officer)*

as the place where and when electors may conveniently find
the Returning Officer between ten o'clock in the forenoon
and four o'clock in the afternoon during the last five con-
secutive week days next before polling day.

.....
Enumerator

FORM 13

(Section 23)

CERTIFICATE OF REVISED OR FINALLY APPROVED COPY
OF LIST

I certify that the foregoing is a correct list of the electors
in Polling Subdivision No. *(or as the
case may be)* of the Electoral Division of as
revised *(or, if no correction is made, as finally approved)*
by me this day of 19.....

.....
Enumerator

(or in a city constituency) Returning Officer

FORM 14

(Sections 25 and 63 (6) and (9))

PROVINCE OF ALBERTA

CERTIFICATE TO VOTE AT ADVANCE POLL

This is to certify that.....
(Name, address and occupation as in list of electors)
is a qualified elector of Polling Subdivision No.
in the Electoral Division of
but on account of his being an invalid or his having reason
to believe that he will be necessarily absent on the day fixed
for the election, *(as the case may be)*, he is entitled to
vote at the advance poll.

Dated at this day of
....., 19.....

.....
Enumerator Poll No.

(or in a city constituency) Returning Officer

PROVINCE OF ALBERTA
DECLARATION OF AN ELECTOR VOTING AT ADVANCE POLL

I,
(Name, address and occupation as on certificate)
do hereby declare that my name, residence and occupation
are correctly set out herein; that I personally applied for
and obtained the advance poll voting certificate now pre-
sented and bearing my name, and that I am an invalid or
believe that it will be necessary for me to be absent on
election day from the place where I am entitled to vote at
this election (as the case may be).

.....
Name of Elector

Witness.....

.....
Deputy Returning Officer

FORM 15
(Sections 26 and 73)

No.....

ENUMERATOR'S CERTIFICATE

I hereby certify that....., who is
appointed to act as.....at Poll No.....
in the Electoral Division of.....is a
qualified elector belonging to Poll No.....in the said
electoral division.

Signed and issued by me this.....day of
....., 19.....
Enumerator for Poll No. in said electoral division
(or in a city constituency) Returning Officer.

FORM 16
(Section 35)

NOMINATION PAPER

Insert name of
Electoral Division

We, the undersigned electors of the
Electoral Division of.....
hereby nominate.....

Insert name, residence
and political affiliation
of person nominated
and present location if
absent from electoral
division

.....
as a candidate at the election now about
to be held of a member or members to
represent the said electoral division in
the Legislative Assembly of Alberta.

If person nominated
is absent from the
electoral division it
must be stated here

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

Voters sign here

Name	Residence

The J.P., commis-
sioner, notary public,
or returning officer, as
the case may be, be-
fore whom the voters
sign must sign here

Signed by the above subscribing electors
before me.....

For Alberta (or Returning Officer)

Here insert name of
candidate

I, the said.....
nominated in the foregoing nomination
paper, hereby consent to such nomina-
tion.

I am qualified under section 32 of
The Election Act to be a candidate.

Insert an address
within Alberta at
which all documents
in connection with the
election may be served
on candidate
Here insert name, ad-
dress and occupation
of official agent.

My address for service is.....

I hereby appoint.....of
.....my official agent.

(Witness)

(Candidate)

FORM 17

(Section 38)

RETURN WHERE THERE ARE NO MORE CANDIDATES THAN
MEMBERS TO BE ELECTED

I hereby certify that the member (or members) elected
for the Electoral Division of.....
in pursuance of the within written Writ, is (or are)

Name	Residence	Political Affiliation

no other candidate having been nominated, or
the other candidate having withdrawn, or

all other candidates having withdrawn (*as the case may be*).

Dated at.....this.....day of
....., 19.....

Returning Officer

FORM 18

(Section 41)

NOTICE OF POLL BEING GRANTED AND OF CANDIDATES
NOMINATED

Electoral Division of.....
to wit:

Public notice is hereby given to the electors of the electoral division aforesaid that a poll has been demanded at the election now pending for the said electoral division and that I have granted such poll; and further that the persons duly nominated as candidates at the said election and for whom only votes will be received are:

Name	Residence	Political Affiliation
.....
.....
.....

Of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at.....this
.....day of..... in the year 19.....

Returning Officer

(Insert here subsection (1) of section 152 of *The Election Act.*)

FORM 19

(Section 44 (1))

COMMISSION OF DEPUTY RETURNING OFFICER

To
(*Insert name, residence and occupation*)

In my capacity of returning officer for the Electoral Division of....., I hereby appoint you to be deputy returning officer for Polling Place..... of Polling Subdivision No..... in the said electoral division, there to take the votes of the voters; and you are

hereby authorized and required to open and hold the poll at the said polling place on the..... day of....., 19....., at o'clock in the forenoon, at.....

(Here describe particularly the place in which the poll is to be held) and there to keep the said poll open during the hours prescribed by law and to do and perform in such polling place all acts and duties required to be performed by the deputy returning officer appointed to act therefor, and after counting the votes given to return to me forthwith or as required by the provisions of *The Election Act*, the statement of the poll, the ballot box sealed with your seal and enclosing the ballot papers, envelopes, polling list and other documents required by law, together with this commission.

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

.....
Returning Officer

FORM 20

(Section 44 (4))

OATH OF DEPUTY RETURNING OFFICER

I,, appointed deputy returning officer for Polling Subdivision No..... of the Electoral Division of....., swear (or solemnly affirm) that I am legally qualified to act as deputy returning officer, and that I will act faithfully in that capacity without partiality, fear, favour or affection. So help me God.

Sworn (or affirmed) before me	} <i>Deputy Returning Officer</i>
at the of.....	
in the Province of Alberta	
this..... day of.....,	
19.....	

.....
O.R., E.C., Commr., J.P. or N.P.

FORM 21

(Sections 46 and 48)

COMMISSION OF POLL CLERK

To
(Insert name, residence and occupation)

In my capacity of deputy returning officer (or poll clerk acting as deputy returning officer (as the case may be)) for the Polling Place..... of Polling Subdivision No.....

Consecutive Number	Name of Voters	Place of Residence	Occupation	Objection	Sworn or affirmed	Refused to swear or affirm or to answer	Voted (to indicate that voter has voted)	REMARKS
--------------------	----------------	--------------------	------------	-----------	-------------------	---	--	---------

A deputy returning officer has authority to appoint a constable only where he considers it necessary to have such official to preserve order at the poll. No written appointment is necessary, but before acting the person appointed shall take the oath of constable as given below:

FORM 24

(Section 50)

OATH OF CONSTABLE

I,, having been appointed constable to preserve order at the polling place for Polling Subdivision No. in the Electoral Division of, do solemnly swear that I will truly, faithfully and impartially perform the duties appertaining to the said office according to the best of my skill and ability. So help me God.

Sworn (or affirmed) before me	} <i>Constable</i>
at the of	
in the Province of Alberta	
this day of, 19.....	

.....
R. O., E.C., D.R.O., Commr., J.P. or N.P.

FORM 25

(Section 54)

PROVINCE OF ALBERTA

NOTICE AS TO SECRECY
OF VOTING

It is the sworn duty of every person in attendance at this polling place, or at the counting of the votes, not to attempt to ascertain how any person is about to vote or has voted and not to communicate any information obtained at the polling place that may enable or assist any person to ascertain how any person has voted.

It is further the sworn duty of every such person by all proper means to maintain and aid in maintaining the absolute secrecy of the polling at this polling place.

Any person who acts in contravention of his duty in any of the said particulars is liable to imprisonment for any term not exceeding six months.

By *The Election Act*, it is further provided that no person shall destroy, take, open or otherwise interfere with any ballot box or book or packet of ballot papers or a ballot

paper or ballot in use for the purposes of the election nor shall attempt to do so and that any returning officer, deputy returning officer or other officer engaged in the election who is guilty of any violation of that provision is liable to imprisonment for two years and any other person guilty of such violation to imprisonment for one year.

The said Act further provides that in addition to every other penalty and liability any officer engaged in the election who is guilty of any wilful misfeasance or any wilful act or omission in contravention of the Act shall forfeit to any person aggrieved thereby the sum of four hundred dollars.

(Insert here subsection (1) of section 152 of *The Election Act*.)

FORM 26

(Section 58)

LIST OF FORMS AND MATERIALS TO BE PLACED IN EACH BALLOT BOX

Number or Quantity	No. of Form	Section of Act	Description
1	21	46 & 48	Commission of Poll Clerk
1	22	46	Oath of Poll Clerk
1	23	47	Poll Book
1	24	50	Oath of Constable
2	25	54	Secrecy of Voting
1	26	58	List of Forms and Material to be used in each ballot box
Sufficient supply	27	59 & 81	Ballot Papers
2	30	62	Guidance of Voters
1	31	70, 71, 72 73 & 77	Form of Oath to be administered to an elector whose name is on the list or who applies to have it put on the list on election day
1	32	72 (2)	Oath of person vouching
1	33	73	Form of Oath to be administered to a deputy returning officer, poll clerk, candidate or agent who wishes to vote at a poll at which he is employed other than the poll in which he resides
4	34	83	Oath of inability to read or physical incapacity

Number or Quantity	No. of Form	Section of Act	Description
Sufficient supply	35	83	Oath of friend of Blind voter
1	36	85	Oath of Interpreter
3	37	95 (4)	Statement of Poll by deputy returning officer after counting the ballots
1 for each candidate	38	95 (5)	Certificate of deputy returning officer to be delivered to candidates or their representatives
1	39	95 (9)	Oath of Poll Clerk after closing the Poll
1	40	97 (3)	Receipt for ballot box by messenger
1	41	97 (4)	Oath of Poll Clerk or messenger delivering or sending ballot box
1	42	97 (5)	Oath of deputy returning officer after closing of the Poll
1	....	.....	<i>The Election Act</i>
2	....	.....	Pencils for marking ballots
1	....	.....	Envelope for key
1	....	.....	Tag for key
1	....	.....	Envelope for unused ballots
1 for each candidate	....	.....	Envelope for ballots for respective candidates
1	....	.....	Envelope for spoiled, declined, cancelled and rejected ballots
2	....	.....	Large envelopes
1	....	.....	Bible for use in administering oaths
1	....	.....	Sealing wax—stick
12	....	.....	Voucher Forms on which accounts of officials engaged and account for rent of polling places are to be rendered
1	....	.....	Schedule of Fees

FORM 27

(Sections 59 (6) and 81)

FORM OF BALLOT PAPER

Front

The black line above the first name shall extend to the upper edge and the black line below the last name shall extend to the lower edge of the ballot paper and all black

lines shall be prolonged to the edge of the paper. The black margin to the left is the counterfoil and the space to the left of the counterfoil is the stub. There shall be a line of perforations between the ballot paper and the counterfoil and between the counterfoil and the stub.

The names of the candidates alphabetically arranged in the order of their surnames, subject to the provisions of subsection (3) of section 59 with the address and political party or political affiliations of each, shall be printed on the ballot paper as close as possible to the black margin at the left.

The ballots must be bound or stitched in books containing 10, 15, 25, 50 or 100 ballots according to the order of the returning officer.

Joseph Thomas BROWN,
of the Village of.....
Social Credit.

Edward JOHNSON,
of Township....., Range....., west
of the..... Meridian, Independent.

William SMITH,
of the City of.....
Co-operative Commonwealth Federation.

Louis WILSON,
of the Post Office of.....
Labour.

Back

No. _____

No. _____

No. of Vote in Poll Book,

D. R. O. Initials.

R. O. Stamp.



(Here insert name of Printer)

FORM 28
(Section 59 (6))

	Joseph Thomas BROWN, of the Village of..... Social Credit.
	Edward JOHNSON, of Township....., Range....., west of the..... Meridian, Independent.
	William SMITH, of the City of..... Co-operative Commonwealth Federation.
	Louis WILSON, of the Post Office of..... Labour.

FORM 29
(Section 59 (13))

AFFIDAVIT OF PRINTER

Electoral Division of.....

I,, swear (or solemnly affirm) :

1. That by direction of the returning officer for the above named electoral division I printed the ballot papers for use at the election to be held on the day of, 19....., on the paper furnished by him for that purpose.
2. That the annexed form shows the description of the ballot papers printed by me as aforesaid.
3. That I supplied the returning officer with of such ballot papers.
4. That no other of such ballot papers were printed by or supplied by me to any one.

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

.....
D.R.O., E.C., J.P., Commr. or N.P. (as the case may be)

FORM 30

(Section 62)

DIRECTIONS FOR GUIDANCE OF VOTERS

The voter must use the X mark.

The voter *MUST NOT* place more than one choice in the white space containing the name of any candidate.

The voter *MUST NOT* make the same choice for more candidates than there are members to be elected.

The voter *MUST NOT* make any mark on the ballot not authorized by these directions.

The voter shall go into the booth and with the pencil provided place the mark X within the white space containing the name of the candidate who is his choice.

When the voter has marked his ballot paper he shall fold it so that the initials and stamp on the back and the number on the counterfoil can be seen without opening it. He shall then return the ballot paper so folded to the deputy returning officer, who shall in full view of those present, including the voter, remove the counterfoil, destroy the same and place the ballot paper in the ballot box. The voter shall then forthwith leave the polling place.

If the voter inadvertently spoils a ballot paper so that he cannot conveniently use it, he may return it to the deputy returning officer, who will give him another.

If the voter fraudulently takes a ballot paper out of the polling place or fraudulently delivers to the deputy returning officer any other paper to be placed in the ballot box than the ballot paper given him by the deputy returning officer, he is liable to imprisonment for one year.

In the following form of ballot paper, given for illustration, the names of five candidates are on the ballot paper:

1. Where one member is to be elected	2. Where two members are to be elected
Joseph Brown, of the Village of Cadogan, Social Credit .....X.....	Joseph Brown, of the Village of Cadogan, Social Credit
Edward Johnson, of Township 37, Range 5, West of the 4th Meridian, Independent	Edward Johnson, of Township 37, Range 5, West of the 4th Meridian, Independent ..X..
Louis Wilson, of the Post Office of Olds, Labour	Louis Wilson, of the Post Office of Olds, Labour .....X..
John Young, of the Town of Beverly, Labour Progressive	John Young, of the Town of Beverly, Labour Progressive
1st Example, the voter has given his vote to Brown.	2nd — The voter has given a vote to Johnson, another to Wilson.

Insert here subsection (1) of section 152 of *The Election Act*.

FORM 31

(Sections 70, 71, 72, 73 and 77)

FORM OF OATH TO BE ADMINISTERED TO A VOTER WHOSE NAME IS ON THE LIST OR WHO APPLIES TO HAVE HIS NAME PUT ON ON ELECTION DAY

1. You do swear (*or* solemnly affirm) that you are a British subject, that you are not an Indian within the meaning of *The Election Act*, that you are of the full age of nineteen years and that you have resided in the Province of Alberta for at least one year immediately preceding and including the day that the writ for this election was issued, and that you are now resident in this polling subdivision.

2. That you are entitled to vote at this election and at this polling place.

3. That you have not voted before at this election at this or any other polling place.

4. That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

(Or at the option of the voter in lieu of paragraph 4:

That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote or refrain from voting at this election, and that you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election except what has been *bona fide* earned by you and may be lawfully paid to you under *The Election Act* by or through the returning officer or deputy returning officer or other proper public officer out of public moneys without committing a corrupt practice and except what has been *bona fide* earned by you and has been or may be lawfully paid to and received by you or on behalf of the candidate or otherwise under *The Election Act*, and notwithstanding the receipt or expectation of which you are entitled by law to vote.)

6. And that you have not directly or indirectly paid or promised anything to any person to induce him or her to vote or to refrain from voting at this election. So help you God.

Note: If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm".

FORM 32

(Section 72 (2))

OATH OF PERSON VOUCHING

You swear (or solemnly affirm)

1. That you are (*name as on list of electors*), whose occupation is (*occupation as on list of electors*), and that you now reside in this polling subdivision.

2. That you know (*naming the applicant and stating his address and occupation*), who has applied to have his name added to the list of electors in this polling subdivision.

3. That you verily believe that the applicant is a British subject of the full age of nineteen years and that he has resided in the Province of Alberta for at least one year immediately preceding and including the day the writ for this election was issued, and that the said applicant was ordinarily resident in this electoral division and this polling subdivision on the day the writ for this election was issued.

4. That you verily believe that the applicant is qualified as an elector and is not disqualified from voting at this election.

5. That you have not at this election vouched for any other elector.

So help you God.

(Omit last four words if party affirmed).

FORM 33

(Section 73 (1))

FORM OF OATH TO BE ADMINISTERED TO A DEPUTY RETURNING OFFICER, POLL CLERK OR AGENT WISHING TO VOTE AT A POLL AT WHICH HE IS EMPLOYED OTHER THAN THE POLL IN WHICH HE RESIDES

You swear *(or solemnly affirm)*

1. That you are the person named in the enumerator's certificate now shown to you.

2. That you are a British subject, that you are not an Indian within the meaning of *The Election Act*, that you are of the full age of nineteen years, that you have resided in the Province of Alberta for at least one year immediately preceding and including the day that the writ for this election was issued, and that you are now resident in the polling subdivision set out in the certificate now produced and filed.

3. That you are entitled to vote at this election and at this polling place.

4. That you have not voted before at this election at this or any other polling place.

5. That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any services whatever connected with this election.

(or, in lieu of paragraph 5 at the option of the voter :

That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote or refrain from voting at this election, and that you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election except what has been *bona fide* earned by you and may be lawfully paid to you under *The Election Act*, by or through the returning officer or deputy returning officer or other proper public

officer out of public moneys without committing a corrupt practice and except what has been *bona fide* earned by you and has been or may be lawfully paid to and received by you or on behalf of any of the candidates or otherwise under *The Election Act*, and notwithstanding the receipt or expectation of which you are entitled by law to vote.)

6. And that you have not directly or indirectly paid or promised anything to any person to induce him or her to vote or to refrain from voting at this election. So help you God.

Note: If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm".

FORM 34

(Section 83)

FORM OF OATH OF INABILITY TO READ OR OF
PHYSICAL INCAPACITY

I,, of
swear (*or* solemnly affirm) that I am unable to read (*or*
that I am from physical incapacity unable to mark a ballot
paper (*as the case may be*)

Sworn (<i>or</i> affirmed) before me at in the Province of Alberta this day of 19....., having been first read over to the above named and signed by him in my presence with his mark. }	His mark. <i>Deputy Returning Officer</i>
--	---

FORM 35

(Section 83)

FORM OF OATH OF FRIEND OF BLIND VOTER

I,, of
swear (*or* solemnly affirm) that

1. I have not already acted as the friend of a blind voter for the purpose of marking the ballot of a blind voter at this election, and

2. I will keep secret the name of the candidate for whom I mark the ballot paper of the blind voter on whose behalf I act.

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

Deputy Returning Officer

Deponent

FORM 36
(Section 85)

OATH OF INTERPRETER

I,, swear (or affirm)
that I will faithfully translate such oaths, declarations,
questions and answers as the deputy returning officer shall
require me to translate at this election. So help me God.

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

Interpreter.

R.O., E.C., D.R.O., J.P., Commr. or N.P.

FORM 37
(Section 95 (4))

STATEMENT OF THE POLL AFTER COUNTING THE BALLOT
PAPERS

Polling Subdivision No. Polling Place.....
Electoral Division of.....

Number of ballot papers received from the returning
officer.....

Number of ballot papers on which votes are given for:

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

Number of ballot papers cancelled or
declined and not counted

Number of ballot papers not
used and returned

Total

Number of names on list.....

Number who voted

We hereby certify that the above statement is correct.

Dated at....., 19.....

Poll Clerk

Deputy Returning Officer

(Agents may also sign.)

FORM 38

(Section 95 (5))

CERTIFICATES TO BE DELIVERED TO CANDIDATES

I, the undersigned, deputy returning officer for Polling Place.....in Polling Subdivision No.....of.....in the Electoral Division of.....do hereby certify that, at the election held this day, for a member or members to serve in the Legislative Assembly of Alberta, the hereinafter mentioned candidates received the number of ballots set opposite their respective names, viz.:

Names of Candidates	Number of Ballots
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

and also that.....ballot papers were rejected.

Dated at....., this.....day of....., 19.....

Deputy Returning Officer.

FORM 39

(Section 95 (9))

OATH OF POLL CLERK AFTER CLOSING OF THE POLL

I,, poll clerk for Polling Place.....in Polling Subdivision No.....of the Electoral Division of....., swear (or solemnly affirm) that the poll book for the said polling place kept under the direction of....., who acted as deputy returning officer, has been kept by me

correctly to the best of my skill and judgment, that the total number of votes polled according to the said poll book is and that to the best of my knowledge and belief it contains a true and exact record of the voters who voted at the said polling place.

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

.....
R.O., E.C., D.R.O., J.P., Commr., or N.P.

FORM 40

(Section 97 (3))

RECEIPT TO BE RETAINED BY DEPUTY RETURNING OFFICER
WHEN HE EMPLOYS POLL CLERK OR MESSENGER
TO RETURN BALLOT BOX

Electoral Division of.....
Polling Subdivision No.

....., 19.....
Received from....., deputy returning officer at the above described polling subdivision, the ballot box used at the poll held in the said polling subdivision, together with the key thereof enclosed in an envelope, the said ballot box being locked and sealed as provided by *The Election Act*, all to be delivered or sent by me in the same condition as I received them to..... of....., returning officer for the said Electoral Division of.....
Witness.....

FORM 41

(Section 97 (4))

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY
RETURNING OFFICER IS UNABLE TO DELIVER THE
BALLOT BOX TO THE RETURNING OFFICER

I,, swear (or affirm) that I am the person to whom....., deputy returning officer for Polling Subdivision No..... in the Electoral Division of..... entrusted the ballot box for the said polling place to be delivered, mailed or expressed to....., the returning officer, that the ballot box that I delivered, mailed or expressed

to the returning officer this day is the ballot box I so received, that I have not opened it, and that it has not been opened by any other person since I received it from the deputy returning officer. So help me God.

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

FORM 42

(Section 97 (5))

OATH OF THE DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL

I,, deputy returning officer for Polling Subdivision No. of the Electoral Division of, swear (or solemnly affirm) that to the best of my knowledge and belief the poll book kept for the said polling place under my direction has been kept correctly; that the total number of votes polled according to the said poll book is and that it contains a true and exact record of the votes given at the said polling place as the said votes were taken thereat; that I have correctly counted the votes given for each candidate in the manner by law provided and performed all duties required of me by law; and that the statement, polling list, poll book, envelopes containing ballot papers and other documents required by law to be returned by me to the returning officer have been faithfully and truly prepared and placed in the ballot box returned by me to the returning officer, which was locked and sealed by me in accordance with the provisions of *The Election Act* and remained so locked and sealed while in my possession.

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

Deputy Returning Officer.

.....
R.O., E.C., Commr., J.P. or N.P.

[illegible]

FORM 44

(Sections 99 and 101)

RETURNING OFFICER'S CERTIFICATE TO BE GIVEN CANDIDATES
OR THEIR AGENTS OF THE RESULT OF THE POLL AT
THE ELECTION HELD ON THE.....DAY OF.....
19....., IN THE ELECTORAL DIVISION OF.....

I, the undersigned returning officer for the electoral
division of....., do hereby certify that at
the election held on the.....day of.....
for a member or members to serve in the Legislative Assem-
bly of Alberta, the hereinafter mentioned candidates re-
ceived the number of votes set opposite their respective
names, viz.:

Names of Candidates	Number of Votes
.....
.....
.....
.....
.....
.....
.....

and also that.....ballots were rejected.

Dated at.....this.....day
of....., 19.....

.....
Returning Officer.

FORM 45

(Section 107)

STATEMENT BY RETURNING OFFICER OF THE RESULT OF THE
POLL AT AN ELECTION WHERE ONE MEMBER IS TO BE
ELECTED

THE ELECTORAL DIVISION OF.....
ELECTION HELD ON THE.....DAY OF.....19.....

Names of Candidates	Count of Votes	Candidate Elected
A		
B		
C		
D		
TOTAL		

FORM 46

(Sections 104, 107)

ELECTORAL DIVISION OF....., ELECTION
HELD ON THE.....DAY OF....., 19.....

Statement delivered to the Returning Officer by the Supervisors or prepared by the Returning Officer for return to the Clerk of the Executive Council, of the votes given each candidate, with the final results, names of candidates elected.

Number of valid votes.....

Number of members to be elected.....

Names of Candidates	Count of Votes	Result Final
		Names of candidates elected and order of their election
A		
B		
C		
D		
E		
F		
TOTAL		

FORM 47

(Section 107 (1))

RETURN AFTER POLL HAS BEEN TAKEN

I hereby certify that the member (or members) elected for the electoral division of....., in pursuance of the within written writ, as having received the largest number of votes lawfully given, is (or are) A.B. (etc. names, etc., as in the nomination paper).

Dated at....., this.....
day of, 19.....

Returning Officer.

FORM 48

(Section 107 (5))

OATH OF RETURNING OFFICER AFTER TRANSMITTING HIS
RETURN TO THE CLERK OF THE EXECUTIVE COUNCIL

I,, returning officer for the
electoral division of....., do solemnly
swear (or affirm),

1. That I have this day transmitted the statements
called for and my return in respect of the election held
on the day of....., 19..... to the
Clerk of the Executive Council;

2. That the said statements and return are to the best
of my knowledge and belief correct and true;

3. That the ballot boxes, ballots and other election mater-
ial required to be returned have been by me collected
together to be forthwith transmitted to the Clerk of the
Executive Council according to law. So help me God.

(Omit last four words if party affirmed.)

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

J.P., Commr. or N.P.

FORM 49

(Sections 66 and 125)

OATH OF SECRECY

Electoral Division of.....

Polling Subdivision No.....

I,, swear (or solemnly
affirm),

1. That I will not attempt to ascertain and will by every
means in my power prevent any other person from ascer-
taining how any person is about to vote, or shall have
voted, at this election save and except as may be necessary
and proper in the case of persons blind or unable to read
or incapable of marking their ballot papers as provided
in *The Election Act*;

2. That I will not communicate to any person any information of any kind that may enable or assist any person to ascertain the candidate for whom any person has voted;

3. That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting of this polling place and of this election. So help me God.

(Omit last four words if party affirmed.)

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

R.O., E.C., D.R.O., J.P., Commr., or N.P.

FORM 50

(Section 165 (1))

STATEMENT OF CANDIDATE'S ELECTION EXPENSES

	Amount
Deposit (if forfeited)
Office Supplies
Postage
Printing and advertising
Rental of Halls
Travelling expenses
Miscellaneous (itemize) :
.....
.....
.....
.....
.....
.....
.....

(Official Agent or Candidate)

(Receipts must be attached).

SECOND SCHEDULE

(Section 15)

RULES FOR THE APPOINTMENT OF ENUMERATORS

Rule 1. The two enumerators for each polling subdivision shall be so elected and appointed that each of them shall represent a different and opposed political interest.

Rule 2. (1) Immediately upon establishing the polling subdivisions under section 15 (1) (b) the returning officer shall give notice in writing

- (a) to the chairman or secretary of the executive body in the electoral division of the political or other organization of supporters of the Government for the time being, and also
- (b) to the chairman or secretary of the political or other organization that is not an organization of supporters of the Government and that at the then last preceding election in the electoral division received the highest number of votes or the next highest number of votes, as the case may be, or if there was no such organization, to the chairman or secretary of any different and opposed political interest.

(2) Such notice shall be to the effect that on the second day after the day upon which the notice is given, the returning officer intends to proceed with the appointment of enumerators.

(3) Each of such organizations referred to in paragraph (1) acting by its chairman or secretary may nominate a competent and reliable person for appointment as enumerator in each polling subdivision of the electoral division, and except as hereinafter provided, the persons so nominated shall be appointed as enumerators of the polling subdivisions for which they have been nominated.

Rule 3. (1) If the returning officer deems that there is good cause for his refusing to appoint any person so nominated, he shall notify the person making the nomination who may within twelve hours thereafter nominate a substitute.

(2) Where no substitute is nominated, or where the returning officer deems there is good cause for his refusing to appoint any person nominated as a substitute, the enumerator shall, subject to Rule 1, be appointed by the returning officer conjointly with the election clerk or one of the election clerks of the electoral division, without notice to any person.

Rule 4. If, at the then last preceding election in the electoral division, there was opposed to the organization that received the highest number of votes no organization representing a different and opposed political interest, or if either of the organizations mentioned in paragraph (2) of Rule 2 fails to nominate a suitable person for appointment as enumerator of any polling subdivision in the electoral division, such appointment shall be made by the returning officer conjointly with the election clerk or one of the election clerks of the electoral division, subject to Rule 1, but without notice to any person.

Rule 5. (1) The returning officer may at any time replace an enumerator appointed by him under this Schedule by appointing, subject to Rule 1, another enumerator to act in the place and stead of the person already appointed.

(2) Any enumerator so replaced shall, upon request in writing signed by the returning officer, deliver or give up to the subsequent appointee or to any other authorized person his badge and any election documents, papers and written information that he has obtained for the purpose of the performance of his duties, and on default he is guilty of an offence under this Act.

THIRD SCHEDULE

(Section 20)

Division One

RULES FOR COMPILING LIST OF ELECTORS IN CITY CONSTITUENCIES

Rule 1. (1) The two enumerators appointed for each polling subdivision

- (a) shall with relation to every process of the preparation of their list of electors, act jointly and not individually, and
- (b) shall report forthwith to the returning officer who appointed them the fact and details of any disagreement between them.

(2) The returning officer shall decide any matter of difference between the enumerators and communicate his decision to the enumerators, who shall accept and apply such decision as if it had been originally their own.

Rule 2. (1) Each pair of enumerators, after taking their oaths as such, shall proceed jointly to ascertain the name, address and occupation of every person qualified to vote under sections 16 and 17 of this Act, in the polling subdivision for which they have been appointed.

(2) The enumerators

- (a) shall obtain the information they may require by a joint house-to-house visitation and from such other sources as may be available to them, and
- (b) shall leave at the residence of every person who applies to be registered as an elector a notice in Form 11 in the First Schedule that they have granted or refused, as the case may be, that person's application to be registered as an elector.

(3) The aforesaid notice shall be made out in triplicate and shall be signed by both enumerators who shall each retain a copy until after the polling day at the pending election.

Rule 3. When making his house-to-house visitation, pursuant to Rule 2, each enumerator shall wear and prominently display an enumerator's badge provided by the re-

turning officer as evidence of his authority to register the names of the electors residing in the polling subdivision.

Rule 4. Each pair of enumerators shall visit every dwelling place in their polling subdivision at least twice, once between the hours of nine o'clock in the forenoon and six o'clock in the afternoon and once between the hours of seven o'clock and ten o'clock in the afternoon, unless, as to any dwelling place, they are both satisfied that no qualified elector residing therein remains unregistered.

Rule 5. Each pair of enumerators shall exercise the utmost care in preparing the list of electors for the polling subdivision for which they have been appointed, and shall take all necessary precautions to ensure that their list when complete, contains the name, occupation and address of every qualified elector in the polling division for which they have been appointed, and that it does not contain the name of any person who is not so qualified.

Rule 6. (1) The enumerators shall, in such list, register the name of a married woman or widow under her own Christian name and the surname of her husband or deceased husband, as the case may be, using the abbreviation "Mrs." as prefix.

(2) When the name of a married woman is entered on the list immediately below her husband's name, there shall be no occupation given opposite such woman's name.

(3) The name of an unmarried woman shall be prefixed with the word "Miss".

Rule 7. On the last weekday before nomination day, each pair of enumerators

- (a) shall prepare a complete list of the names in alphabetical order, addresses and occupations of the persons who are qualified as electors in the polling subdivision for which they have been appointed,
- (b) shall sign and date such list,
- (c) shall deliver or transmit to the returning officer who appointed them at least two plainly written or typewritten copies of the preliminary list of electors for the polling subdivision for which they were appointed, each severally certified to by both enumerators in Form 10 in the First Schedule, together with their record books containing the carbon copies of the notices in Form 11 in the First Schedule,
- (d) shall post up or cause to be posted up one copy of the list in a conspicuous place within their polling subdivision to which the public has access.

Rule 8. The enumerators shall attach to the copy posted up by them a notice in Form 12 in the First Schedule, signed by them, designating the place where electors may find the returning officer, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon during the last five consecutive week days next before the polling day.

Rule 9. Upon the posting of the copy of the list with the notice attached and the delivery of the two copies to the returning officer, each enumerator shall furnish the returning officer with a certified voucher of his fees as enumerator on the form provided, according to the schedule of fees adopted by order in council, and thereupon his duties as an enumerator shall terminate.

Division Two

Rule 10. The following Rules under this Division apply only to the city constituencies of Edmonton and Calgary.

Rule 11. The Clerk of the Executive Council shall maintain a permanent Registry of electors in each of the cities of Edmonton and Calgary at such central and convenient places therein as he may determine with the approval of the Lieutenant Governor in Council.

Rule 12. Any qualified elector of the cities of Edmonton or Calgary may register himself, during the regular office hours of the public service of Alberta, by appearing at the place where the register is maintained for the city in which he resides and showing to the satisfaction of the official in charge of the registry thereat that he is qualified as an elector residing in such city.

Rule 13. At least once in each calendar year the Clerk of the Executive Council shall advertise the purpose and location of the Registry of Electors in each of the cities of Edmonton and Calgary, in *The Alberta Gazette* and in a newspaper circulating in the general area of such Registry of Electors, and by such other media as he deems desirable.

Rule 14. Upon the issuance of a writ of election no further registrations shall be made in the Register and a new Register of Electors shall be prepared following each election in the constituency for which the register is maintained.

Rule 15. When the writ of election is issued in the constituency where the registry is maintained, the Clerk of the Executive Council shall cause a list of the names registered thereon to be transmitted to the Returning Officer for the City of Edmonton or Calgary, respectively.

Rule 16. The Returning Officer shall retain the list of electors transmitted to him by the Clerk and shall, after all the enumerators' lists have been submitted to him, ensure that the names on the list transmitted to him by the Clerk appear on the list of electors as prepared by the enumerators.

Rule 17. If any such name does not so appear, the returning officer shall cause a check to be made in the electoral subdivision in which the elector is shown by the Register to reside and if the elector has moved to another subdivision within the city shall include his name in the list of electors

therefor, but if the elector cannot be located, the returning officer shall not include the elector's name in any list prepared by the enumerators.

Rule 18. In all respects the registry of electors shall be maintained as though it were an enumerator's list.

FOURTH SCHEDULE

(Section 100, 104)

REGULATIONS FOR THE COUNTING OF BALLOT PAPERS BY RETURNING OFFICER

Regulation 1.

(1) The returning officer, in the presence of the election clerk and the candidates or their agents, if present after notice given, shall open the ballot boxes and the sealed envelopes containing the statement of poll in each and the envelopes containing the ballot papers and shall check the statement of the deputy returning officer with the ballot papers contained in the respective parcels, make a note in the poll book of every objection taken to a ballot paper by a candidate or his representative and decide any questions arising out of the objection irrespective of whether it had been decided by the deputy returning officer or not and of the nature of his decision, if given.

(2) The returning officer shall then make the final addition of votes given for each candidate and at the place, day and hour appointed in the proclamation, declare as duly elected the candidate or candidates, as the case may be, having received the largest number of votes.

(3) Where on the addition of votes by the returning officer an equality of votes is found to exist between two or more candidates and an additional vote would entitle any of them to be declared elected, the returning officer shall give the additional or casting vote, but except as provided in this regulation, the returning officer shall not vote at an election.

Regulation 2.

(1) The returning officer shall prepare a statement in duplicate in Form 43 of the votes counted for each candidate at each poll and such other information as may be required by the Form and shall deliver to the agent of each candidate or in the absence of agents, to the voters present representing the candidates, a certificate in Form 44 of the number of votes counted for each candidate.

(2) The statement prepared by the returning officer shall be retained by him for ten days to allow an application to be made for an appeal, recount or final addition of the votes.

(3) After the counting of the votes has been completed, the candidate declared elected, and the statement made out, the electors' list, the different envelopes containing the ballot papers, the poll book and other documents used at the election shall be sealed with the seal of the returning officer and the seals of such of the candidates or their agents as desire to affix their seals, and shall be placed in their respective ballot boxes, which the returning officer shall immediately lock and seal.

No. 18

SECOND SESSION
THIRTEENTH LEGISLATURE
4 ELIZABETH II
1956

BILL

An Act respecting the Election of
Members of the Legislative Assembly

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. COLBORNE
