

No. 73.

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4th Session, 13th Legislature, Alberta  
6 Elizabeth II, 1958

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## **BILL 73**

A Bill to Provide for Plebiscites on Questions relating to the  
Control and Licensing of Traffic in Alcoholic Liquors

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HON. MR. COLBORNE

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Edmonton, Alberta, 1958  
Printed by L. S. WALL, Printer to the Queen's Most Excellent Majesty,

## Explanatory Note

General. This Bill will enact a new Act to be known as The Liquor Plebiscites Act, which will empower the Lieutenant Governor in Council to authorize the holding of plebiscites relating to the control of traffic in alcoholic liquors and to the licensing thereof, generally; and particularly to questions arising on local option votes in municipalities, electoral divisions or polling subdivisions under a proposed new Liquor Licensing Act.

This new Act will replace the plebiscite procedure set out presently in sections 114 to 127 and sections 130 to 132 and section 134 of Part III of The Liquor Control Act.

**1.** Short title.

**2.** Definitions.

**3.** (1) Lieutenant Governor in Council may submit any questions relating to licensing or control of liquor to plebiscite.

(2) In particular, may submit local option petitions to vote under this Act, and other questions.

# BILL

No. 73 of 1958

An Act to Provide for Plebiscites on Questions relating to  
the Control and Licensing of Traffic in Alcoholic Liquors

(Assented to \_\_\_\_\_, 1958)

**H**ER 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 Liquor Plebiscites Act*".

**2.** In this Act,

- (a) "Clerk" means the Clerk of the Executive Council;
- (b) "electoral division" means any electoral division in the Province entitled to return a member or members to serve in the Legislative Assembly;
- (c) "electors" means all persons who are entitled to have their names appear on the list of electors that would be used for the taking of the votes at a general election of members to serve in the Legislative Assembly if such election were being held at the time fixed for taking of the plebiscite, and who are twenty-one years of age or over;
- (d) "local option area" means a local option area as designated under or pursuant to *The Liquor Licensing Act*.

**3.** (1) The Lieutenant Governor in Council may at any time submit to a vote of the electors any question relating to the control or licensing of traffic in alcoholic liquors.

(2) The Lieutenant Governor in Council may, as may be required by *The Liquor Licensing Act*, submit to a vote of the electors of any local option area, questions to be voted on under that Act, and may at any time submit to a vote of the electors of any polling subdivision or group of polling subdivisions, or electoral division, or local option area, any other question relating to the control or licensing of traffic in alcoholic liquors and this Act applies, *mutatis mutandis*, to the taking of the vote.

**4.** Vote to be authorized by proclamation and issuing of writ.

**5.** (1) Writs to be addressed to returning officers appointed by Lieutenant Governor in Council.

(2) Question to be forwarded with writ.

**6.** Notice of writ and question to be published in Gazette.

**7.** (1) Returning officer to issue proclamation and publish same in electoral division as required.

(2) Returning officer to carry writ into effect.

(3) Evidence of appointment of returning officer.

(4) Returning officer to take oath of office and endorse writ.

**8.** (1) Agents may be appointed by returning officer.

**4.** The Lieutenant Governor in Council shall in each case fix by proclamation the date for taking the vote and shall order the issue of writs in Her Majesty's name for taking the vote, and shall determine the form of the writs, and shall fix the date for the return of the writs.

**5.** (1) The writs shall be addressed to the returning officers for the several electoral divisions in the Province who shall be appointed by the Lieutenant Governor in Council.

(2) The writs shall be forwarded to the returning officers by mail or otherwise, and the Clerk shall cause to be attached to each writ a copy of the question upon which the vote is to be taken.

**6.** The Clerk shall forthwith upon the issue of the writs publish in *The Alberta Gazette* a notice of the issue of the same and a copy of the question upon which the vote is to be taken.

**7.** (1) The returning officer for each electoral division shall forthwith after receipt of the writ addressed to him cause a proclamation under his hand to be made, giving notice of its receipt, and particulars of the writ, and of the place, day, and hours at which a poll shall be open and closed in each polling subdivision for taking and receiving the votes of the electors, and the proclamation shall be published by him in one or more newspapers published or circulating in the electoral division, and by printed bills posted up in public places in the electoral division.

(2) Subject to this Act and to the regulations, every returning officer shall forthwith after the receipt by him of the writ take all steps as are necessary to be taken on his part to carry the writ into effect.

(3) The naming of a person in a writ is sufficient appointment and sufficient evidence of the appointment of such person as returning officer for the purposes mentioned in the writ.

(4) On receiving a copy of the writ the returning officer shall forthwith endorse thereon the date on which he receives it, and before taking any further action thereon, shall take the official oath prescribed by *The Oaths of Office Act* before a justice of the peace.

**8.** (1) From among the applicants for the appointment or on behalf of persons applying to have the appointment made, the returning officer by writing under his hand shall appoint

(a) two agents to attend on behalf of those desirous of obtaining negative answers, and

(b) two agents to attend on behalf of those desirous of obtaining affirmative answers,

at each polling place and at the final totalling of the votes.

(2) Agents not entitled to remuneration.

(3) Declaration required of agent.

(4) Form of declaration.

(5) Written appointment to be filed with returning officer.

(6) Electors may be appointed agents in certain cases by returning officer or deputy returning officer.

**9.** (1) The Election Act to apply to plebiscites.

(2) Challenged voter to take oath or affirmation.

**10.** (1) Voting by ballot.

(2) Preparation of ballot.

**11.** Form of ballot to be determined by Lieutenant Governor in Council and forms, documents and other voting papers to be forwarded to returning officer by Clerk of Executive Council.

(2) No such agent is entitled to any remuneration.

(3) Before a person appointed enters upon his duties as agent he shall make and subscribe before the returning officer or a deputy returning officer a declaration to the effect that he is interested in and desirous of obtaining an affirmative or negative answer, as the case may be, to the question.

(4) The declaration may be in Form A in the Schedule.

(5) Each person so appointed, before being admitted to the polling place or to the final totalling of the votes, as the case may be, shall produce and file with the deputy returning officer his written appointment.

(6) If no person has been appointed to attend at a polling place or at the final totalling of the votes, or in the absence of a person so appointed, any electors, not exceeding two in the same interest, upon making and subscribing a declaration to the above effect before the deputy returning officer, or the returning officer, as the case may be, may be admitted to the polling place during the time of voting or to the final totalling of the votes as agents on behalf of their declared interest.

**9.** (1) For the purposes of executing the writs and the taking of a vote under this Act, all the provisions of *The Election Act* respecting the election of members of the Legislative Assembly, subject to the provisions of this Act and the regulations, apply, *mutatis mutandis*, to the conduct of all proceedings, and with respect to the powers to be exercised, and the duties to be performed by, and the rights, obligations, liabilities, qualifications and disqualifications of electors, officers, and other persons, and with respect to the offences and the penalties that may be incurred.

(2) If a person offering to vote at a plebiscite taken under this Act is challenged by a voter as being disqualified, the deputy returning officer shall require the party offering to vote to take the oath or affirmation in Form B in the Schedule.

**10.** (1) The voting shall be by ballot and each voter shall indicate his vote by marking it on the ballot in accordance with the directions given thereon.

(2) The ballot shall be prepared by the Queen's Printer and shall be forwarded to the returning officer in sufficient number by the Clerk, together with such forms, notices and instructions as the Lieutenant Governor in Council may prescribe.

**11.** The Lieutenant Governor in Council shall determine the form of the ballot papers to be used in the taking of the vote, and the Clerk shall forward the ballot papers, with the writs and such forms, notices, and instructions as may

**12.** (1) Provision for scrutiny of votes.

(2) When scrutiny shall begin and statement of poll.

**13.** Returning officers statement of poll.

**14.** Clerk shall compile record of poll and publish same.

**15.** Offences created by reference to offences under The Election Act.

**16.** (1) Expenses of plebiscite to be expenses of administering Liquor Control Act.

(2) How accounts to be rendered.



**12.** (1) The result of the poll in each polling subdivision shall be ascertained by scrutiny to be conducted by the presiding officer in the presence and subject to the inspection of such agents and scrutineers as are by regulation provided and as are present.

(2) The scrutiny shall commence as soon as practicable after the closing of the poll, and on completion of the scrutiny the presiding officer shall prepare a statement of the poll and forward it to the returning officer.

**13.** Upon the completion of the final count, the returning officer shall endorse on the writ a statement certifying in relation to the votes polled in his electoral division, or in any polling division or group of polling divisions, as the case may be,

(a) the number of votes given in the affirmative and in the negative respectively in respect of the question,

(b) the number of ballot papers rejected as spoiled, and

(c) the number of unused ballot papers, and shall, within ten days after the holding of the final count, transmit the writ so endorsed, together with all sealed packets of ballots to the Clerk.

**14.** The Clerk shall prepare from the returns endorsed on the writs so returned to him a statement of the total number of votes in the affirmative and the total number of votes in the negative, and of the number of ballots rejected as spoiled, and shall publish a copy of the statement in *The Alberta Gazette* within thirty days after the holding of the final count.

**15.** Any act done in relation to or connected with any of the proceedings under this Act that is of a like character to any act made punishable when done in relation to or connected with any of the proceedings of *The Election Act* is an offence against this Act and also against *The Election Act* and is punishable in the same manner and to the same extent as the corresponding offence would be punishable under *The Election Act*.

**16.** (1) All necessary expenses incurred in or about the taking of any vote pursuant to this Act or otherwise in the execution of the provisions of this Act and all expenses consequent thereupon, including the compensation, if any, of returning officers, deputies, officials, and clerks, shall be paid by The Alberta Liquor Control Board, and, for the purpose of payment, shall be deemed expenditures incurred in the administration of *The Liquor Control Act, 1958*.

(2) All accounts for services and expenses payable under this section shall be rendered in duplicate, duly certified to, and accompanied by satisfactory vouchers showing disbursements made, if any, and shall be forwarded to the

**17.** Makes provision respecting validity of plebiscites.

**18.** Empowers Lieutenant Governor in Council to make regulations.

**19.** When plebiscite and election of members to Legislative Assembly coincide.

Clerk, who shall determine the sums to be allowed and paid, subject to any regulations made by the Lieutenant Governor in Council.

**17.** No plebiscite or vote is invalid by reason of non-compliance with the provisions of this Act

- (a) with regard to the taking of the vote,
- (b) with regard to the counting of the votes,
- (c) by reason of a mistake in the use of forms, or
- (d) by reason of any irregularity,

if it appears that the proceedings on the vote were conducted substantially in accordance with the requirements of the provisions of this Act respecting the same and that the non-compliance, mistake or irregularity did not affect the result by changing an affirmative vote to a negative vote or *vice versa*.

**18.** (1) The Lieutenant Governor in Council may from time to time make all regulations necessary or expedient for the effectual carrying out of this Act and of the proceedings had thereunder, and for the adapting to this Act of the provisions of *The Election Act*.

(2) Without limiting the general powers by this section conferred, the Lieutenant Governor in Council may

- (a) cause to be adopted such measures as are necessary for removing any obstacle or the doing of or the omission to do any act of a technical or formal nature by which, or the want of which, the due course of the taking of any vote may be impeded,
- (b) provide for any proceeding, matter, or thing for which express provision has not been made in this Act, or for which only partial provision has been made,
- (c) prescribe such forms as may be found necessary,
- (d) make any alteration or extension of the time provided for the doing of any act for the purpose of this Act as may appear to be necessary, and make any alteration of dates consequent thereon, and
- (e) provide for the selection and appointment of agents and to attend at the polling places and act as scrutineers at the voting and counting of the ballots, and prescribe the duties and powers of such agents and scrutineers.

(3) All regulations made under this section shall be forthwith published in *The Alberta Gazette* and filed under *The Regulations Act* but need not be published under that Act.

**19.** Where the date for the taking of a vote under the provisions of this Act is fixed upon the same day as the taking of the poll in an election of members to the Legislative Assembly the returning officers, deputy returning

**20.** Several questions may be voted on at the same poll.

**21.** (1) Prescribes use of latest Provincial list of electors if not more than two years old.

(2) Permits returning officer in rural divisions to exercise enumerators' powers of adding or removing names from list and revising list.

(3) Six days required for revision of lists in certain cases.

(4) See definition of "elector" for the purposes of this Act in clause 2(c).

**22.** Commencement of Act.

officers, poll clerks, and other officials appointed for the purpose of the election of members shall act in the same capacity for the purposes of the vote taken under this Act, and the same ballot boxes and polling booths may be used for the purposes of the vote as are used for the election of members, but in that case the ballots for the vote shall be of a colour different from the ballots for the election.

**20.** More than one question may be submitted to vote under this Act at the same time and on the same or separate ballot papers.

**21.** (1) In a vote under this Act the latest revised list of electors compiled pursuant to *The Election Act* for the electoral division or polling subdivision, or for the part of the electoral division included in the local option area wherein the vote is to be taken, may be used as the list of electors for the vote under this Act, if the list was compiled not later than two years before the issue of the writ under section 4.

(2) Where no enumeration is necessary upon a vote under this Act, the returning officer of an electoral division other than a city constituency within the meaning of *The Election Act*, may exercise all the powers and duties of an enumerator under sections 22 and 23 of *The Election Act* upon a vote under this Act.

(3) Upon a vote under this Act, six days shall be allowed for revision of the list of electors, if the latest revised list of electors compiled pursuant to *The Election Act* is used as the list of electors.

(4) Nothing in this section shall be taken to permit a person under the age of twenty-one years from voting on a vote under this Act.

**22.** This Act comes into force on the first day of May, 1958.

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SCHEDULE

FORM A

(Section 8)

FORM OF DECLARATION BY AGENT

In the matter of a plebiscite pursuant to *The Liquor Plebiscites Act*:

I, ..... do solemnly declare that I am interested in and desirous of obtaining an affirmative (or a negative, as the case may be) result in the plebiscite now being taken.

.....  
(Signature of Agent)



Solemnly declared at.....  
the ..... day of ....., 19.....

Before me.....  
A.B.,

*Returning Officer* (or *Deputy Returning Officer*,  
as the case may be).

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FORM B  
(Section 9 (2))

I (here insert name of deponent or person affirming) do  
swear (or solemnly affirm) that

I am entitled to vote for the election of members to the  
Legislative Assembly of Alberta under *The Election Act*,

I am of the full age of twenty-one years,

I have resided in the Province of Alberta for at least one  
year and in this (polling subdivision, electoral division or  
local option area, *as the case may be*) at the date the  
writ was issued,

I am entitled to vote at this plebiscite and at this polling  
place,

I have not voted before at this plebiscite at this or any  
other polling place,

I have not received anything or accepted any promise,  
directly or indirectly, to induce me to vote or to indemnify  
me for my loss of time or any services connected with the  
taking of this plebiscite,

I have not been guilty of any act of corruption dis-  
qualifying me from voting.

So help me God.

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

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**BILL**

An Act to Provide for Plebiscites  
on Questions relating to the Con-  
trol and Licensing of Traffic in  
Alcoholic Liquors

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. COLBORNE

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