

1968 Bill 56

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First Session, 16th Legislature, 17 Elizabeth

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 56**

**An Act respecting Municipal Elections**

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THE MINISTER OF MUNICIPAL AFFAIRS

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 56

1968

An Act respecting Municipal Elections

(Assented to \_\_\_\_\_, 1968)

**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 Municipal Election Act*.

2. In this Act,

1. "by-election" means an election held to fill a vacancy in the office of mayor or councillor at a time other than a general election;
2. "by-law" includes a resolution upon which the opinion of the electors is to be obtained;
3. "elector" means a person qualified to vote at an election or at the taking of a vote, as the case may be;
4. "general election" means an election held for all the members of a council;
5. "Minister" means the Minister of Municipal Affairs;
6. "money by-law" means a by-law which must be advertised and may be required to be submitted to a vote of the proprietary electors;
7. "municipality" means a city, town, village, summer village or municipal district;
8. "municipal secretary" means, in the case of a city, the city clerk, and in any other municipality the person appointed as secretary by the council;
9. "polling place" means the room occupied on election day by one or more deputy returning officers and other election staff and where the ballot boxes and voting compartments are located;
10. "prescribed" means prescribed by the Minister;
11. "proprietary elector" means a person whose name appears on the assessment roll in respect of land liable to assessment and taxation for general municipal purposes.

**3.** (1) Where by this Act a certain day is fixed on which or by which certain things are to be done or proceedings had or taken and the day so fixed is a Sunday or other holiday, the things or proceedings shall be done, had or taken on or by the next day that follows the fixed day and is not a holiday.

(2) If any thing to be done by a council or an official or employee of a municipality within a number of days or at a time fixed by or under this Act, cannot be or is not so done, the Minister, by order, from time to time, may appoint a further or other time for doing it, whether the time at or within which it ought to have been done has or has not arrived or expired, as the case may be.

(3) Any thing done at or within the time specified in the order is as valid as if it had been done at or within the time fixed by or under this Act.

(4) Where by this Act a certain day is fixed on or by which certain things are to be done or proceedings taken, if it appears that the date was fixed having regard to an earlier fixed date on or by which certain other things are to be done or proceedings taken then, notwithstanding anything in this Act, if default is made in respect of the earlier date a like delay is allowed in respect of the later date.

**4.** All the provisions of this Act that apply to villages apply to summer villages except that in respect of a summer village

- (a) the voters' list shall be completed by a system of registration and not by enumeration and sections 45, 48, 104 and 105 do not apply;
- (b) the persons entitled to vote at an election are:
  - (i) every proprietary elector of the full age of 19 years whose name appears upon the voters' list;
  - (ii) the spouse of every proprietary elector, if the spouse is of the full age of 19 years and the spouse's name is on the voters' list by reason of registration;
  - (iii) every person of the full age of 19 years whose name does not appear on the last revised assessment roll but who is a Canadian citizen or British subject and has resided continuously in the summer village for 12 months immediately preceding polling day and whose name is on the voters' list by reason of registration;
- (c) registration shall take place during regular office hours in the period commencing on the first day of January in each year and ending on the first Saturday following nomination day;
- (d) shall be on the third Saturday in July and the election of councillors shall take place on the third

Saturday following, from the hour of 12 o'clock noon until the hour of nine o'clock in the evening;

(e) in order to qualify as a councillor, a person is not required to be a resident of the summer village.

(2) If in any particular or in any case it appears to the Minister to be difficult or impossible to apply the provisions of this Act to summer villages, the Minister may, in his discretion, alter any dates prescribed by this Act for the doing of any matter or thing, and may give such order or directions as are required in the circumstances.

5. (1) The Lieutenant Governor in Council may make regulations providing for any matter not provided for or insufficiently provided for in this Act but any regulation so made ceases to have any effect after the last day of the next ensuing session of the Legislature.

(2) The Minister may make regulations prescribing forms to be used under this Act.

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## PART 1

### ELECTIONS

6. (1) In a city or town the mayor shall be elected by the vote of the electors of the entire municipality.

(2) In a village (not later than six weeks after the third Wednesday in September) the mayor shall be elected by the councillors from among their own number.

(3) In a municipal district (not later than six weeks after the first Saturday in November) the reeve shall be elected annually by the councillors from among their own number.

7. Where in a municipality no electoral divisions or wards are established, the councillors shall be elected by the vote of the electors of the entire municipality.

8. (1) The council of a municipal district shall provide for the nomination of candidates for councillor by electoral divisions and for the election of the councillors by the vote of the electors resident in the electoral division for which each candidate was nominated.

(2) Only a resident of an electoral division for which a candidate for councillor is being nominated may sign the nomination of the candidate.

9. (1) Notwithstanding subsection (1) of section 8, the council of a municipal district may, by by-law, provide for the nomination of candidates for council by electoral divisions and for the election of candidates by the general vote of the electors.

(2) A by-law under subsection (1) may be given effect at the next general election which follows passage of the by-law if the by-law has been finally passed not later than 30 days prior to nomination day.

(3) Where a by-law under subsection (1) is finally passed less than 30 days prior to nomination day of a general election, the by-law does not have effect until the general election next following the one held immediately after the passage of the by-law.

(4) The Minister, by order,

- (a) may prescribe the method of preparation of the list of electors and the nomination of candidates, and
- (b) may give directions as to any other matter or thing requisite for the proper conduct of an election under this section.

#### **Qualifications for Mayor and Councillors**

**10.** To be eligible to become a member of the council a person must be

- (a) able to speak, read and write English,
- (b) of the full age of 21 years,
- (c) a Canadian citizen or British subject,
- (d) a resident of the city, town or village for the 12 consecutive months immediately preceding nomination day,
- (e) a resident in the electoral division of the municipal district for which he is nominated for the 12 consecutive months immediately preceding nomination day, and
- (f) eligible to vote as an elector at the election for which he is nominated.

**11.** (1) A person is not eligible to become a member of the council of a municipality if he

- (a) is a judge of a court of civil jurisdiction, or
- (b) is an undischarged bankrupt or
- (c) is a surety for an officer or employee of the municipality, or
- (d) is the auditor of or an officer or employee of the municipality, or
- (e) is indebted to the municipality for taxes or any other debt in default exceeding \$50, excluding therefrom
  - (i) any indebtedness for current taxes, and
  - (ii) any indebtedness for arrears of taxes for which he has entered into a consolidation agreement with the municipality, if he is not in default in the payment of any sum payable under the agreement,

or

- (f) is a party to a subsisting contract with the municipality under which money of the municipality is payable or may become payable for any work, service, matter or thing, or
  - (g) has a pecuniary interest, whether direct or indirect, in any subsisting contract with the municipality under which money of the municipality is payable or may become payable for any work, service, matter or thing, or
  - (h) is a party to a contract for the purchase or lease of real or personal property from the municipality.
- (2) Subsection (1) does not apply to a person by reason only
- (a) of his being a shareholder in a corporation having a contract or dealings with the council,
    - (i) unless he holds or there is held by himself and spouse, parents, children, brothers and sisters, not more than 25 per cent of the issued capital stock of the corporation, or
    - (ii) unless the contract or dealings are for the building or construction of a public work of the municipality,
  - or
  - (b) of his contracting with the council for the supplying to him of a service, utility or commodity that the council has statutory authority to supply, or
  - (c) of his being interested in a publication in which official advertisements of the council appear or that is supplied to the council thereof at the usual rates, or
  - (d) of his selling or leasing to the council, land or interest in land that the council has authority to expropriate, or
  - (e) of the sale of goods, merchandise or services to the municipality or to persons contracting with the municipality and made at competitive prices by a dealer in those goods, merchandise or services incidental to and in the ordinary course of his business, or
  - (f) of services that are rendered by any person to indigents who are residents of the municipality and for which the municipality is or may become liable to pay, or of services rendered by any person where the municipality has provided a subsidy to secure his services, or
  - (g) of his being appointed to a position under *The Civil Defence and Disaster Act*, or
  - (h) of professional services rendered by a barrister and solicitor to the municipality, if the charges for the services have been taxed under the Consolidated Rules of the Supreme Court of Alberta, or

- (i) of the receipt by him of a gratuity or allowance for services on a committee or board appointed by or responsible to the council, or
- (j) of his being a member of a co-operative association, or
- (k) of his being the vendor or purchaser or assignor or assignee of land bought or sold under *The Farm Purchase Credit Act, 1963*.

**12.** (1) A person having been a member of a council

- (a) who resigned his seat on the council if the resignation would have the effect of him avoiding the making of restitution for any money received by him in contravention of this Act, or
- (b) who was declared by the council or a judge to be disqualified

is not eligible to become a member of the same council until after two general elections have occurred following the date on which he resigned or was declared disqualified.

(2) A person having been a member of a council at a time when he was disqualified as a member of the council because of any matter or thing mentioned in section 11, but

- (a) who did not resign his seat on the council, or
- (b) who was not declared disqualified by the council or judge

because of that matter or thing is not eligible to become a member of the same council until after two general elections have occurred following the date on which he ceased to be disqualified because of that matter or thing.

**13.** Where there is reference to a municipal secretary in connection with any election and the council has appointed some other person to perform any of those duties, the reference shall be deemed to be a reference to that other person.

#### **Council Elections**

**14.** (1) The provisions of this Act respecting a general election apply to every by-election, except where otherwise provided, and if the provisions cannot conveniently be applied to a by-election the Minister may make orders governing the time, conduct and procedure relating to the by-election.

(2) Where there are electoral divisions or wards in a municipality, the provisions of this Act respecting the election of councillors apply to every election respecting an electoral division or ward, unless specifically varied herein.

(3) The Minister, in the event of the by-law establishing wards or electoral divisions does not provide for any matter may by order give direction as to any other matter or thing requisite to the proper conduct of an election therein.

- 15.** (1) In a newly formed municipal district or village,  
(a) nominations for members of the council, and  
(b) the first election of the members of the council, if  
an election is required,

shall be held on the dates fixed by the Minister and the persons elected hold office until the first meeting of the council following the next ensuing general election in the municipality.

(2) The Minister may give directions as to any matter or thing requisite in connection with the first election of the council and except as otherwise provided by or under this section, this Act applies, *mutatis mutandis*, with respect to that first election.

(3) After the first election in a newly formed municipal district or village a general election shall be held in the municipality on the same date and in the same years as, by this Act, a general election is required to be held.

**16.** When the status of

- (a) a village is raised to that of a town, or  
(b) a town is raised to that of a city, or  
(c) a town is reduced to that of a village, or  
(d) a city is reduced to that of a town,

the term of office of the mayor and councillors holding office at the time the change in status becomes effective shall be determined by the Minister.

**17.** (1) Prior to the year 1970 a general election, if required, shall be held in every municipality each year and the vacancies caused by the effluxion of time for the office of mayor, if any, and the members of the council, shall be filled in the following manner:

- (a) at the general election held in 1968 the mayor, if any, and the members of council elected shall hold office for a term of three years;  
(b) at the general election held in 1969 the mayor, if any, and the members of council elected shall hold office for a term of two years;  
(c) at the general election held in 1970 the mayor, if any, and the members of council elected shall hold office for a term of one year.

(2) Subject to this section, the terms of office of the mayor and councillors elected prior to the coming into force of this Act continue for the term for which they were elected.

**18.** The mayor and all members of the council elected at the general election held in the year 1971 shall hold office for a term of three years and thereafter a general election shall be held every third year.

**19.** Polling day for a general election shall be held four weeks following nomination day for that election.

**20.** (1) In all elections and voting required under this Act, unless the council otherwise specifically provides by resolution, the municipal secretary

(a) is the returning officer,

(b) shall appoint such deputies, poll clerks, constables and other persons as may be required, and

(c) shall provide all necessary means and do all acts that may be required for the purpose of holding the election or taking the votes.

(2) The council may by resolution appoint a returning officer for the purpose of carrying out matters relative to municipal elections or votes and may delegate to him all or any of the powers and duties necessary for that purpose.

(3) No candidate for the office of mayor, reeve, councillor or school trustee, shall be appointed to any position with respect to the holding of an election.

**21.** The council of any municipality may divide the municipality into polling divisions and may from time to time alter the boundaries of any or all polling divisions.

#### **Voting on By-laws and Questions**

**22.** Where this or any other Act provides for a by-law or question being submitted to the electors or proprietary electors for their assent or approval, the by-law or question shall be submitted to a vote in accordance with this Act.

**23.** The form of any question to be submitted to the electors or proprietary electors shall be determined by the council.

**24.** (1) If a by-law requires the assent of the electors or the proprietary electors, or is submitted to obtain the opinion of the electors before the final passing thereof, the following proceedings shall be taken, except in cases herein otherwise provided for.

(2) The council shall fix the day and hours for taking the votes of the electors and may fix the places in the municipality where polling places will be opened or may require the returning officer to designate the places in the municipality where polling places will be opened.

(3) The day appointed shall be not less than three nor more than five weeks after the first publication of the notice hereinafter mentioned.

(4) A proposed by-law or question may be submitted on the day of the general election and when it is so submitted

the council shall provide that the voting will take place at the same time and at the same places as the general election, and it is not necessary to appoint a separate returning officer or separate deputy returning officers to take the vote.

(5) The council shall

(a) fix a date and time when and a place where the returning officer is to sum up the number of votes given for and against the proposed by-law, or in the affirmative and negative on the question submitted, and

(b) fix a date and time when the mayor will be in his office for the appointment of agents to attend at the various polling places and at the final summing up of the votes by the returning officer on behalf of the persons interested in promoting or opposing the passing of the by-law or voting in the affirmative or negative on the question.

**25.** (1) At any time fixed under section 24, or, if the vote is to be held in conjunction with a general election, at the time fixed by the council, the mayor shall, if requested, appoint in writing signed by him

(a) two agents to attend at the final summing up of the votes, and

(b) one agent to attend at each polling place on behalf of the persons interested in the promoting of the passing of the by-law or voting in the affirmative on the question and a like number on behalf of the persons interested in opposing the passage of the by-law or voting in the negative on the question.

(2) Before any agent is so appointed, he shall make and subscribe before the mayor or the returning officer, a declaration in the prescribed form.

(3) In the absence of any agent authorized to attend at the polling place for final summing up of votes, any elector in the same interest as the agent so absent may, upon making and subscribing before the deputy returning officer or the returning officer a declaration in the prescribed form, be admitted to the polling place to act for the agent so absent.

**26.** (1) If for any reason the person who has been appointed returning officer, becomes incapable of carrying out his duties, the mayor may by writing under his hand, appoint another person in the place of the person becoming incapable.

(2) If a person who has been appointed deputy returning officer or poll clerk for any reason becomes incapable of carrying out the duties, the returning officer may appoint another person in the place of the person becoming incapable.

**27.** (1) The returning officer, before the date set for the voting on a by-law or question shall cause to be issued a notice of the voting on the by-law or question in the prescribed form.

(2) The returning officer shall publicize the notice of the voting by causing it to be

- (a) mailed at least 16 clear days before voting day to each resident proprietary elector entitled to vote on the by-law or question, or
- (b) published in an issue of a newspaper circulating within the municipality once a week for two successive weeks, the last of which shall be published not less than seven clear days prior to voting day.

**28.** (1) The notice of the voting shall give

- (a) a correct statement of the question to be submitted, or in the case of a by-law, a concise statement of its object,
- (b) the date, time and place for the appointment of agents to attend the polling places and of the final summing up of votes by the returning officer,
- (c) the date and hours for taking the vote, and
- (d) the number and description of the polling divisions and the location of each polling place.

(2) In the case of a money by-law, the notice of the voting shall also show

- (a) a concise statement of its purpose,
- (b) the amount of the debt or liability to be created or the money to be raised,
- (c) how it is to be payable, and
- (d) the amount to be raised annually for payment of the debt and interest or the instalments if the debt is to be paid in instalments.

(3) In case of a by-law granting a special franchise, the proposed by-law and agreement thereto, if any, shall be published in full.

(4) Where more than one by-law or question is to be submitted at the same time, summaries of all or any number of them may be included in one notice.

**29.** (1) To each notice so published shall be appended an additional notice over the printed signature of the returning officer stating that the above is a correct statement of the question submitted, or a correct summary of the proposed by-law that has been introduced.

(2) When the notice of the voting summarizes more than one by-law or question, the additional notice required under this section may refer in general terms to all the by-laws and questions so summarized.

**30.** In any vote on a money by-law, unless 10 per cent of the proprietary electors entitled to vote thereon do in fact vote, the vote is of no effect, notwithstanding anything in this or any other Act.

**31.** (1) In the case of a by-law or question submitted to the electors, other than a money by-law, if more than 50 per cent of the electors voting vote in favour of the by-law or affirmatively on the question, the by-law or question shall be deemed to be assented to by the electors.

(2) In the case of a money by-law,

(a) if two-thirds of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is not more than 50 per cent of the total number of proprietary electors entitled to vote thereon, vote in favour of the by-law,  
**or**

(b) if the majority of the proprietary electors voting thereon when the total number of proprietary electors voting on the by-law is more than 50 per cent of the total number of proprietary electors entitled to vote thereon, vote in favour of the by-law,

the money by-law shall be deemed to be assented to by the proprietary electors.

#### **School Trustee Elections**

**32.** Subject to *The School Act*, the election of school trustees in city and town school districts only shall be held in accordance with this Act.

**33.** (1) All the provisions of this Act respecting the election and qualification of councillors and the qualification of electors apply, the necessary changes being made, to the election of school trustees, except that where a school district extends beyond the limits of a municipality a person residing in the extended portion and qualified as an elector in the school district is eligible to be nominated and to vote at an election of school trustees, notwithstanding that he is not qualified to vote for councillors, if the person subscribes to the declaration in the prescribed form.

(2) Notwithstanding subsection (1), a paid official or employee of the municipality is eligible to be elected and entitled to sit and vote as a school trustee.

**34.** (1) In a city or town where the election of school trustees is held concurrently with the municipal election, the board of trustees shall give notice to the municipal secretary on or before the first day of September in every year in which a general election is to be held of the number of vacancies required to be filled to make the school board complete.

(2) When the notice has been given to the municipal secretary, nomination and election of school trustees shall be held at the same time and place and by the same officers and shall be conducted in the same manner as the nomination and election of mayor and councillors.

**35.** At each election the returning officer shall, where necessary, prepare a separate set of ballot papers which shall contain the names of the candidates nominated for school trustees and the ballot papers shall be prepared in the same form as those used for the election of councillors, except that the words

(a) "Public School Trustees", or

(b) "Separate School Trustees",

as the case requires, shall be substituted for the word "Councillor" thereon.

**36.** At a poll, a deputy returning officer shall deliver

(a) a ballot paper for public school trustees only to a person who is a public school supporter, and

(b) a ballot paper for separate school trustees only to a person who is a separate school supporter.

**37.** (1) A person is qualified to vote as an elector for mayor and councillors at an election in a municipality if he is of the full age of 19 years

(a) whose name appears upon the last revised assessment roll in respect of land or business liable to taxation, or

(b) whose name appears upon the last revised voters' list and who is a Canadian citizen or British subject having continuously resided in the municipality for 12 months immediately preceding polling day.

(2) Subsection (1) does not apply to a person who resides within a military area or camp established, controlled and maintained under the sole jurisdiction of the Department of National Defence (Canada).

**38.** (1) A corporation or a church or other religious organization that is a proprietary elector is entitled to one vote only, which

(a) in the case of a corporation, may be given by a resident representative thereof authorized by the corporation, and

(b) in the case of a church or other religious organization, may be given by a resident representative thereof nominated for the purpose by the local governing body of the church or religious organization.

(2) A resident representative shall be of the full age of 21 years.

(3) A resident representative is qualified to vote as a proprietary elector and have his name entered on the list of proprietary electors but before voting he shall produce a certificate in the prescribed form

(a) from the head office of the corporation or from its principal office within Alberta, or

(b) from the local governing body of the church or other religious organization,

authorizing him to represent it.

(4) The council may provide that the vote of a representative of a corporation or a church or other religious organization may be taken only in a designated poll or polls.

**39.** (1) Where wards or electoral divisions have been established in a municipality, the list of electors shall be arranged alphabetically according to wards or electoral divisions.

(2) Where an elector is resident in a ward or electoral division, his name shall be entered on the list of electors for that ward or electoral division only.

(3) Where an elector is not resident in the municipality, his name shall be entered on the list of electors for the ward or electoral division in which the land in respect of which he is qualified is situated.

(4) Where an elector who is not resident within the municipality is qualified in respect of land in more than one ward or electoral division, his name shall be entered on the list of electors for the ward or electoral division in which his assessment is highest, or in the case of equality of assessment, his name shall be entered on the list of electors for the ward or electoral division that bears the lower or lowest number as the case may be.

**40.** For the purposes of this Act, the place of residence is governed by the following rules, as far as applicable:

(a) the residence of a person is the true, fixed, permanent home or lodging place to which, when he is absent, he has the intention of returning;

(b) a person does not lose his residence by leaving his home for a temporary purpose;

(c) if a person leaves the municipality or ward, or electoral division with the intention of making his residence elsewhere, he loses his residence within the municipality or ward, or electoral division;

(d) 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 in some other place with the intention of remaining there, or elects such other

- abode as his residence, in which case he shall be deemed to be a resident of this other place;
- (e) the residence of a single person is the place where he occupies a room as a regular lodger, or to which he habitually returns not having any other permanent lodging place;
  - (f) no person shall be deemed to have residence in more than one municipality or ward, or electoral division;
- and in the event of a person maintaining residences in more than one municipality or ward, or electoral division he shall be required to elect one residence for the purpose of this Act.

#### **Preparation of List of Electors**

**41.** The municipal secretary, or such other person as the council may appoint, shall in each year in which a general election is held, prepare a list of electors.

**42.** (1) Unless otherwise provided for in the Act there shall be an enumeration in each year in which a general election is to be held.

(2) The council shall make provision for the appointment of a sufficient number of enumerators to complete an enumeration of the electors residing in each polling division or electoral division in which an election is to be held.

(3) The appointments may be made by resolution of the council but if not so made the council shall by resolution delegate the appointments to the municipal secretary in which event the municipal secretary shall appoint the enumerators.

(4) If for any reason an enumerator is unable to fulfil his duties or is found to be incapable the municipal secretary shall cancel the appointment of the enumerator and appoint another enumerator in his stead.

(5) The council may prescribe regulations and forms governing the enumeration of the electors and unless otherwise provided the enumeration shall be conducted as follows:

- (a) in each year in which a general election is to be held each enumerator shall visit each place of habitation in the area assigned to him and, shall record the name and address of each person residing therein who
  - (i) is of the full age of 19 years,
  - (ii) is a Canadian citizen or British subject, and
  - (iii) has continuously resided in the municipality or in an area annexed to the municipality during the period commencing 12 months immediately preceding the date of the next election and continuing to the date of enumeration;

- (b) each enumerator may complete an enumerator's form in duplicate in respect of each person entitled to vote at a municipal election in the current year and may leave a copy at the residence of the person described.
- (6) Each enumerator shall, upon completion of his duties, transmit to the municipal secretary the original of all enumerators' forms completed by him or, if no such forms have been completed, a list of the names of all persons enumerated by him.
- (7) Each enumerator appointed pursuant to this section, before acting as such, shall take the oath of office in the prescribed form which may be sworn before a justice of the peace, a commissioner for oaths, a notary public or the municipal secretary.

#### **Registration**

- 43.** (1) Notwithstanding anything in this Act, a municipality may by by-law provide for the completion of the list of electors by a system of registration in lieu of enumeration.
- (2) Where a by-law has been passed under subsection (1),
  - (a) registration shall take place during regular municipal office hours and during such other hours as the council may set from the first day of January to one week following nomination day and in the case of a vote on a question or by-law within three weeks of the date fixed for voting on the question or by-law, and
  - (b) sections 99 and 100 do not apply.
- (3) A by-law passed under subsection (1) may not be given effect to until January 1st, 1969.

- 44.** (1) The final list of electors shall be prepared not later than one week before polling day, in the manner hereinafter provided.
- (2) The list shall be arranged according to the polling divisions fixed by the council and the names thereon shall be in alphabetical order according to each polling division.
- (3) The list shall contain the following particulars, which when possible shall be taken from the assessment roll,
  - (a) the name of every purchaser who is entitled to the possession of land liable to taxation for general municipal purposes, whose name appears upon the assessment roll and who is of the full age of 19 years,
  - (b) the name of every person who is the owner of land liable to taxation for general municipal purposes,

and of which there is no purchaser, whose name appears upon the assessment roll and who is of the full age of 19 years,

- (c) the street address of the elector's residence or a brief description of the land in respect of which he is assessed,
- (d) the letters "SS" if the elector is a separate school supporter, and
- (e) the letter "B" opposite the name of each person entitled to vote on a by-law requiring the assent of the proprietary electors.

(4) Where an elector is resident in a polling division in the municipality his name shall be entered on the list of electors in that division only.

(5) Where an elector is not a resident within the municipality his name shall be entered on the list of electors in the division in which the land in respect of which he is qualified is situated.

(6) Where an elector who is not resident within the municipality is qualified in respect of land in more than one division, his name shall be entered on the list of electors in the division in which his assessment is highest, or in the case of equality of assessment his name shall be entered on the list of electors that bears the lower or lowest number, as the case may be.

(7) The municipal secretary shall also enter upon the list of electors the names, in alphabetical order, of all persons whose names do not already appear on the list but

- (a) who are Canadian citizens or British subjects of the full age of 19 years,
- (b) who have continuously resided in the municipality or in an area annexed to the municipality during the period commencing 12 months immediately preceding the date of the next election, and
- (c) whose names appear on the list referred to in section 45 or 46, as the case may be.

**45.** (1) When the list of electors has been prepared the municipal secretary shall post up one copy of the list in his office and one copy in each of two other conspicuous places in the municipality.

(2) The municipal secretary shall also post up

- (a) in a conspicuous place in each polling division, or
- (b) when a suitable conspicuous place is not available in a polling division, then in a conspicuous place close to the polling division,

a copy of that part of the list that contains the names of those entitled to vote in the polling division.

(3) The municipal secretary shall also publish once a week for two consecutive weeks in a newspaper or newspapers circulating in the municipality a notice stating that the lists have been prepared and posted for inspection stating the places where they are posted and the time within which application for amendments thereto may be received by him.

**46.** (1) Any person who is otherwise qualified to vote but whose name does not appear on the list referred to in section 45 may, at any time during office hours of any business day to the 12th day before the date established for polling day, apply to the municipal secretary to have his name added to the list.

(2) The application shall be made personally and shall be in the form of a declaration setting forth the qualifications of the person applying.

(3) Any person making a false statement in a declaration under subsection (2) is guilty of an offence and liable on summary conviction to a fine of not more than \$100.

(4) The municipal secretary shall receive all applications properly made under this section and in order to verify the qualifications of any applicant may require him to furnish satisfactory proof thereof and may take the affidavit or statutory declaration of the applicant or of such other person as he considers proper.

(5) If the municipal secretary is satisfied that the applicant is qualified to have his name added to the list of electors he shall add the name to the list in the proper polling division and shall notify the applicant of the addition at the time.

(6) If the municipal secretary is not satisfied that the applicant is qualified to have his name added to the list of electors he shall reject the application and shall notify the applicant of the rejection and the reason therefor at the time.

**47.** (1) Notwithstanding anything in this Act or any other Act, if a by-election is required or a vote on a question or a by-law is to be held at a date other than the date fixed for a general election

(a) the voters' list prepared pursuant to this Act shall continue to be the voters' list until six months prior to the date fixed for polling for the next general election, and

(b) if no voters' list was prepared for the last general election then a voters' list shall be prepared in the same manner as provided in sections 41, 42 or 44, as the case may be, which shall be the voters' list to be used for the purpose of any vote.

(2) Where the provisions of subsection (1) cannot be conveniently applied, the Minister may give directions as to any matter or thing requisite in connection with a vote to be held pursuant to this section.

#### **Procedure Preliminary to Conduct of Election**

**48.** Every returning officer, deputy returning officer, poll clerk, constable and other official appointed to act at an election, before entering upon the duties of his office, shall make and subscribe a solemn declaration in the prescribed form.

**49.** (1) When an oath, affirmation or declaration is required to be taken or made by a returning officer or deputy returning officer, the same may be made and subscribed before the city clerk, the poll clerk, a justice of the peace, or in the case of a deputy returning officer before the returning officer, or in the case of a returning officer before the deputy returning officer, as well as before any person authorized to administer an oath.

(2) The returning officer, deputy returning officer, any justice of the peace or any person authorized to administer an oath may administer an oath, affirmation or declaration required to be made by a poll clerk, constable or other official under this Act.

**50.** If a returning officer dies or is unable to act from any cause, the city commissioners may, in writing, appoint a person to act in place of the returning officer for the purpose of any election or vote on a by-law then pending or to be held or taken within 30 days after such appointment, and the person so appointed has and is subject to the same powers, authorities, duties and liabilities as a returning officer.

#### **Nominations**

**51.** (1) Nomination day for a general election

- (a) in a city, town or village is the third Wednesday in September, and
- (b) in a municipal district is the first Saturday in November,

in the year in which the election is to be held.

(2) Where a by-election is required to fill a vacancy in a council, nomination shall be such day as the council determines.

**52.** The returning officer shall receive nominations at the office of the municipality between the hours of 10 o'clock in the morning and 12 o'clock noon on nomination day.

**53.** The returning officer shall, at least six clear days prior to nomination day, give notice of the nomination meeting,

- (a) in a city by publishing a notice in the prescribed form, in a newspaper circulating within the city, and
- (b) in a town and village by posting of notices in the prescribed form in at least three conspicuous places in the town or village,
- (c) in a municipal district, by causing a notice in the prescribed form
  - (i) to be posted up in at least four widely separated and conspicuous places in each electoral division in which an election is required, or
  - (ii) to be published in an issue of a newspaper which is sent by the municipal district to each proprietary elector, or
  - (iii) to be published in a newspaper circulating within the municipal district.

**54.** (1) Every nomination of a candidate for an elective office shall

- (a) be in writing signed by at least five electors and shall be in the prescribed form,
- (b) be accompanied by a written acceptance signed by the person nominated, stating
  - (i) that he resides in and has continuously resided in the municipality for the 12 months immediately prior to nomination day,
  - (ii) that he is qualified to be elected to the office, and
  - (iii) that he will accept the office if elected, and
- (c) if a by-law so requires, shall be accompanied by a cash deposit in the amount fixed by the by-law.

(2) Where a system of wards or electoral divisions is in effect, only a resident of the ward or electoral division for which a candidate for councillor is being nominated may sign the nomination of the candidate.

**55.** (1) A council may by by-law require every nomination to be accompanied by a cash deposit in the amount fixed in the by-law.

(2) An amount fixed in a by-law under subsection (1) may not exceed,

- (a) in the case of cities, the sum of \$100, and
- (b) in the case of any other municipalities, the sum of \$25.

**56.** (1) Where a council has passed a by-law providing for a deposit, the returning officer shall require the deposit to be provided

- (a) in Bank of Canada notes, or
- (b) by a cash order drawn upon and accepted by a treasury branch, or
- (c) by a cheque drawn upon and accepted by a chartered bank, 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 shall 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 total number of votes polled for the candidate elected, or in the event of the withdrawal of the candidate as provided in section 60.

(3) In the case of the death of any candidate before the closing of the poll on polling day, the sum deposited by him shall be returned to his estate, subject to subsection (4).

(4) If a candidate does not obtain the number of votes stipulated in subsection (2), the deposit shall be taken into the general revenue of the municipality.

**57.** Where a by-law has been passed providing for a deposit, a nomination paper is not valid nor shall it be acted upon by the returning officer unless it is accompanied by the deposit specified.

**58.** (1) A person is not eligible to be nominated or elected as mayor or councillor if, on nomination day, he is not qualified under this Act to be a member of the council.

(2) A person is not eligible to be nominated for or elected to more than one office on a council.

(3) A member of a council is not eligible to be nominated for or elected to the same or any other office on the council

- (a) unless his term of office is expiring, or
- (b) unless he has resigned his office with effect, on or before nomination day where his term of office is not expiring.

**59.** (1) When the number of persons nominated for any office is less than the number required to be elected, the nomination meeting

- (a) shall stand adjourned to the next day at the same place, at the hour of 10 o'clock in the morning and the adjourned meeting shall remain open until 12 o'clock noon for the purpose of receiving further nominations for the office in respect of which the required number of nominations has not been received, and
- (b) shall continue to be adjourned in like manner from day to day until the required number of candidates has been nominated or the period of seven days has elapsed.

(2) Where sufficient nominations are not received to fill all vacancies, the municipal secretary shall immediately notify the Minister who may recommend a reduction in the status of the municipality or its dissolution or such other action as he considers necessary in the circumstances.

**60.** (1) Where more than the required number of candidates for any particular office are nominated, any person so nominated may at any time within 24 hours from the close of the nomination period, withdraw his name as a candidate for the office for which he was so nominated, by filing with the returning officer, a withdrawal in writing.

(2) If after one or more candidates have withdrawn, it appears that the number of remaining candidates does not exceed the number of vacancies to be filled, the returning officer shall refuse to accept further withdrawals and shall forthwith proceed under section 61.

**61.** (1) When the number of persons nominated for any office is equal to and does not exceed the number required to be elected, the returning officer shall declare the persons so nominated to be elected for the office for which they were nominated.

(2) Forthwith after having declared any person elected pursuant to this section the returning officer in writing, signed by him, shall notify the municipal secretary of the names of the persons so elected and of the offices for which they were elected.

**62.** (1) If more than the required number of persons are nominated for any office, the returning officer shall declare that an election shall be held for filling that office.

(2) When an election is required, the returning officer shall after the expiration of the 24 hours referred to in section 60, give notice of the election

- (a) in a city or town by posting in the city hall or municipal office and by publishing in one or more newspapers circulating in the city or town, at least

- once in each of the two weeks immediately preceding polling day, a notice in the prescribed form,
- (b) in a village by posting in at least three conspicuous places in the village, a notice in the prescribed form at least 14 clear days before polling day, and
  - (c) in a municipal district,
    - (i) by posting in at least four widely separated conspicuous places, in each electoral division where an election is to be held, a notice in the prescribed form, at least 14 clear days before polling day, and
    - (ii) by publishing a notice in the prescribed form in one issue of a newspaper circulating in the municipal district not sooner than 30 clear days and not later than 14 clear days before polling day.

**63.** (1) A council may by by-law provide for the taking of the votes of the electors by means of voting machines, vote recorders or automated voting systems.

(2) The by-law shall contain the procedures to be followed in taking of the votes by any of the means provided in subsection (1), which procedures shall as nearly as possible follow the provisions of this Act.

(3) Sections 132 to 145 do not apply when the votes of the electors are taken by any of the means provided in subsection (1).

#### **Establishment and Operation of Polling Places**

##### *Location*

**64.** (1) The council may designate the locations at which polling places shall be opened when a vote is required.

(2) In the absence of the designation of polling places by the council, the returning officer shall designate the various polling places in each polling division, if any.

(3) When a polling place designated by the council is not available, the returning officer shall designate an alternative place in the vicinity and shall, by notice posted at the original polling place, direct the electors to the alternative polling place.

(4) Except in the case of the advance poll, or institutional poll, every polling place for a ward or electoral division shall be situated within the boundaries of the ward or electoral division.

### *Compartments*

**65.** (1) The returning officer shall ensure that each polling place is furnished with one or more compartments, so arranged that an elector is screened from observation and may mark his ballot paper without interference or interruption.

(2) In each compartment there shall be provided for the use of the electors in the marking of ballot papers, a table, desk or shelf with hard surface and a suitable black lead pencil which shall be kept sharpened during the hours of voting.

### *Ballot Boxes*

**66.** (1) The municipal secretary shall provide as many ballot boxes as appear to be required for each polling division.

(2) The ballot boxes shall be made of some durable material, be provided with a lock and key and constructed so that the ballot papers can be deposited therein and cannot be withdrawn therefrom unless the box is unlocked.

**67.** When it becomes necessary for the purpose of an election or vote to use the ballot boxes, the municipal secretary shall provide them for the returning officer who shall deliver the required number of ballot boxes to each deputy returning officer appointed for the purpose of the election.

**68.** (1) The deputy returning officer or other person presiding at a poll, shall immediately after the opening of the poll, show the ballot box to such persons as are present in the polling place so that they may see that it is empty.

(2) The deputy returning officer or other person presiding at the poll shall then lock the box and place a seal upon it in such a manner as to prevent its being opened without breaking the seal, and shall thereupon place it in his view for the receipt of ballot papers and shall keep it in full view of all present, and locked and sealed during the hours of voting.

### *Ballots*

**69.** Forthwith after the date of an election or the taking of a vote on a by-law or question has been fixed, the returning officer shall cause to be printed at the expense of the municipality, the number of ballot papers sufficient for the purpose of the election or vote, as the case may be.

**70.** (1) The names of the candidates for:  
(a) the office of mayor shall be placed on a separate ballot paper which shall be in the prescribed form;

(b) the offices of councillors shall be placed on a separate ballot paper which shall be in the prescribed form.

(2) Every ballot paper used in an election for councillor shall contain a brief explanatory note stating the maximum number of candidates who can be voted for to make the ballot valid.

(3) Every ballot paper used in an election for mayor shall contain a brief explanatory note stating that the ballot paper shall not be marked for more than one candidate.

**71.** (1) Every ballot paper shall contain

(a) the name of each nominated candidate, arranged alphabetically in order of surnames and if there are two or more candidates with the same surname, in order of their given names, and

(b) the occupation of each candidate, or if he has no occupation, his status.

(2) Notwithstanding subsection (1), a council by by-law, passed before the first day of September in any year, may provide that the following provisions shall govern the form of ballot papers:

(a) ballot papers shall be printed in as many lots as there are candidates for the office;

(b) in the first lot the names of the candidates shall appear in alphabetical order;

(c) in the second lot the names shall appear in the same order, except that the first name in the first lot shall be placed last;

(d) in each succeeding lot, the order will be the same as that of the preceding lot, except that the first name in the preceding lot shall be placed last;

(e) tablets of ballot papers to be used at several polling places shall be made up by combining ballot papers from the different lots in regular rotation so that no two electors will receive ballot papers from the same lot so that each candidate's name will appear first and in each other position substantially the same number of times on the ballot papers used.

(3) A by-law passed under subsection (2) remains in force from year to year, until repealed.

**72.** (1) The ballot paper for a vote on a by-law or question shall be in the form determined by the council.

(2) Where a by-law is submitted to the electors for the repeal of an existing by-law, the council may by resolution determine the form of the ballot paper.

(3) The council, when more than one by-law is to be submitted to the electors, may prescribe by resolution the forms of ballot papers for the voting on all such by-laws.

**73.** Before the opening of the poll, the returning officer shall cause to be delivered to each deputy returning officer the ballot papers prepared for use in the polling division in which the deputy returning officer has been appointed to act, and such other materials as are necessary in order to enable the electors to mark their ballot papers.

#### *Other Election Material*

**74.** The municipal secretary shall deliver to the returning officer and the returning officer shall deliver to every deputy returning officer, before the time fixed for the opening of the poll, a correct copy

- (a) of the list of electors, certified by the municipal secretary to be a correct copy, as is required for each polling division, and
- (b) when different lists are required for the voting on any by-law or question, of such additional lists as are necessary,

certified as being correct by the municipal secretary, together with a blank poll book, in the prescribed form, in which to record the names and qualifications of the electors who vote.

**75.** (1) The returning officer before the opening of the poll, shall cause to be delivered to each deputy returning officer, such number of printed directions for the guidance of voters that he considers sufficient.

(2) The directions, in the case of an election, shall be printed in conspicuous characters in the prescribed form.

(3) Such directions in the case of a by-law or question, shall be printed in conspicuous characters in the prescribed form.

**76.** The deputy returning officer shall, before the opening of the poll, cause the printed directions to be posted outside the polling place in which he is appointed to act and also in every polling compartment of the polling place and shall ensure that they remain posted until the close of the poll.

**77.** (1) The returning officer prior to every election or the voting on any by-law or question shall furnish each deputy returning officer with at least two copies of sections 157 and 158.

(2) The deputy returning officer shall post the copies in a conspicuous place in the polling place and ensure that they are so kept posted during the polling hours.

#### *Officials*

**78.** (1) The returning officer on request of any elector who has been appointed deputy returning officer or poll

clerk or constable to attend at any polling place other than the one where he is entitled to vote, shall give to him a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day.

(2) On the production of the certificate, the deputy returning officer, poll clerk or constable may vote at the polling place where he is stationed during the polling day, instead of the polling place where he would otherwise have been entitled to vote, and the returning officer shall attach the certificate to the list of electors.

(3) No certificate entitles the elector to vote at a polling place unless he has been actually engaged as a deputy returning officer, polling clerk or constable at that polling place during the whole of the day of polling.

(4) If a deputy returning officer votes at the polling place to which he has been appointed as such, the poll clerk appointed to act at the polling place, or in the absence of the poll clerk, any elector authorized to be present, may administer to the deputy returning officer any of the oaths required by law to be taken by voters.

**79.** (1) The deputy returning officer, by writing under his hand, may appoint a poll clerk who in the absence of the deputy returning officer, or in the case of his illness or inability to fulfil the duties required of him by this Act, has the powers of the deputy returning officer who appointed him.

(2) The deputy returning officer, with the approval of the returning officer may also appoint a constable to maintain order at the polling place, or he may summon to his assistance in the polling place, any peace officer or any other male person for the purpose of maintaining order, preserving the public peace or preventing any breach thereof or of removing any person who, in the opinion of the officer presiding at the poll, is obstructing the polling or wilfully contravening this Act.

**80.** Every returning officer, deputy returning officer, poll clerk, constable, candidate or agent authorized to be present at any polling place shall, before exercising at any polling place any of the rights of his office for which he has been appointed, take and subscribe before a justice of the peace, the municipal secretary, or commissioner for oaths, or in the case of a poll clerk, constable or agent before the deputy returning officer at whose polling place he is appointed to act, an oath in the prescribed form.

**81.** The officer presiding at a polling place, and a poll clerk when acting in the place of the officer presiding or appointed to preside at a polling place, is by virtue of his office authorized to administer an oath to a person making

a declaration, affidavit or other statement under oath, that is authorized or required by this Act to be made in the course of the holding of an election, or of the taking of a vote pursuant to this Act.

### *Agents*

**82.** (1) Any person at any time during polling hours producing to the deputy returning officer, or person in charge of a poll, a written authority to represent a candidate as his agent at a polling place, shall be recognized as such by the officer.

(2) The officer shall not permit a candidate to have more than one agent representing him to be present at any one time in a room in which voting is taking place.

(3) A candidate personally may undertake the duties that his agent might have undertaken, or he may assist his agent in the performance of his duties and may attend any place that his agent is authorized by this Act to attend.

(4) The deputy returning officer may designate the place or places in a polling place wherein an agent of a candidate may observe the conduct of the election.

(5) When, in the sections of this Act relating to the election of mayor, reeve or councillors, expressions are used requiring or authorizing an act or thing to be done or implying that an Act or thing is to be done in the presence of an agent or a candidate or candidates, the expression shall be deemed to refer to the presence of such agents

(a) as are authorized to attend, and

(b) as have in fact attended at the time and place where that act or thing is being done,

and if the act or thing is otherwise properly done, the non-attendance of any agent at such time and place does not invalidate it.

**83.** (1) Every agent appointed in respect of a vote on a by-law or question shall

(a) before being admitted to the polling place, or

(b) before the summing up of the votes,

as the case may be, produce his written appointment to the deputy returning officer presiding at the poll, or the returning officer, as the case may be.

(2) In the absence of any agent authorized to attend at the polling place in the final summing up of the votes, any elector in the same interest as the agent so absent may, upon subscribing before the deputy returning officer or the returning officer a declaration, in the prescribed form, be admitted at the polling place to act for the agent so absent.

### *Advance Poll*

**84.** (1) Any municipality may provide for holding of an advance poll on any vote at an election or on a by-law or question.

(2) No advance poll shall be held within 24 hours of the time fixed for the opening of the regular polls.

(3) All proceedings that, in the opinion of the council, are necessary or expedient to give full effect to this section shall be deemed to be authorized notwithstanding any inconsistencies that may arise between the following sections and any other portion of this Act.

**85.** Notice of the time and place fixed for an advance poll shall be published at least once in each of the two weeks preceding the advance poll in a newspaper circulating in the municipality.

**86.** (1) Where an advance poll is authorized, the returning officer shall establish such number of advance polling places as are necessary to suit the convenience of the electors.

(2) Where there are wards or electoral divisions in a municipality, the deputy returning officer in charge of the poll shall maintain separate ballot boxes for each ward or electoral division in the municipality.

(3) Except as otherwise provided, the poll held at any advance polling place shall be conducted in the same manner as is provided for the conduct of other polls in an election, except that upon the ballot box being locked at the opening of the first day of the advance poll, it shall remain locked at all times until opened for the counting of ballots, which will not take place until after the close of the polls on election day.

**87.** The persons authorized to vote at an advance poll are the electors

(a) who have reason to believe that they will be absent from the municipality during the whole time fixed for the election or for voting on a by-law or question, or

(b) who by reason of physical disability find it impossible or extremely difficult to attend at the regular polling place.

**88.** (1) Every person applying to vote at an advance polling place, before being permitted to do so, shall be required by the deputy returning officer in charge of the poll to make and sign an affidavit or affirmation, in the prescribed form, which shall be kept by the deputy returning officer with the other records of the poll.

(2) The returning officer, or deputy returning officer may take the affidavit or affirmation, and any person who signs it, knowing that any statements therein are false, is guilty of an offence and liable on summary conviction to a fine of not less than \$25 and not more than \$100.

**89.** The returning officer shall forthwith after the last day of the advance poll cause to be delivered to the deputy returning officer,

- (a) a corrected list of electors on which the names of electors or proprietary electors who are entitled to vote in his division and who have voted at the advance poll have been struck out, or
- (b) a list of all electors or proprietary electors who are entitled to vote in his division and who have voted at the advance poll,

and in the latter case the deputy returning officer or other presiding officer shall strike off his list the names of persons having so voted.

#### *Institutional Poll*

**90.** (1) For the purpose of taking the votes of any electors

- (a) who on the day fixed for the holding of an election may be confined to any hospital, auxiliary hospital or nursing home in the municipality, and
- (b) who are as a result unable to go to the polling place at which they are qualified to cast their votes,

the returning officer may appoint such sufficient number of deputy returning officers and poll clerks as he considers necessary to take the votes of those patients, but of no other persons whomsoever.

(2) All proceedings that, in the opinion of the returning officer, are necessary or expedient to give full effect to the provisions of this section shall be deemed to be authorized notwithstanding any inconsistencies that may arise between this section and any other portion of this Act.

**91.** (1) When an institutional poll is provided for, the returning officer shall appoint the times on election day at which the votes in the institutions shall be taken, and the deputy returning officers and polling clerks so appointed, accompanied by an officer of the institution, shall

- (a) attend, with a ballot box, upon such patients as the superintendent or other person having charge of the institution certifies to the deputy returning officer to be *bona fide* patients in the institution and to be well enough to vote, and
- (b) take the votes of any such patients who wish to vote.

(2) Where there are wards or electoral divisions in a municipality, the institutional poll shall be held in accordance with subsection (1), except that the deputy returning officer in charge of the poll shall maintain separate ballot boxes for each ward or electoral division of the municipality.

**92.** Every institution at which a poll is taken is a polling place and all the provisions of this Act apply, so far as they are applicable, to the holding of the poll, and to all proceedings in connection therewith or incidental thereto.

**93.** Other than the officers, candidates, poll clerks, constables or agents authorized to attend at the polling place and the electors who are for the time being actually engaged in voting, no person is entitled to be present, nor shall any person be permitted to be present in the polling place during the time appointed for polling.

#### **Voting Procedure**

**94.** Every polling place shall be kept open on polling day from 10 o'clock in the morning until eight o'clock in the evening.

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

(2) If the hours of the employee's employment do not allow for three consecutive hours, his employer shall allow him such additional time for voting as may be necessary to provide him the 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 employee nor impose upon him or exact from him any penalty by reason of his absence from his work during the three consecutive hours or additional time.

**96.** (1) An elector may vote once only for mayor and for such number of councillors as he chooses, not exceeding the number of councillors to be elected, and all such votes shall be cast in the same polling division and a ballot containing votes for more than the number of councillors to be elected is void.

(2) An elector or proprietary elector may vote once only on a by-law or question.

(3) Notwithstanding subsection (2) an elector or proprietary elector who is also an authorized representative of a corporation or church or other religious organization, may vote once in his personal capacity, and once on behalf of the corporation, church or other religious organization.

**97.** Voting shall be by secret ballot.

**98.** (1) When a person whose name is on the list of electors presents himself for the purpose of voting, the deputy returning officer shall proceed as follows:

- (a) he shall ascertain that the name of the person, or a name apparently intended therefor, is entered upon the list of electors for the polling division for which the officer is appointed to act;
- (b) he shall ensure that there be recorded in the proper columns of the poll book the name, qualification and residence of the person;
- (c) when the vote is objected to by any candidate or his agent, the deputy returning officer shall enter the objection or cause it to be entered in the poll book and the person entering it shall write his initials opposite the name of the voter in the column headed "objected to", noting at the same time on behalf of which candidate the objection has been made by adding after his initials the name or initials of the candidate;
- (d) if a candidate or his agent demands that the voter be sworn, the deputy returning officer shall administer to him the oath or affirmation in the prescribed form;
- (e) if the voter takes the oath or affirmation the deputy returning officer shall receive the vote and shall enter or cause to be entered upon the poll book the voter's name together with the word "sworn" or "affirmed", according to the fact;
- (f) where the person desiring to vote has been required to take an oath or affirmation and refuses to take it, the deputy returning officer shall enter or cause to be entered opposite the name of that person in the proper column of the poll book the words "refused to swear" or "refused to affirm", according to the fact, and the vote of that person shall not be taken or received;
- (g) except in the case mentioned in clause (f) the ballot papers shall then be initialled and delivered to the voter.

(2) Where a person presents himself for the purpose of voting and it is found that another has voted in his name, he is entitled to vote if he takes the oath set out in subsection (1) and otherwise establishes his identity to the satisfaction of the deputy returning officer.

**99.** (1) If a person

- (a) who is not a resident of the municipality and whose name is not on the list of electors of the polling division at which he presents himself for the purpose

of voting claims he is entitled to vote by reason of land qualifications in that division, or

- (b) who is a resident of the municipality and whose name is not on the list of electors of the polling division in which he is a resident presents himself for the purpose of voting and claims he is entitled to vote by reason of land qualifications in the municipality, or
- (c) whose name is not on the list of electors of the polling division in which he actually resides presents himself for the purpose of voting and claims he is entitled to vote because
  - (i) he is a Canadian citizen or British subject of the full age of 19 years, and
  - (ii) he has continuously resided in the municipality or in an area annexed to the municipality for 12 consecutive months immediately preceding election day,

the deputy returning officer shall place the person's name upon the list and permit him to vote if he takes the oath or affirmation in the prescribed form.

(2) If the person presenting himself to vote takes the oath or affirmation the deputy returning officer shall receive the vote and shall enter or cause to be entered upon the poll book the voter's name together with the word "sworn" or "affirmed", according to the fact.

(3) Where the person presenting himself to vote has been required to take an oath or affirmation and refuses to take it the deputy returning officer shall enter or cause to be entered opposite the name of that person in the proper column of the poll book the words "refused to swear" or "refused to affirm", according to the fact, and the vote of that person shall not be taken or received.

(4) Except in the case mentioned in subsection (3), the ballot papers shall then be initialled and delivered to the voter.

**100.** (1) A council may designate not more than two polling places at central and convenient locations as polling places for the purpose of taking the oath or affirmation of those persons who claim to be entitled to vote, but whose names are not on the list of electors.

(2) If a council has designated a polling place or places for the purpose of subsection (1), a person referred to therein may take the oath or affirmation and may vote only at the polling place or places so designated.

**101.** The deputy returning officer shall place or cause to be placed in the columns of the poll book headed "mayor", "councillor", "school trustee", "separate school trustee", "money by-law", "by-law" or "question" or such as are ap-

plicable to the voting, a check mark opposite the name of every person receiving a ballot paper at the time he receives it to denote that the voter has received a ballot paper for mayor, councillor, school trustee, separate school trustee, money by-law, by-law or question, as the case may be.

**102.** The deputy returning officer

- (a) may, and
- (b) upon request shall,

either personally or through his poll clerk, explain to a voter as concisely as possible the proper method of voting.

**103.** Upon receiving the ballot papers he is entitled to receive from the officer presiding at the poll, the voter shall forthwith proceed into the compartment provided for the purpose and shall mark

- (a) a ballot paper for mayor, councillors or school trustees by placing a cross (thus: X)
  - (i) on the right hand side opposite the name of any candidate, or
  - (ii) within the division on the paper containing the name of any candidate,  
for whom he desires to vote, and
- (b) a ballot paper for a money by-law, by-law or question by placing a cross (thus: X) within the division of the paper marked
  - (i) "for" or "yes", or
  - (ii) "against" or "no",  
whichever way he desires to vote.

**104.** While a voter is in the voting compartment for the purpose of marking his ballot paper, no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

**105.** (1) After marking the ballot papers, the voter shall fold the ballot paper across so as

- (a) to conceal the names of the candidates and the mark upon the face of the ballot paper, and
- (b) to expose the initials of the officer presiding at the poll,

and immediately after leaving the compartment shall without delay and without showing the front to anyone, deliver the ballot paper so folded to the officer presiding at the poll.

(2) The officer presiding at the poll shall, without unfolding the ballot paper or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper or papers, verify his own initials and in the

presence of all persons who are entitled to be present and are present in the polling place, deposit the ballot paper or papers at once in the ballot box.

(3) After his ballot papers are deposited in the ballot box, the voter shall forthwith leave the polling place.

#### *Special Cases*

**106.** (1) When an elector

(a) is incapacitated by blindness or other physical cause from marking his ballot paper, or

(b) claims to be unable to read,

the deputy returning officer shall obtain from the elector an oral oath or solemn declaration in the prescribed form.

(2) If an incapacitated elector, as referred to in subsection (1) is accompanied by a friend, the deputy returning officer, if required to do so by the elector, shall permit that friend to accompany the elector into a voting compartment for the purpose of marking the elector's ballot paper and the ballot paper when marked shall be delivered by the elector or the friend to the deputy returning officer to be placed in the ballot box.

(3) Except as provided by subsection (2), the deputy returning officer in the presence of the agents, if any, of the candidates, shall mark the votes of the electors referred to in subsection (1), on their ballot papers in the manner directed by those electors, and shall immediately place the ballot paper in the ballot box.

(4) No candidate shall be present at the marking of a ballot paper under this section.

(5) The deputy returning officer shall enter or cause to be entered in the poll book, opposite the name of a person voting under this section in the "remarks" column of the poll book, that the vote of the person is marked pursuant to this section and the reason why it is so marked.

**107.** (1) Where an elector does not understand the English language, the deputy returning officer may allow an interpreter to translate the oath as well as any lawful question necessarily put to the elector, and the elector's answers thereto.

(2) Before acting as an interpreter, the interpreter shall take an oath in the prescribed form.

**108.** (1) An elector, who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper, may,

(a) on returning to the deputy returning officer the ballot paper so inadvertently dealt with, and

(b) on proving the fact of the inadvertence to the satisfaction of the deputy returning officer, receive another ballot paper in the place of the ballot paper so returned.

(2) The deputy returning officer shall immediately write the word "spoiled" upon the returned ballot paper and shall preserve it.

**109.** Where an elector returns a ballot paper stating that he is declining to vote, the deputy returning officer

(a) shall record in the poll book in the remarks column opposite the elector's name an entry to the effect that he has declined to vote, and

(b) shall write the word "declined" on the returned ballot paper and shall preserve it.

**110.** (1) No person who has received a ballot paper from the deputy returning officer shall take the ballot paper out of the polling place.

(2) Any person who, having received a ballot paper from the deputy returning officer, leaves the polling place without first delivering it to the deputy returning officer in the manner prescribed, thereby forfeits his right to vote at that election and the deputy returning officer shall record in the poll book in the remarks column opposite that person's name an entry to the effect that the person left the polling place without first delivering the ballot paper.

**111.** (1) Promptly at eight o'clock in the evening on a polling day, the deputy returning officer shall declare the polling place closed.

(2) If, when the polling place is closed, there is any elector in the polling place who desires to vote, he shall be permitted to do so, but no other person shall be allowed to enter the polling place for that purpose.

#### **Proceedings after Closing the Poll**

**112.** (1) In every polling place the deputy returning officer shall immediately after the close of the poll and in the presence

(a) of the poll clerk, if any, and

(b) of such candidates or their agents as are present, open the ballot box and proceed to count the votes.

(2) The deputy returning officer shall not permit more than one agent of any candidate or more than one representative of either side on a vote on any by-law or question to be present at the same time in any polling place during the counting of the votes.

**113.** (1) The deputy returning officer shall examine all the ballot papers and every ballot paper,

- (a) that does not bear the initials of the deputy returning officer on the reverse side, or
  - (b) on which more votes are cast than an elector is entitled to cast, or
  - (c) on which anything is written or marked by which an elector can be identified, or
  - (d) that has been torn, defaced or otherwise dealt with by an elector so that he can thereby be identified, or
  - (e) on which no vote has been cast by an elector,
- is void and shall not be counted.

(2) On the back of a ballot paper the deputy returning officer shall

- (a) endorse "rejected" if he rejects it as void, and
  - (b) endorse "rejection objected to" if any objection is made to his decision,
- and shall initial each endorsement.

**114.** (1) The deputy returning officer shall take a note of any objection made by a candidate or his agent or in the case of a by-law or question by any person authorized to attend, to any ballot paper found in the ballot box and shall decide any question arising out of the objection.

(2) Every objection shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialled by the deputy returning officer.

**115.** The deputy returning officer shall then count the votes given for each candidate upon the ballot papers not rejected, and shall prepare a written statement in words as well as in figures under the following heads:

- (a) the name of the municipality;
- (b) the name and number of the polling division;
- (c) the date of the election;
- (d) the number of persons who voted at the polling place;
- (e) the number of votes for each candidate;
- (f) the number of ballot papers supplied to him;
- (g) the number of rejected ballot papers;
- (h) the number of unused and cancelled ballot papers and ballot papers marked "oath refused".

**116.** In the case of a vote on a by-law or question, the deputy returning officer shall count the number of votes for and against the by-law, or in the affirmative and negative on the question, and shall prepare a written statement in words as well as figures under the following heads:

- (a) the name or number of the polling division, and day of the voting;
- (b) the name of the municipality;
- (c) the number of votes for the by-law, or in the affirmative on the question;
- (d) the number of votes against the by-law, or in the negative on the question;
- (e) the total number of rejected ballots;
- (f) the total number of spoiled ballots;
- (g) the total number of ballots supplied to him.

**117.** (1) The written statement shall be signed by the deputy returning officer, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign it.

(2) A deputy returning officer, upon being requested to do so, shall deliver to each of the persons authorized to attend at the polling place, a certificate

- (a) of the number of votes given at the polling place for each candidate, and the number of rejected ballot papers, or
- (b) the number of votes given for or against the by-law, or in the affirmative or negative on the question, and of the total number of ballot papers rejected on the by-law or question.

**118.** Every deputy returning officer, at the close of the poll, shall certify under his signature on the poll book, in full words, the total number of persons who have voted at the polling place at which he has been appointed to preside.

**119.** (1) At the completion of the counting of the votes and in the presence of the candidates or the agents of the candidates, or authorized representatives on a by-law or question, the deputy returning officer shall make up into separate packets,

- (a) the used ballot papers that have not been objected to and have been counted,
- (b) the used ballot papers that have been objected to, but that have been counted,
- (c) the rejected ballot papers,
- (d) the spoiled ballot papers,
- (e) the ballot papers given to voters who afterwards returned them declining to vote,
- (f) the unused ballot papers,
- (g) the notes taken of objections made to ballot papers found in the ballot box, and
- (h) the voters' list, if any, and poll book together with the oath in the prescribed form.

(2) Before making up the packet containing the poll book and voters list, if any, the deputy returning officer shall make and subscribe before the returning officer, a justice of the peace, a person authorized to administer oaths, or before the poll clerk, his declaration under oath that the list and poll book were used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

(3) The declaration shall be made in the prescribed form and shall thereafter be attached to the voters list, if any.

**120.** After making up the packets and in the presence of such candidates or their agents as are present, the deputy returning officer shall prepare a ballot paper account

- (a) indicating the date of the election, the name of the deputy returning officer, the polling division name or number, and
- (b) accounting for the ballot papers received by him by showing
  - (i) the total number of ballot papers received by him,
  - (ii) the number of counted ballot papers,
  - (iii) the number of rejected ballot papers,
  - (iv) the number of spoiled ballot papers,
  - (v) the number of ballot papers given to electors who afterwards returned the same declining to vote,
  - (vi) the ballot papers taken from the polling place, and
  - (vii) the unused ballot papers.

**121.** (1) Each packet shall be sealed with the deputy returning officer's own seal and with seals of such candidates or agents of candidates, or persons authorized to attend as desire to affix their seals and each packet shall be marked upon the outside with

- (a) a short statement of the contents of the packet,
- (b) the date of the election,
- (c) the name of the deputy returning officer, and
- (d) the polling division name or number.

(2) The deputy returning officer shall then place all the packets containing ballot papers together with the ballot paper account, the poll book and voters' list in the ballot box and the ballot box shall be locked and sealed with the seal of the deputy returning officer and with the seals of such candidates or their agents as desire to affix their seals.

**122.** (1) The deputy returning officer personally shall forthwith deliver to the returning officer,

- (a) the ballot box containing the packets, ballot paper account, poll book and voters' list, and
- (b) the written statements made under sections 115 and 116.

(2) If, owing to illness or other causes, the deputy returning officer is unable to deliver the items referred to in subsection (1) personally to the returning officer, he shall deliver them to a person chosen by him for the purpose, and shall write on the outside of each of the items the name of the person to whom the same has been delivered and shall take a proper receipt therefor.

(3) The person mentioned in subsection (2) to whom the items referred to in subsection (1) are addressed shall personally deliver them to the returning officer forthwith and obtain a receipt therefor.

**123.** (1) The returning officer shall certify under his hand the percentage of the voters voting on the by-law or question who voted in favour thereof.

(2) In calculating the percentage required under subsection (1) all ballots which are not counted shall be excluded from the total ballots.

**124.** (1) If there is only one polling place, the returning officer, immediately after he has counted the ballot papers shall declare the result of the voting and subsequently at noon on the second day after the day of the polling at the municipal office, he shall declare publicly that the candidate having the highest number of votes for each office to be filled, is elected.

(2) The returning officer shall post up in some conspicuous place a statement under his hand showing the number of votes polled for each candidate and shall forward a copy thereof to the municipal secretary, together with a statement of the candidates declared to be elected.

**125.** (1) If there is more than one polling place, then at noon on the second day after the polling day at the municipal office, the returning officer shall in the presence of such of the candidates or their agents as may be present, sum up the result of the voting as shown by the duplicate statements furnished to him by each of the officers presiding at the polling places and including his own.

(2) The returning officer shall thereupon post up in some conspicuous place in the municipal office, a statement under his hand showing the number of votes polled for each candidate.

**126.** (1) If in a town, village or municipal district a candidate is dissatisfied with the result of the voting as shown

by the duplicate statement of the officer presiding at any polling place, and shows reason for his dissatisfaction, then the returning officer may

- (a) break the seals of the ballot box delivered to him by the officer presiding at that polling place, and
  - (b) proceed to count the ballot papers contained therein in the same manner as the officer presiding at the polling place is directed to do.
- (2) After making any such recount, the returning officer shall
- (a) make such corrected statement as may be necessary,
  - (b) place in the ballot box the corrected statement together with all the documents contained therein at the time he broke the seals, and
  - (c) lock the ballot box and seal it with his seal, and with the seal of any candidates who desire to affix their seals.

**127.** (1) In the case of a vote on a by-law or question, where there is only one polling place, the returning officer shall declare the result of the poll immediately after he completes the counting of the ballot papers.

(2) In the case of a vote on a by-law or question, if there is more than one polling place, the returning officer after he has received the ballot boxes from all of the polling places and, without opening any of the sealed packets of ballot papers, shall calculate the number of votes for and against the by-law, or the affirmative and negative votes on the question, from the written statement of the number of votes given, and shall then and there declare the result.

(3) In the case of a vote on a by-law or question, the returning officer shall at the time and place where he has declared the result in the presence of the persons authorized to attend at the polling place, or before such of them as may be present, certify to the council under his hand the percentage of electors who have voted on the by-law or question and approved it, and in making such calculations shall exclude from the total number of ballots, all ballots as have not been counted.

**128.** If it appears upon the calculation of the votes that two or more candidates for any office have an equal number of votes, the returning officer shall write the names of those candidates separately on blank sheets of paper of equal size and of the same color and texture, and after folding them in a uniform manner and so that the names are concealed, deposit them in a receptacle and direct some person to withdraw one of the sheets and the returning officer shall declare to be elected the candidate whose name appears on the sheet thus drawn.

**129.** Forthwith after the election the returning officer shall deliver to the municipal secretary the ballot boxes, packets and returns, and the municipal secretary is thereafter responsible for their safekeeping and for their delivery when required.

**130.** The municipal secretary, unless otherwise ordered by a judge, shall retain for six weeks from the date of voting the ballot boxes with their seals unbroken and then shall cause the ballot boxes to be opened and the contents thereof destroyed in the presence of two witnesses and each of the two witnesses shall take an affidavit that he has witnessed the destruction of the contents of the ballot boxes.

**131.** (1) No person shall be allowed to inspect any ballot papers in the custody of the municipal secretary, except on order of a judge, which may be granted on satisfactory evidence on oath that the inspection or production of the ballot paper is required

- (a) for the purpose of maintaining a prosecution for an offence in relation to the election, or
- (b) for the purpose of taking proceedings under this Act, to contest an election return, or to prepare an application for a recount.

(2) The order shall state the time and place for inspecting the papers and shall name the persons to be present at the inspection and shall be made subject to such conditions as the judge thinks expedient.

#### **Judicial Recounts**

**132.** (1) At any any within 15 days from the time of the declaration of the result of an election by the returning officer, any elector may apply to the district court by notice of motion for a recount, after the elector has

- (a) filed an affidavit with the clerk of the court, that the returning officer or a deputy returning officer or other officer, in counting the votes given at the election improperly counted or rejected ballot papers, and
- (b) deposited with the clerk of the court the sum of \$300 as security for the payment of costs and expenses.

(2) The deposit of \$300 shall not be paid out by the clerk without the order of the judge.

**133.** At least three days prior to the application, a copy of the notice of motion and the affidavit filed shall be served by the elector on the municipal secretary, the returning officer and all candidates or such candidates as the judge may direct.

**134.** Upon the hearing of the application the judge shall appoint a time and place to recount the votes and cause a

notice in writing to be given to the municipal secretary, the candidate or candidates who may be affected thereby and to such other person as the judge may direct of the time and place at which he will proceed to recount the votes.

**135.** (1) The judge, the clerk or deputy clerk of the court, the municipal secretary with the ballot papers and each candidate notified to attend the recount and his agent or his solicitor, and no other persons except with the sanction of the judge, are entitled to be present at the recount.

(2) The municipal secretary shall be present at the recount with the sealed packet of ballot papers and duplicate statements used at the election.

**136.** (1) At the time and place appointed, the judge shall proceed to recount or cause to be recounted all the ballot papers received by the municipal secretary from the returning officer as having been cast in the election complained of, and he shall, in the presence of the parties in attendance, open all the seals of the packets containing the ballot papers.

(2) In recounting the votes care shall be taken that the mode in which any particular elector has voted shall not be disclosed.

**137.** (1) The judge shall, as far as practicable, proceed continuously with the recount except during such hours as may be excluded by the judge.

(2) During the excluded time the judge shall take precautions for the security of the papers and documents.

**138.** (1) The judge shall proceed to examine the ballot papers that are disputed and recount the votes.

(2) Any ballot paper

- (a) that does not bear the initials of the deputy returning officer on the reverse side, or
- (b) on which votes are cast for more candidates than are to be elected for the office in question, or
- (c) on which anything is written or marked by which the voter can be identified, or
- (d) that has been torn, defaced or otherwise dealt with by an elector so that he can thereby be identified,

is void and shall not be counted.

(3) The judge shall take a note of any objection made by a candidate or by his agent to a ballot paper, and shall decide any question arising out of the objection, and the decision of the judge thereon is final.

**139.** (1) The judge shall then count the votes given for each candidate upon the ballot papers not rejected, and

shall make up a written statement in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him.

(2) The written statement shall be made under the several heads as follows:

- (a) the names of candidates;
- (b) number of votes for each candidate;
- (c) ballot papers lacking initials of deputy returning officer;
- (d) ballot papers rejected as marked for more candidates than were to be elected;
- (e) ballot papers rejected as having upon them a writing or mark by which an elector can be identified or as torn, defaced or otherwise dealt with by an elector so that he can thereby be identified;
- (f) ballot papers rejected as unmarked or void for uncertainty.

(3) If the ballot box for a poll has been lost or destroyed the judge shall use the duplicate statement and allow the candidates named therein the number of votes respectively shown, thereby as given for such candidates.

**140.** (1) If two or more candidates for the same office have been allowed the same number of votes, by the judge, he shall write the names of those candidates separately on blank sheets of paper of equal size and of the same color and texture, and after folding them in a uniform manner and so that the names are concealed, deposit them in a receptacle and direct the clerk of the court or some other person to withdraw one of the sheets, and the judge shall declare to be elected the candidate whose name appears on the sheet thus withdrawn.

(2) Subsection (1) does not apply where the candidates having an equal number of votes also had an equal number of votes at the time of the casting up of the votes by the returning officer, and in that case the judge shall declare to be elected the candidate who previously has been declared elected.

**141.** Upon the completion of the recount or as soon as he has ascertained the result of the voting, the judge shall replace the ballots in their respective ballot boxes and shall forthwith certify the result to the municipal secretary who shall thereupon, by notice to be posted in his office, declare elected the candidate having the highest number of votes.

**142.** (1) All costs, charges and expenses of and incidental to an application for a recount, and to the proceedings consequent thereon, shall be defrayed by the municipi-

pality and the parties to the application, or any of them, in such manner and in such proportion as the judge determines regard being had to any costs, charges or expenses that, in the opinion of the judge, have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent.

(2) The costs may, if the judge so orders, be taxed in the same manner and according to the same principles as costs are taxed between solicitor and client.

**143.** The payment of any costs ordered by the judge to be paid may be enforced by execution, to be issued upon filing the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment thereof.

**144.** Sections 132 to 143 apply *mutatis mutandis* to a recount of the vote for and against a by-law or question.

**145.** Nothing in sections 132 to 144 prevents or affects any other remedy that any person may have had under this Act, or by proceedings in the nature of *quo warranto* or otherwise.

#### **Offences and Penalties**

**146.** (1) Any municipal secretary

- (a) who knowingly enters or permits to be entered in a voters list the name of any person who has no right to be included therein pursuant to this Act, or
- (b) who knowingly refuses or wilfully neglects or omits
  - (i) to prepare any voters list required by this Act, or
  - (ii) to enter upon a voters list the name of a person whose name appears upon the assessment roll, or
  - (iii) to enter upon a voters list any particulars as required by this Act or by the council, or
  - (iv) to revise a voters list in accordance with any of the requirements of this Act,

is in respect of the entry, refusal, neglect or omission guilty of an offence and liable on summary conviction to a fine of not more than \$50.

(2) For the purpose of this section, the expression "voters' list" includes any copy thereof that the municipal secretary is required to prepare by this Act.

**147.** (1) Any person

- (a) who, without the consent of the returning officer, takes down a voters list, or

(b) who covers up, mutilates or defaces a voters list, is guilty of an offence and liable on summary conviction to a fine of not more than \$100, and in default of payment to imprisonment for a term not exceeding six months.

(2) A copy of subsection (1) shall be reproduced on the face of every voters list.

**148.** (1) No person shall

- (a) without due authority supply a ballot paper to any person, or
- (b) fraudulently put into a ballot box any paper other than the ballot paper that he is authorized by law to put in, or
- (c) fraudulently take a ballot paper out of the polling place, or
- (d) without due authority, destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of an election, or
- (e) apply for a ballot paper in the name of some other person, whether such name is that of a person living or dead, or of a fictitious person, or advise or abet, counsel or procure any other person to do so, but this prohibition shall not be construed as including a person who applies for a ballot paper believing that he is the person intended by the name entered on the list of electors in respect of which he so applies, or
- (f) having voted once and not being entitled to vote again at an election, apply at the same election for a ballot paper in his own name, or vote again or advise or abet, counsel or procure any other person to do so.

(2) No person shall

- (a) vote, knowing that he has no right to do so, or
- (b) take a false oath, or
- (c) induce or procure or aid or abet any other person to vote or attempt to vote knowing that such person has no right to vote.

(3) No person shall

- (a) print or distribute or cause to be printed or distributed in any newspaper or in any circular, card, poster, bill or other paper, a form of ballot paper printed by the returning officer, indicating or showing the same to be marked for any candidate or candidates, or
- (b) without due authority from the other candidates, print or distribute or cause to be printed or distributed, for the purpose of influencing or soliciting votes for any candidate, any circular, card, poster,

bill or other election material in connection with the names of any other candidates.

(4) Notwithstanding anything in this section, the municipal secretary or the returning officer may at any time after nomination day, if so directed by the council, cause a facsimile of the ballot for mayor, councillor, school trustee, by-law or question to be published as often as may be desired in a local newspaper for the information of the voters.

(5) A person who contravenes this section is guilty of an offence and liable on summary conviction,

(a) if he is the returning officer, to imprisonment for a term not exceeding two years, or

(b) if he is any other person, to imprisonment for a term not exceeding six months or to a fine of not more than \$500, or to both fine and imprisonment.

**149.** If a deputy returning officer

(a) takes or receives a vote in contravention of this Act, or

(b) refuses or wilfully omits to sign his initials upon the back of any ballot paper,

he is guilty of an offence and liable on summary conviction to a fine of not more than \$100.

**150.** Every returning officer, deputy returning officer, or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of this Act is guilty of an offence and liable on summary conviction, in addition to any other penalty to which he may be subject, to a fine of not more than \$200.

**151.** (1) Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk, agent or other person shall interfere with, or attempt to interfere with a voter when the voter is marking his ballot paper, or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at that polling place is about to vote or has voted.

(3) No candidate, agent or other person shall, in a polling place

(a) canvass or solicit votes, or

(b) make any communication to a voter otherwise than through the deputy returning officer.

(4) No person shall display at the polling place or distribute or post therein, a specimen ballot paper marked for a candidate or any other material purporting to explain to the electors how to vote, or leave or post a ballot paper or

other material in a voting compartment other than the material that is required to be posted in accordance with this Act.

(5) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(6) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given.

(7) No person shall directly or indirectly induce a voter to display his ballot paper, after he has marked it, so as to make known to any person the name of any candidate for whom he has or has not marked his ballot paper.

(8) Any person who contravenes this section is guilty of an offence and liable on summary conviction to a fine of not more than \$500 or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

**152.** A candidate for elective office who signs a candidate's acceptance that contains a false statement, is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

**153.** (1) Every printed or other advertisement, hand bill, placard, poster, dodger, circular or circular letter having reference to an election or vote upon a by-law shall bear the name and address of its printer, or 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 such document unless it bears such name and address, is guilty of an offence and liable on summary conviction to a fine of not more than \$100.

(3) Notwithstanding subsection (1) an advertisement published in a newspaper does not have to bear the name of the printer.

(4) A person who, on polling day,

(a) displays within or on the outside of a building used for a polling place, or

(b) distributes within a building used for a polling place,

an election circular, card, poster, handbill or other paper is guilty of an offence and liable on summary conviction to a fine of not more than \$25.

(5) The distribution by or on behalf of a candidate or his agent of newspapers, pamphlets or other literature, containing articles or reports on matters of public interest is not a contravention of this section.

**154.** No person who has voted at an election shall, in any legal proceedings to question the election or returns or otherwise relating thereto, be required to state for whom he has voted.

**155.** (1) Notwithstanding anything in this Act, the city of Calgary may continue to have and to exercise the power of

- (a) arranging the voters' list of proprietary electors in alphabetical order for the city as a whole in lieu of arranging it in alphabetical order according to each polling division, and
- (b) using the proportional representation systems and such of the existing election practices and procedures as are required to implement or are related or incidental to the proportional representation system for the election of mayor, aldermen and school trustees.

(2) The cities of Drumheller and Lethbridge may for the year 1968 continue to have and to exercise the power of completing the list of electors by a system of registration in lieu of enumeration.

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## PART 2

### CONTROVERTED ELECTIONS

**156.** In this Part,

- (a) "bribery" means bribery within the meaning of section 157;
- (b) "court" means the district court having jurisdiction in the judicial district within which the municipality is wholly situated, or if portions of the municipality are situated in two or more judicial districts the district court having jurisdiction in any such district;
- (c) "voter" means
  - (i) a person entitled to vote at an election or upon a money by-law, as the case may be, in a municipality, or
  - (ii) a person actually voting at an election or upon a money by-law;
- (d) "undue influence" means undue influence within the meaning of section 158.

**157.** A person shall be deemed to have committed the offence of bribery:

- (a) who directly or indirectly by himself or by any other person on his behalf
  - (i) gives, lends or agrees to give or lend or offers or promises money or valuable consideration, or gives or procures or agrees to give or procure offers or promises an office, place or employment to or for a voter or to or for a person on behalf of a voter or any person, in order to induce a voter to vote or to refrain from voting at an election or to vote or refrain from voting upon a money by-law or to vote for or against a candidate at an election or for or against a money by-law, or
  - (ii) corruptly does such an act because the voter has voted or has refrained from voting at an election or upon a money by-law;
- (b) who directly or indirectly by himself or by any other person on his behalf makes a gift, loan, offer, promise or agreement as aforesaid to or for any person in order to induce that person to procure or defeat or endeavour to procure or defeat
  - (i) the return of a person to serve in the council, or
  - (ii) the passing of a money by-law, or
  - (iii) the vote of any voter at an election or at the voting upon a money by-law;
- (c) who in return for a gift, loan, offer, promise or agreement procures or defeats or engages or promises or endeavours to procure or defeat
  - (i) the return of any person in an election, or
  - (ii) the passing of a money by-law, or
  - (iii) the vote of any voter at an election or at the voting upon a money by-law;
- (d) who
  - (i) advances or pays or causes to be paid money to or to the use of any other person with the intent that the money or part thereof be expended in bribery at an election or at a voting upon a money by-law, or
  - (ii) knowingly pays or causes to be paid any money to a person in discharge or repayment of any money wholly or in part expended in bribery at an election or at the voting upon a money by-law;
- (e) who, being a voter, before or during an election or before or during the voting on a money by-law directly or indirectly by himself or 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 any other person for
  - (i) voting or agreeing to vote, or
  - (ii) refraining or agreeing to refrain from voting, or
  - (iii) voting or agreeing to vote for or against a particular candidate or by-law, at an election or at the voting upon a money by-law;
- (f) who after an election or the voting upon a money by-law directly or indirectly by himself or any other person on his behalf receives any money or valuable consideration because some person
  - (i) has voted or refrained from voting, or
  - (ii) has induced any other person to vote or refrain from voting, or
  - (iii) has voted for or against or has induced any other person to vote for or against a candidate or a money by-law, at an election or at the voting upon a money by-law;
- (g) who
  - (i) hires an automobile, horse, team, carriage or other vehicle to convey a voter or voters to or from the polls, or
  - (ii) receives pay for the use of an automobile, horse, team, carriage or other vehicle to convey a voter or voters to or from the polls.

**158.** A person shall be deemed to have committed the offence of undue influence who

- (a) directly or indirectly by himself or by any other person on his behalf
  - (i) makes use of or threatens to make use of any force, violence or restraint, or
  - (ii) inflicts or threatens the infliction by himself or by or through any other person of any injury, damage, harm or loss, or
  - (iii) in any manner practices intimidation, upon or against any person in order to induce or compel any person to vote or refrain from voting, or to vote for or against a particular candidate, or a money by-law, at an election or at the voting upon the by-law, or on account of any voter having voted or refrained from voting thereat, or
- (b) by abduction, duress or any fraudulent device or contrivance impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter or thereby compels, induces or prevails upon a voter to give or refrain from giving his vote, or to vote for or against a candidate or a money by-law, at an election or at the voting upon the by-law.

**159.** The following expenses shall be held to be lawfully incurred and the payment thereof is not a contravention of this Part, namely,

- (a) the actual personal expenses of the candidate,
- (b) his expenses for actual professional services performed, and
- (c) *bona fide* payments for the fair cost of printing and advertising.

**160.** When upon a motion in the nature of a *quo warranto* a question is raised relating to whether the candidate, voter or other person has been guilty of bribery or undue influence, *viva voce* evidence shall be used to prove the offence and evidence by affidavit shall not be used to prove the offence.

**161.** A candidate elected at an election who is found guilty by a judge upon the hearing of a motion in the nature of a *quo warranto*, of an act of bribery or of using undue influence,

- (a) forfeits his seat,
- (b) is ineligible to be nominated as a candidate until after two general elections have taken place following his conviction, and
- (c) is disqualified from voting at an election or upon any by-law until after two general elections have taken place following his conviction.

**162.** (1) A person adjudged guilty of bribery or undue influence incurs a penalty of \$100 which shall be paid to the municipality by which the election was conducted.

(2) The judge shall direct that in default of payment of the penalty within the time fixed by him, the person adjudged guilty of bribery or undue influence be imprisoned for such period as the judge directs not exceeding 30 days or until the penalty is paid.

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

**163.** (1) The judge who finds a person guilty of bribery or undue influence shall report his finding forthwith to the municipal secretary.

(2) The municipal secretary shall enter in a book to be kept for that purpose the names of all persons who have been reported to him by the judge pursuant to subsection (1).

**164.** A witness is bound to attend before the judge

- (a) upon being served with a notice signed by the judge

or by the solicitor of either party directing his attendance, and

- (b) upon payment of the proper conduct money on the district court scale, and in default thereof he may be punished for contempt of court.

**165.** (1) No person shall be excused from answering any questions put to him

- (a) upon the hearing of a motion in the nature of a *quo warranto*, or
- (b) in a proceeding touching or concerning an election or the voting upon a by-law or the conduct of a person in relation thereto,

on the ground that the answer to the question will tend to incriminate him.

(2) No answer to any such question shall be used in proceedings under this Act against that person if the judge gives him a certificate that he made full and true answers to the judge's satisfaction.

(3) No person who has voted at an election or upon a by-law shall be required to state in evidence in any legal proceedings whether he has voted for or against a particular candidate or by-law.

**166.** No proceedings against a person for bribery or undue influence may be commenced after six weeks from the day of the election or the voting upon the by-law in respect of which the offence is alleged to have been committed.

**167.** (1) No pecuniary penalty or forfeiture imposed by this Act is recoverable for an act of bribery or undue influence at an election or at the voting upon a by-law if it appears

- (a) that the person charged and another person or other persons were together guilty of the act charged either as giver or receiver or as accomplices, or otherwise, and
- (b) that the person charged has previously *bona fide* prosecuted the other person or persons or any of them for that act.

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

**168.** (1) Where the validity of an election of a member of a council or his right to hold the seat is contested the issue may be tried by a judge.

- (2) The issue may be raised before the courts by
  - (a) a candidate at the election, or
  - (b) a qualified voter who gave or tendered his vote thereat, or
  - (c) any voter
    - (i) in case the right to sit by acclamation, or
    - (ii) in case the right to sit is contested on the grounds that a member of the council has become disqualified or has forfeited his seat since his election.

**169.** (1) If within six weeks after an election or a voting upon a money by-law the person raising the issue shows by affidavit to a judge reasonable grounds

- (a) for supposing that the election was not legal or was not conducted according to law or that the person declared thereat was not duly elected,
- (b) for contesting the validity of the election of a member of the council, or
- (c) for supposing that the voting upon a money by-law was not legal or was not conducted according to law,

the judge may grant his fiat authorizing the person raising the issue, upon entering into a sufficient recognizance as provided in subsection (3), to serve a notice of motion in the nature of a *quo warranto* to determine the matter.

(2) If at any time the person raising the issue shows to a judge by affidavit reasonable grounds for supposing that a member of the council has become disqualified since his election and has not resigned his seat, the judge may grant his fiat authorizing the person raising the issue, upon entering into a sufficient recognizance as provided by subsection (3), to serve a notice of motion in the nature of a *quo warranto* to determine the matter.

(3) The recognizance to be allowed as sufficient by the judge shall be entered into before the judge or before a commissioner for taking affidavits by

- (a) the person raising the issue in the sum of \$200, and
- (b) two sureties upon affidavits of justification each in the sum of \$100,

and shall be conditioned to prosecute the motion with effect to pay to the party against whom the motion is made, herein called "the respondent", any costs that may be adjudged to him against the person raising the issue.

(4) When the sufficiency of the sureties has been determined and the recognizance has been allowed as sufficient by the judge he shall note or endorse thereon and upon the fiat allowing service of the notice of motion the words "recognizance allowed" and shall initial it.

**170.** (1) The notice of motion may either state

- (a) the return day of the motion, being not less than seven clear days after the day of the service thereof, or
- (b) that the motion will be made on the eighth day after the day of service of the notice excluding the day of service.

(2) The person raising the issue shall in his notice of motion set forth his name in full, his occupation, his place of residence and the interest, as a candidate, voter or otherwise, that he has in the election or the voting on the money by-law and shall also state specifically under distinct heads

- (a) all the grounds of objection to the validity of the election or the voting upon the by-law complained against,
- (b) if the person raising the issue claims that he or any other person or persons should have been declared elected, the grounds in favour of the validity of the election of the person raising the issue or of the other person or persons,
- (c) the grounds of forfeiture or disqualification of the respondent,
- (d) if the person raising the issue claims that the result of the voting on the by-law should be reversed, the grounds in support of that contention, and
- (e) if the person raising the issue makes any other claims, the grounds therefor.

**171.** Before serving his notice of motion the person raising the issue shall file all affidavits and material upon which he intends to rely, except where *viva voce* evidence is to be taken, and in that case he shall name in his notice the witnesses whom he proposes to examine.

**172.** (1) The notice shall be served upon such persons and in such manner as the judge may direct.

(2) Service of the notice of motion shall be made within two weeks from the date of the fiat granted by the judge unless otherwise ordered by the judge.

**173.** When the person raising the issue alleges that he himself or some other person or persons has or have been elected, the motion shall be to try the validity both of the election complained of and of the alleged election of the person raising the issue or other person or persons.

**174.** Where any of the grounds of objection apply equally to two or more persons declared elected the person raising the issue may proceed by one motion against all such persons.

**175.** (1) Upon the hearing of the motion the person raising the issue shall not be allowed

- (a) to object to the voting upon the money by-law, or
- (b) to object to the election of the respondent, or
- (c) to attack the respondent's right to sit, or
- (d) to support the election of any person alleged to have been elected,

upon any ground not specified in the notice of motion.

(2) Notwithstanding subsection (1), the judge in his discretion may entertain any substantial ground of objection to or any substantial contention in support of

- (a) the voting upon the money by-law, or
- (b) the validity of the election or of the right to sit of either or any of the parties who may appear in evidence before him.

**176.** The judge may require the municipal secretary to produce before him such ballot papers, books, lists of electors and other lists and such other records of the election and papers in his possession and connected with the election as the judge considers necessary.

**177.** The judge may if he thinks proper at any stage of the proceedings make an order adding the returning officer, deputy returning officer or any other person as a party thereto.

**178.** The judge may allow any person mentioned in subsection (2) of section 200 to intervene in the proceedings and to prosecute or defend and may grant a reasonable time for that purpose, and an intervening party is as liable to pay and as entitled to receive costs as any other party to the proceedings.

**179.** (1) The judge shall in a summary manner without formal pleadings hear and determine

- (a) the validity of the voting upon the money by-law or of the election, or
- (b) the right of the respondent to sit,

and may inquire into the facts on affidavit or affirmation or by oral testimony.

(2) Where the validity of an election or of a voting upon a money by-law is contested before a judge on the grounds of

- (a) non-compliance with or contravention of this Act or of any other Act applicable to
    - (i) the election, or
    - (ii) the holding of the polls, or
    - (iii) the counting of the votes,
- or

- (b) a mistake in the use of any of the forms required in connection with the election or the voting, or
- (c) any other irregularity,

the judge, in his discretion, may adjudge the election or the voting to be invalid.

(3) Where the validity of an election or of a voting upon a money by-law is contested before a judge on the grounds mentioned in subsection (2) and it appears to the judge that the election or the voting was conducted substantially in accordance with the requirements of this Act, and that the non-compliance, violation, mistake or irregularity did not materially affect the result of the election or the voting, he may adjudge the election or the voting upon the by-law to be valid.

**180.** (1) Where the election complained of is adjudged invalid, the judge shall by the judgment order the respondent to be removed and his seat is *ipso facto* vacated, and if the judge determines that any other person was elected the judge shall forthwith order the other person to be admitted to the office.

(2) Where the voting upon a money by-law complained of is adjudged invalid, the judge by his judgment shall declare the voting on the by-law invalid and may order a new vote to be held or make such order as he considers just having regard to all the circumstances.

(3) If the judge determines

- (a) that the election of all members of a council is invalid, or
- (b) that all members of a council have become disqualified,

he shall forthwith order a new election to be held and the order shall be directed to the municipal secretary, who has all such powers in connection with the holding of the election as are conferred by law upon the council for filling vacancies in the council.

(4) Notwithstanding subsection (3), the Minister may make such regulations for the conduct of the elections not inconsistent with any Act as he considers proper and the municipal secretary shall conform in all respects to such regulations.

**181.** Where an election or a voting upon a money by-law has been held invalid owing to the improper refusal of a returning officer or deputy returning officer to receive ballot papers tendered by qualified voters or to give ballot papers to qualified voters, the judge may in his discretion order the costs of the proceedings to unseat the person declared elected, or to declare the by-law invalid or any part thereof, or any other costs to be paid by the returning officer or deputy returning officer.

(2) Nothing in subsection (1) shall be deemed to affect any right of action against a returning officer or deputy returning officer or relieve such returning officer or deputy returning officer from any other penalty or punishment to which he may be liable.

**182.** Where it appears to the judge that an election or a voting upon a money by-law is invalid by reason of any act of non-feasance or misfeasance on the part of

- (a) the returning officer, or
- (b) any deputy returning officer, or
- (c) any poll clerk,

the judge may in his discretion order that the costs of the proceedings to unseat the person declared elected, or to declare the voting upon the by-law invalid, or any part thereof, or any other costs be paid by the municipality in and for which the election or voting was held.

**183.** After the adjudication upon the case an order shall be drawn up in the usual manner which shall state concisely the ground and effect of the decision, and the order

- (a) may at any time be amended by the judge in regard to any matter or form, and
- (b) has the same force and effect as a writ of *mandamus* formerly had in the like case.

**184.** (1) The judge, immediately after his decision, shall return his order with all things had before him touching it to the proper office of the court in which the proceedings are instituted, there to remain of record as a judgment of the court.

(2) The judgment of the court may be enforced in the same manner as an ordinary order of *mandamus* of the court and a writ of execution may be issued thereunder to recover any costs awarded by the judgment.

**185.** (1) A person

- (a) whose election is complained of, unless the election is complained of on the ground of bribery or undue influence on the part of that person, or
- (b) whose seat is attacked on the ground that he has become disqualified,

may within one week after service on him of a notice of motion as aforesaid transmit by prepaid registered mail directly to the clerk of the court and also to the person raising the issue, or his solicitor, or he may cause to be delivered to the clerk and to the person raising the issue, or his solicitor, a disclaimer signed by him in the form or to the effect following:

"I, A.B., upon whom notice of motion in the nature of a *quo warranto* has been served for the purpose of contesting my right to the office of mayor (or councillor, *as the case may be*) of (*name of municipality*) do hereby disclaim that office and all defence of any right I may have to it.

Dated this.....day of....., 19.....  
(Signed) A.B."

(2) The disclaimer or the envelope containing it shall be endorsed on the outside with the word "disclaimer".

**186.** A person declared elected may at any time after the election and before his election is complained of, deliver to the municipal secretary a disclaimer signed by him as follows:

"I, A.B., do hereby disclaim all right to the office of mayor (or councillor, *as the case may be*) of (*name of municipality*) and all defence of any right I may have to it.

Dated this.....day of....., 19.....  
(Signed) A.B."

**187.** (1) A disclaimer delivered before  
(a) the election, or  
(b) the person disclaiming is complained of,  
relieves the person making it from all liability to costs.

(2) A disclaimer transmitted or delivered under this Act operates as a resignation and the vacancy so created shall be filled in the manner provided by this Act.

**188.** A person disclaiming after service upon him of notice of motion in the nature of *quo warranto* shall deliver a duplicate of his disclaimer to the municipal secretary and the secretary shall forthwith communicate it to the council.

**189.** An appeal against the decision of a judge lies to the Appellate Division of the Supreme Court and the proceedings appertaining thereto shall be as nearly as possible the same as in an appeal in other cases from a decision of a judge of the district court.

**190.** The Lieutenant Governor in Council may make rules of court

- (a) regulating the form of any notices, orders or other proceedings to be issued, given, made or taken under this Part, and
  - (b) respecting the practice generally
    - (i) in hearing and determining the validity of elections in municipalities and of voting on by-laws and questions, or
    - (ii) in hearing and determining the question of the right of any person to sit in a council,
- and may fix a tariff of costs to be applicable thereto.

**191.** *The Contraverted Municipal Elections Act* is hereby repealed.

**192.** (1) *The Alberta Lord's Day Act* is amended

- (a) as to section 2, clause (b), subclause (iii) by striking out the word "twenty-one" and by substituting the figure "19",
- (b) as to section 9 by striking out subsection (1) and by substituting the following:

**9.** (1) Where a petition is filed pursuant to section 8, the council of the municipality shall at its next meeting give first and second reading to the by-law requested in the petition and the proposed by-law shall then be submitted to a vote of the electors as soon as may be conveniently arranged, except that if the petition is filed less than six months before the date of the next ensuing general election of councillors of the municipality, the vote shall be held on the date fixed for the general election.

(2) *The Municipal and School Administration Act* is amended

- (a) as to section 3 by striking out subsections (2) and (3) and by substituting the following:

(2) The question shall be submitted to a vote of the electors as soon as may be conveniently arranged, except that if the petition or resolution is received less than six months before the date of the next ensuing general election of councillors of the municipality the vote shall be held on the date fixed for the general election.

- (b) as to section 7

- (i) by striking out of subsection (2) the words "*The City Act* or *The Town and Village Act*, as the case may be," and by substituting the words "*The Municipal Government Act*",

- (ii) by striking out of clause (a) of subsection (4) the words "Part IV A of *The City Act*" and by substituting the words "*The Municipal Government Act*",

- (c) by striking out section 8 and by substituting the following:

**8.** (1) On the day determined under *The Municipal Election Act* for the first general election after the effective date of the order, the council shall proceed to hold an election for a mayor and the full number of councillors authorized for the city or town.

(2) The dates of nomination and election, the method of election, the eligibility of persons to vote, the preparation of the voters' list and all other

matters connected with the election shall be governed by *The Municipal Election Act*.

- (d) as to section 9 by striking out subsections (3) and (4),
  - (e) as to section 10 by striking out subsection (4) and by substituting the following:
    - (4) The restrictions, and the exceptions thereto, applicable to members of a council set out in *The Municipal Election Act* and *The Municipal Government Act* apply to the eligibility for election and the right to sit and vote as a representative.
    - (4a) The term of office of a representative shall be for a period of three years commencing at the first meeting of the council following the general election.
  - (f) as to section 11, subsection (1) by striking out the words "an annual or" and by substituting the word "the",
  - (g) as to section 15
    - (i) by striking out of subsection (1) the words "Part III of *The City Act*," and by substituting the words "*The Municipal Government Act*,"
    - (ii) by striking out of clause (b) of subsection (2) the words "as designated under section 49 of *The City Act*",
  - (h) as to section 17 by striking out subsection (2).
- (3) *The County Act* is amended
- (a) as to section 3a by striking out subsection (3),
  - (b) as to section 3a, subsection (6)
    - (i) by striking out clause (d),
    - (ii) by striking out of clause (e) the words "*The Town and Village Act*," and by substituting the words "*The Municipal Government Act* and *The Municipal Election Act*",
  - (c) as to section 5, subsection (1) by striking out the words "under *The Municipal District Act*",
  - (d) as to section 9 by striking out the words "*The Municipal District Act*" and by substituting the words "*The Municipal Election Act*",
  - (e) as to section 13, clause (a) by striking out the words "*The Municipal District Act*" and by substituting the words "*The Municipal Government Act* and *The Municipal Election Act*",
  - (f) as to section 16a
    - (i) by striking out of subsection (2) the words "under *The Town and Village Act*",
    - (ii) by striking out of subsection (6) the words "following fourth Monday following the fourth

- Wednesday in September” and by substituting the words “date of the first meeting of the council which he represents following the date fixed for the general election”,
- (g) as to section 16*b*, subsection (6)
    - (i) by striking out the words “by by-law”,
    - (ii) by striking out the words “section 60 of *The Town and Village Act* except that no vote of the proprietary electors is required to the approval of the by-law” and by substituting the words “section 46 of *The Municipal Government Act*”,
  - (h) as to section 17
    - (i) by striking out of subsection (3*a*) the words “two years commencing on the fourth Monday following the fourth Wednesday in September” and by substituting the words “three years commencing at the date of the first meeting of the council which he represents following the date fixed for the general election”,
    - (ii) by striking out of subsections (5) and (6) the words “*The Town and Village Act*” and by substituting the words “*The Municipal Election Act*”,
  - (i) as to section 17*a*
    - (i) by striking out of subsection (3) the words “*The Town and Village Act*” and by substituting the words “*The Municipal Election Act*”,
    - (ii) by striking out of subsection (4) the words “two years” and by substituting the words “three years”,
  - (j) as to section 17*b* by striking out the words “section 23 of *The Town and Village Act*” and by substituting the words “*The Municipal Government Act*”,
  - (k) as to section 18 by striking out the words “section 87 of *The Municipal District Act*” and by substituting the words “subsection (2) of section 13 of *The Municipal Election Act* and subsection (2) of section 29 of *The Municipal Government Act*”,
  - (l) as to section 20, subsection (1) by striking out the words “*The Municipal District Act*” and by substituting the words “*The Municipal Government Act*”,
  - (m) as to section 25 by striking out the words “*The Municipal District Act*,” and by substituting the words “*The Municipal Government Act* and *The Municipal Election Act*,”,
  - (n) as to section 28*a*
    - (i) by striking out of subsection (1) the words “subsection (6) of section 96 of *The Municipal*

- District Act*" and by substituting the words "*The Municipal Government Act*",
- (ii) by striking out subsection (2) and by substituting the following:

(2) In lieu of the notice provided for by subsection (2) of section 126 of *The Municipal Government Act*, the municipal secretary shall

(a) cause to be issued a notice in Form 2 in the Schedule, and

(b) publicize the notice as closely as possible in the same manner as provided in clause (c) of section 56 of *The Municipal Election Act*, but in any event the provisions of subclause (iii) of clause (c) of section 56 of *The Municipal Election Act* shall be carried out.

**193.** This Act comes into force on June 1, 1968.