

1967 Bill 68

Fifth Session, 15th Legislature, 15 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ~~ALBERTA~~

BILL 68

An Act to amend The Election Act

HONOURABLE MR. COLBORNE

First Reading

Second Reading

Third Reading

Printed by L. S. Wall, Queen's Printer, Edmonton

BILL 68

1967

An Act to amend The Election Act

(Assented to _____, 1967)

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* is hereby amended.

2. Section 16 is amended by renumbering the section as subsection (1) and by adding the following subsection:

(2) Clause (e) of subsection (1) does not apply to a person who is in a hospital as a voluntary patient under section 4 of *The Mental Health Act*.

3. Section 34, subsection (1), clause (e) is amended by striking out the word "Province," and by substituting the words "electoral division,".

4. The following heading and section are added after section 64:

Absentee Student Polls

64a. An elector who is an absentee student voter within the meaning of the Absentee Student Voting Rules set out in the Fifth Schedule may, subject to those Rules, vote at an absentee student polling place established under those Rules instead of at the polling place in the electoral division where, under this Act, he is qualified to vote.

5. Section 65 is amended by adding after the words "except in advance polling places" wherever they occur the words "and absentee student polling places".

6. The following Schedule is added after the Fourth Schedule:

FIFTH SCHEDULE

ABSENTEE STUDENT VOTING RULES

1. These Rules may be cited as the Absentee Student Voting Rules.

Explanatory Notes

1. This Bill amends chapter 15 of the Statutes of Alberta, 1956.
2. Section 16 (1) reads:
 16. 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 - (b) Repealed. [1965, c. 23, s. 2]
 - (c) a person disqualified from voting under this Act or any Act relating to corrupt practices;
 - (d) a person undergoing punishment as an inmate of a penal institution for the commission of an offence;
 - (e) a person who is a patient in a mental hospital or school for mental defectives.
3. Section 34 is amended to correct an inconsistency. Section 34 (1) (d) and (e) read:
 34. (1) A nomination paper is not valid nor shall it be acted upon by the returning officer unless
 -
 - (d) it contains or 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,
 - (e) 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,
4. Provision is made to enable electors who are students at designated educational institutions situated in electoral divisions other than where they ordinarily reside to vote at special polls. The Rules governing such voting are set out in clause 6 of this Bill.
5. Section 65, which fixes the hours ordinary polling places are to be kept open, is amended to make it inapplicable to absentee student polling places.
6. A new Schedule is added setting out Rules governing absentee student voting.

2. In these Rules,

- (a) "absentee student voter" means an elector who is entitled under Rule 8 to vote at an absentee student polling place established under these Rules in a place other than the electoral division in which he ordinarily resides;
- (b) "Clerk" means the Clerk of the Executive Council;
- (c) "designated educational institution" means
 - (i) a Provincial university,
 - (ii) a Provincial institute of technology,
 - (iii) a junior college in Alberta, and
 - (iv) any other educational institution, or class thereof, in Alberta designated by the Lieutenant Governor in Council for the purposes of these Rules;
- (d) "inner envelope" means a plain envelope in which the marked ballot paper of an absentee student voter is to be placed;
- (e) "outer envelope" means an envelope on the back of which is printed Form 53 or Form 54 and in which an inner envelope containing a marked ballot is to be placed.

3. (1) These Rules apply only to general elections in the Province and do not apply to by-elections.

(2) The provisions of *The Election Act* apply *mutatis mutandis* to all proceedings under these Rules to the extent that those provisions are not inconsistent with these Rules.

4. (1) The Clerk shall exercise general direction and supervision over the administration of every detail prescribed in these Rules.

(2) For the purposes of carrying these Rules into effect, or supplying any deficiency herein, the Clerk may issue such instructions, not inconsistent herewith, as may be considered necessary to the execution of their intent.

5. (1) When writs are issued for a general election, the Clerk shall direct such returning officers as he considers appropriate to establish special polls at or in the vicinity of designated educational institutions for the purpose of enabling absentee student voters to vote in accordance with these Rules.

(2) An absentee student polling place shall be open

- (a) on such days, being not later than the fourth day before the day fixed for the general election, and
- (b) between such hours

as the Clerk considers will be necessary to give to all the absentee student voters who will likely attend an opportunity to vote.

6. (1) Every returning officer establishing an absentee student polling place shall be provided by the Clerk with a supply of

- (a) directions for absentee student voters in Form 51,
- (b) ballot papers in Form 52,
- (c) inner envelopes,
- (d) outer envelopes, some having Form 53 and others having Form 54 printed thereon,
- (e) maps showing the boundaries of all the electoral divisions,
- (f) lists giving the names and political affiliations of all the candidates in each electoral division,
- (g) lists giving the name and address of the returning officer of each electoral division, and
- (h) lists naming the designated educational institutions the absentee student polling place is intended to serve,

in sufficient quantity to meet the needs of the absentee student polling place.

(2) Where for any reason

- (a) any person ceases to be a candidate, or
 - (b) any returning officer is replaced by another person,
- the Clerk shall forthwith give notice of the change to every returning officer required to establish an absentee student polling place and the returning officer shall immediately correct the appropriate lists accordingly.

7. (1) Each candidate in an electoral division in which an absentee student polling place is established may appoint, in writing,

- (a) one elector of the electoral division, or
- (b) one elector entitled to vote at the absentee student polling place,

as agent to represent all the candidates having the same political affiliation he has at the absentee student polling place.

(2) Every agent so appointed shall, on being admitted to the polling place, take an oath of secrecy in Form 49.

8. (1) A person

- (a) who is qualified to vote at a general election in the electoral division in which he ordinarily resides, and
- (b) who is enrolled as a student at a designated educa-

tional institution situated in an electoral division other than the one in which he ordinarily resides, and

- (c) who believes that on the day fixed as polling day for a pending general election he will be absent from the electoral division in which he ordinarily resides by reason of his being a student at that educational institution,

is an absentee student voter and is entitled to vote at a general election under the procedure set forth in these Rules.

(2) The wife of an absentee student voter

- (a) who is qualified to vote at a general election in the electoral division in which she ordinarily resides,
- (b) who is not herself an absentee student voter as defined in subrule (1), and
- (c) who believes that on the day fixed as polling day for a pending general election she will be absent from the electoral division in which she ordinarily resides by reason of her being with her husband while he is a student at an educational institution,

shall be deemed to be an absentee student voter and is entitled to vote at the general election under the procedure set forth in these Rules.

9. (1) An absentee student voter may,

- (a) subject to these Rules, and
- (b) on a day and between the hours the absentee student polling place is open,

vote at an absentee student polling place established for the designated educational institution at which he is a student for the candidate of his choice in the electoral division in which he ordinarily resides and is qualified to vote.

(2) An absentee student voter is not prohibited from voting in the electoral division in which he is qualified to vote if he does not vote under the procedure set forth in these Rules.

(3) No person is entitled because of anything in these Rules to vote more than once at a general election.

10. (1) Before delivering a ballot paper to an absentee student voter, the deputy returning officer shall,

- (a) in the case of a student, require him to make and sign a declaration in Form 53, and
- (b) in the case of the wife of a student, require her to make and sign a declaration in Form 54.

(2) When subrule (1) has been complied with, the deputy returning officer shall complete and sign the certificate printed below the declaration.

(3) If the person refuses to subscribe to the oath in Form 31 when required to pursuant to section 77 of the Act

- (a) he shall not be allowed to vote or again be admitted to the polling place, and
- (b) the deputy returning officer shall endorse upon any outer envelope completed by that person the words "declined to subscribe to the oath" and lay the outer envelope aside.

11. Upon Rule 10 being complied with, the voter shall receive from the deputy returning officer a ballot paper in Form 52,

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

12. (1) Upon receiving his ballot paper the voter shall forthwith proceed into one of the compartments of the polling place and there, with a pen or pencil of any colour, mark his ballot paper by writing thereon in the space provided the name and surname of the candidate 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 number on the counterfoil can be seen without opening the paper and shall then hand the ballot paper so folded to the deputy returning officer.

13. (1) The deputy returning officer, without opening the ballot paper,

- (a) shall ascertain by examining his initials on the back and the number on the counterfoil that it is the same ballot paper that he furnished to the voter,
- (b) shall then remove the counterfoil and tear it up or otherwise destroy it,
- (c) shall then place the folded ballot paper in an inner envelope and seal it, and
- (d) shall then place the inner envelope in the outer envelope on which the declaration of the voter is set out and seal it,

in full view of all present, including the voter.

(2) The poll clerk shall then enter in the poll book opposite the name of the voter the name of the electoral division for which the vote is intended.

14. (1) The deputy returning officer shall then deliver the sealed outer envelope to the voter and inform him

- (a) that it is the voter's responsibility to see that it is delivered to the returning officer of the electoral division in which the voter is qualified to vote, and
- (b) that if the returning officer does not receive the outer envelope before 8 o'clock in the evening on the day fixed for the general election the ballot paper enclosed in the envelope will not be counted.

(2) Upon being handed the sealed outer envelope containing his ballot paper the voter shall forthwith dispatch it by ordinary mail or such other facilities as may be available and expeditious to the returning officer of the electoral division in which the voter is qualified to vote.

15. At the close of the absentee poll the deputy returning officer shall prepare and send to the returning officer of each electoral division a list of the names of all persons who have cast votes at the absentee student poll for a candidate in that electoral division.

16. (1) Upon receipt of outer envelopes containing ballot papers marked by absentee student voters, a returning officer, without opening the outer envelopes, shall

- (a) examine each outer envelope in order to ascertain that the declaration thereon is completed and signed by the voter and the certificate is completed and signed by the deputy returning officer concerned, and
- (b) check the list of absentee student voters sent to him by that deputy returning officer to ascertain that the voter named on the outer envelope is also named in that list,

and if an outer envelope does not meet the requirements of clause (a) or (b) the returning officer shall endorse a note of the defect on the outer envelope and initial it.

(2) At the end of each day upon which outer envelopes are received the returning officer, in the presence of at least one witness, shall place the outer envelopes in a packet which the returning officer and the witness shall seal in such a manner that nothing can be added to or removed from the packet without breaking the seal.

17. (1) Upon the closing of the polls on polling day the returning officer shall deliver to the deputy returning officer of an advance poll in the electoral division,

- (a) all the outer envelopes containing ballot papers marked by absentee student voters received by him before the closing of the polls, and
- (b) all the lists of absentee student voters received by

him from the deputy returning officers of the absentee student polls.

(2) Where an outer envelope is received by a returning officer after the closing of the polls, the ballot paper contained in the outer envelope shall be deemed to be a rejected ballot paper and the outer envelope shall be laid aside unopened.

(3) On every outer envelope laid aside pursuant to this Rule the returning officer shall endorse the reason why it was so laid aside and the endorsement shall be initialled by the returning officer and one other person.

18. The deputy returning officer, after counting the ballot papers cast at the advance poll, shall proceed to count the ballot papers of the absentee student voters

- (a) in the manner hereinafter set out, and
- (b) in the presence of such of the candidates or their agents as attend.

19. (1) Subject to subrules (2) and (3), the deputy returning officer shall

- (a) open each outer envelope,
- (b) remove the inner envelope enclosed therein, and
- (c) set the inner envelope to one side without opening it and in such a manner that it cannot be identified with any outer envelope.

(2) When an outer envelope

- (a) does not bear the completed and signed declaration of the voter, or
- (b) does not bear the completed and signed certificate of the deputy returning officer concerned, or
- (c) shows as the name of the voter a person not named in the list of absentee student voters received from the deputy returning officer concerned,

the outer envelope shall be laid aside unopened and the ballot paper contained in the outer envelope shall be deemed to be a rejected ballot paper.

(3) Where it is ascertained that an absentee student voter has voted on more than one occasion, all the outer envelopes relating to that voter shall be laid aside unopened and the ballot papers contained in those outer envelopes shall be deemed to be rejected ballot papers.

20. (1) After all the inner envelopes have been removed from all the other envelopes the outer envelopes shall be laid aside and then the deputy returning officer

- (a) shall open all the inner envelopes and remove the ballot papers therefrom, and

(b) shall count the ballot papers for each of the candidates in accordance with the names written thereon.

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

(a) that do not appear to have been supplied by the Clerk for the general election, or

(b) that have not been marked with the name of any candidate, or

(c) that have been marked for more than one candidate, or

(d) that have been marked with the name of a person who is not a candidate in the electoral division, or

(e) upon which the voter appears to have intentionally made a mark by which he might afterwards be identified.

(3) No ballot paper shall be rejected for uncertainty as to the candidate intended to be voted for if it is possible to ascertain with a reasonable degree of certainty, for which candidate the voter intended to vote.

(4) No ballot paper shall be rejected if, in addition to the name of the candidate of his choice, a voter has marked thereon any designation indicating the political affiliation of the candidate.

21. In connection with the counting of absentee student ballot papers, the deputy returning officer shall take all other proceedings as provided in sections 94 and 95 of the Act in so far as they are applicable.

7. The First Schedule is amended by adding the following Forms after Form 50:

FORM 51

(Fifth Schedule)

DIRECTIONS FOR THE GUIDANCE OF ABSENTEE STUDENT VOTERS

1. A student attending a designated educational institution, and the wife of the student, is entitled to vote as an absentee student voter if the voter

(a) is qualified to vote as an elector in the Electoral Division in which the voter ordinarily resides, but

(b) will be absent from the Electoral Division on election day by reason of being a student at the educational institution or the wife of such a student.

2. Maps showing the boundaries of all Electoral Divisions are available for examination at the absentee student polling place and before presenting himself to vote an absentee

7. The First Schedule which contains the Forms prescribed for use under the Act is amended to add Forms required for use in absentee student voting.

student voter should ascertain the name of the Electoral Division in which he is entitled to vote.

3. Before receiving a ballot paper an absentee student voter is required to complete and sign a declaration of qualification in front of the deputy returning officer.

4. (1) Upon receiving a ballot paper an absentee student voter shall forthwith proceed into one of the compartments provided in the polling place and there mark his ballot paper by writing the name and surname of the candidate of his choice in the space provided on the ballot paper.

(2) An absentee student voter may only vote for a candidate in the Electoral Division in which the voter is qualified to vote.

(3) Lists giving the names and surnames of all the candidates in all the Electoral Divisions are available for examination at the absentee student polling place.

5. (1) After marking his ballot paper an absentee student voter shall fold the paper so that the initials and stamp on the back thereof can be seen without unfolding the paper and shall then hand the folded ballot paper to the deputy returning officer.

(2) If a voter spoils the ballot paper so that he cannot conveniently use it, he may return it to the deputy returning officer who will give him another.

6. (1) The deputy returning officer, after removing the counterfoil from the folded ballot paper, will place the ballot paper in a plain envelope, then place the plain envelope in an outer envelope on which the declaration signed by the student is set forth and then seal and hand the outer envelope to the voter.

(2) The absentee student voter shall then forthwith leave the polling place, taking with him the outer envelope containing his marked ballot paper.

7. (1) It is the responsibility of an absentee student voter to see that the outer envelope containing his marked ballot paper is delivered by mail or otherwise to the returning officer of the Electoral Division in which the voter is qualified to vote and if the envelope is not received by that returning officer before 8 o'clock in the evening on election day his vote will not be counted.

(2) A list containing the names and addresses of the returning officer of each Electoral Division is available for inspection at the absentee student polling place.

FORM 52

(Fifth Schedule)

FORM OF BALLOT PAPER

(Front)

THE ELECTOR WILL WRITE HEREUNDER THE NAME AND SURNAME OF THE CANDIDATE FOR WHOM HE WISHES TO VOTE
I VOTE FOR <i>(Write as above directed— Surname last)</i>

(Back)

No. of vote in poll book

D.R.O. Initials

Official Ballot Paper
For the use of absentee student voters at the general election 19
Supplied by the Clerk of the Executive Council

(here insert name of printer)

FORM 53

(Fifth Schedule)

DECLARATION OF ABSENTEE STUDENT VOTER

I hereby declare that

1. My name is;
(insert full name)
2. I am ordinarily resident at
.....
(insert name of municipality
.....
and street address, if any)
which is in the Electoral Division of;
(insert name)
3. I am qualified to vote as an elector in that Electoral Division;
4. On the day fixed for the pending general election I will be absent from that Electoral Division by reason of being a student at;
(insert name of designated institution)
5. I have not previously voted at the pending general election.

I hereby declare the above statements are true in substance and fact.

Dated at this day of
19.....

.....
(Signature of voter)

CERTIFICATE OF DEPUTY RETURNING OFFICER

I hereby certify that the above named absentee student voter did this day make before me the above set forth declaration.

.....
(Signature of Deputy Returning Officer)

Absentee Student Voting Poll
Electoral Division of

FORM 54

(Fifth Schedule)

DECLARATION OF WIFE OF AN ABSENTEE STUDENT VOTER

I hereby declare that

1. My name is;
(insert full name)
2. I am ordinarily resident at
(insert name of municipality
.....
and street address, if any)
which is in the Electoral Division of;
(insert name)
3. I am qualified to vote as an elector in that Electoral Division;
4. On the day fixed for the pending general election I will be absent from that Electoral Division by reason of being with my husband
(insert husband's name)
who is a student at
(insert name of designated educational institution);
5. I have not previously voted at the pending general election.

I hereby declare the above statements are true in substance and fact.

Dated at this day of
19.....

.....
(Signature of voter)

CERTIFICATE OF DEPUTY RETURNING OFFICER

I hereby certify that the above named absentee student voter did this day make before me the above set forth declaration.

.....
(Signature of Deputy Returning Officer)

Absentee Student Voting Poll
Electoral Division of

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