

No. 106

3rd Session, 13th Legislature, Alberta
5 Elizabeth II, 1957

BILL 106

A Bill to amend The Election Act

HON. MR. COLBORNE

EDMONTON, ALBERTA
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1957

Explanatory Note

General. For the most part, the amendments to be made by this Bill are complementary to amendments being proposed to The Legislative Assembly Act. In that latter Act, the electoral divisions of Edmonton and Calgary are being altered to provide nine and seven electoral divisions, respectively. The multiple-member constituency will then disappear in fact, and this Act is being changed to remove references based upon the existence of multiple-member constituencies.

2. (a) These are the new city constituencies following the proposed amendments to The Legislative Assembly Act.

(b) Terms here used apply to multiple-member constituencies.

(c) The term "official candidate" and its definition are removed as the word is not used in the Act.

3. Subsection (4) relates only to multiple-member constituencies.

BILL

No. 106 of 1957

An Act to amend The Election Act

(Assented to _____, 1957)

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

1. *The Election Act*, being chapter 15 of the Statutes of Alberta, 1956, is hereby amended.

2. Section 2 is amended

(a) by striking out clause (d) and by substituting the following:

“(d) “city constituency” means the electoral divisions, as constituted by the Legislative Assembly Act, of

“(i) Calgary Bowness,

“(ii) Calgary North,

“(iii) Calgary North-East,

“(iv) Calgary Centre,

“(v) Calgary West,

“(vi) Calgary Glenmore,

“(vii) Calgary South-East,

“(viii) Edmonton Centre,

“(ix) Edmonton North-East,

“(x) Edmonton Norwood

“(xi) Edmonton North,

“(xii) Edmonton North-West,

“(xiii) Strathcona East,

“(xiv) Strathcona Centre,

“(xv) Strathcona West,

“(xvi) Jasper West,

“(xvii) Lethbridge, and

“(xviii) Medicine Hat.”,

(b) as to clause (k) by striking out the words “one or more members” and by substituting the words “a member”,

(c) by striking out clause (r).

3. Section 3 is amended by striking out subsection (4).

4. The words being struck out have reference to multiple-member constituencies.

5. The words and subsection here struck out assume the existence of the multiple-member constituency.

6. Present section replaced by a reworded section which makes no reference to multiple-member constituencies. The present section 38 reads:

"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."

7. The words removed have application to multiple-member constituencies.

8. Removes words indicative of multiple-member constituency situation.

9. The constituencies here mentioned will disappear under the proposed amendments to The Legislative Assembly Act.

10. This subsection no longer necessary as Edmonton and Calgary will include many electoral divisions, not simply one in each city. Section 46, subsection (2) now reads:

"(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."

11. Section 55, subsection (2) presently reads:

"(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 provisions of compartments."

4. Section 13, subsection (1), clause (e) is amended by striking out the words "or candidates, to the number required by law".

5. Section 36 is amended

- (a) as to subsection (2) by striking out the words "where there is only one member to be elected",
- (b) by striking out subsection (3),
- (c) as to subsection (5) by striking out the words "or subsection (3), as the case may be".

6. Section 38 is struck out and the following substituted:

"38. When only one candidate has been nominated within the time fixed for that purpose, the returning officer

- "(a) shall forthwith declare the candidate elected,
- "(b) shall make his return to the Clerk of the Executive Council in Form 17 that the candidate is 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."

7. Section 39 is amended by striking out the words "more candidates than there are vacancies to be filled" and by substituting the words "two or more candidates".

8. Section 42 is amended

- (a) as to subsection (2)
 - (i) by striking out the words "for each vacancy to be filled",
 - (ii) by striking out the words "or candidates" where they occur in clause (a),
- (b) as to subsection (5) by striking out the words "more candidates than there are members to be elected" and by substituting the words "two or more candidates".

9. Section 43, subsection (1) is amended by striking out the words "other than the electoral divisions of Edmonton and Calgary".

10. Section 46 is amended by striking out subsection (2).

11. Section 55, subsection (2) is amended by adding immediately after the word "in" the words "electoral divisions within".

12. Subsection (2) of section 57 presently reads:

"(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)."

This amendment extends the provisions to include Lethbridge and Medicine Hat Electoral divisions.

13. Form 28 for large ballot papers is being abolished.

14. This subsection presently distinguishes the number of agents a candidate may have in a polling place at one time by reference to Edmonton and Calgary constituencies. The distinction will be valid no longer and is abolished.

15. The instructions to voters here provided for differed as to single-member and multiple-member constituencies. This distinction will no longer be necessary and is removed.

16. Section 88 now distinguishes between the single and multiple-member constituencies. The distinction is being removed.

17. The words to be removed will be no longer necessary and are being removed.

18. (a) Subsection (7) is amended to remove reference to multiple-member constituencies.

(b) Subsection (8), reflecting the multiple-member situation presently prevailing, now reads:

"(8) 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."

19. The present subsection (6) gives two rules. One, which is re-enacted here, for single-member constituencies, and another, which is being omitted, for multiple-member constituencies.

12. Section 57, subsection (2) is amended by striking out the words "electoral divisions of Edmonton and Calgary" and by substituting the words "city constituencies".

13. Section 59 is amended by striking out subsection (6) and by substituting the following:

"(6) The ballot paper, counterfoil and stub shall be printed in Form 27."

14. Section 67, subsection (2) is amended

- (a) by striking out clauses (a) and (b),
- (b) by adding immediately after the word "exceed" the words "two for each candidate".

15. Section 82 is amended

- (a) as to subsection (1) by striking out the words "In an electoral division where one member is to be elected,"
- (b) by striking out subsection (2).

16. Section 88 is struck out and the following substituted:

"~~88.~~ An elector shall have one vote only."

17. Section 89, subsection (1) is amended by striking out the words "or candidates".

18. Section 94 is amended

- (a) as to subsection (7) by striking out the words "candidates than there are members to be elected" and by substituting the words "than one candidate",
- (b) by striking out subsection (8) and by substituting the following:
 - "(8) A vote cast for a candidate who has withdrawn is void."

19. Section 95 is amended by striking out subsection (6) and by substituting the following:

- "(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
- "(b) shall then place the envelopes in the 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 affix his seal thereto."

20. The full heading at present reads:

"Count by Returning Officer Where
"One Member is to be Elected".

21. The words struck out refer to multiple-member constituencies.

22. These sections relate to counting by returning officers in multiple-member constituencies and will no longer have application. Section 105 relates to death of a candidate, a provision now included within section 43. See clause 8 of this Bill.

23. Plural form will be unnecessary and perhaps misleading in the context upon the abolition of multiple-member constituencies.

24. These words will no longer be required.

25. Only singular form will have application in future.

26. The words struck out have reference to multiple-member constituencies.

27. The words struck out have reference to multiple-member constituencies.

28. Words removed apply to multiple-member constituencies.

20. The heading immediately preceding section 98 is amended by striking out the words "Where One Member is to be Elected".

21. Section 98 is amended by striking out the words "Where one member is to be elected and there are more candidates than there are members to be elected,".

22. The heading immediately preceding section 102, and sections 102, 103 and 104 and the heading immediately preceding section 105, and section 105 are repealed.

23. Section 107 is amended

- (a) as to subsection (1), clause (a) by striking out the words "names of candidates" and by substituting the words "name of the candidate",
- (b) as to subsection (2) by striking out the words "or in Form 46, as the case may be".

24. Section 108, subsection (1) is amended

- (a) as to clause (b) by striking out the words "or candidates",
- (b) as to clause (d) by striking out the words "or candidates".

25. Section 109, subsection (1) is amended by striking out the words "names of the candidate or candidates" and by substituting the words "name of the candidate".

26. Section 111 is amended

- (a) as to subsection (1)
 - (i) by striking out the words "or candidates",
 - (ii) by striking out the word "have" and by substituting the word "has",
- (b) as to subsection (3) by striking out the words "or candidates, as the case may be".

27. Section 113 is amended by striking out the words "or candidates".

28. Form 2 is amended by striking out the words "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 result, name of candidates elected and order of their election" and by substituting the words "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 result, name of the candidate elected".

29. The words struck out have reference to multiple-member constituencies.

30. See note to clause 25.

31. See note to clause 25.

32. See note to clause 25.

29. Form 4 is amended

- (a) by striking out the words “(or persons, as the case may be)”,
- (b) by striking out the words “or candidates to the number required by law”.

30. Form 10 is amended by striking out the words “or members (as the case may be)”.

31. Form 16 is amended by striking out the words “or members”.

32. Form 17 is amended

- (a) by striking out the words “WHERE THERE ARE NO MORE CANDIDATES THAN MEMBERS TO BE ELECTED” and by substituting the words “WHERE ONLY ONE CANDIDATE HAS BEEN NOMINATED”,
- (b) by striking out the words “(or members)”,
- (c) by striking out the words “(or are)”.

33. Form 28 is repealed.

34. Form 30 is amended

- (a) by striking out the words “place more than one choice” and by substituting the words “place his mark more than once”,
- (b) by striking out the words “make the same choice for more candidates than there are members to be elected” and by substituting the words “make his mark for more than one candidate”,
- (c) by striking out the form of ballot paper now given for illustration and by substituting the following:

35. The words struck out have reference to multiple-member constituencies.

36. This form only applied in respect of multiple-member constituencies.

37. The words struck out have reference to multiple-member constituencies.

38. The words struck out have reference to multiple-member constituencies.

“Joseph Brown, of the
 “Village of Cadogan,
 “Social Credit X.....

“Edward Johnson, of
 “Township 37, Range 5,
 “West of the 4th
 “Meridian, Liberal

“Louis Wilson, of the
 “Post Office of Olds,
 “Conservative

“John Young, of the
 “Town of Beverly,
 “Co-operative Common-
 “wealth Federation

“The voter has here given his
 “vote to Brown.”.

35. Form 45 is amended by striking out the words
 “WHERE ONE MEMBER IS TO BE ELECTED”.

36. Form 46 is repealed.

37. Form 47 is amended

- (a) by striking out the words “(or members)”,
- (b) by striking out the words “(or are)”,
- (c) by striking out the word “names” and by substituting the word “name”.

38. The Fourth Schedule is amended by striking out the words “or candidates, as the case may be”.

39. This Act comes into force on a day to be fixed by proclamation of the Lieutenant Governor in Council.

No. 106

THIRD SESSION
THIRTEENTH LEGISLATURE
5 ELIZABETH II
1957

BILL

An Act to amend The Election Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. COLBORNE
