

1969 Bill 6

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Second Session, 16th Legislature, 18 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

## **BILL 6**

**An Act to amend The Municipal Election Act**

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THE MINISTER OF MUNICIPAL AFFAIRS

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 6

1969

An Act to amend The Municipal Election Act

(Assented to \_\_\_\_\_, 1969)

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

1. *The Municipal Election Act* is hereby amended.
2. Section 4, subsection (1) is amended
  - (a) as to clause (a) by striking out the words "sections 42, 43, 99" and by substituting the words "sections 42 and 43, subsections (2) and (3) of section 45 and sections 99",
  - (b) by adding the following after clause (d) :
    - (d1) polling hours in an election or in a vote on a by-law or question shall be between the hours of 12 o'clock noon and 9 o'clock in the evening, and section 94 does not apply;
3. Section 8, subsection (1) is amended by striking out the words "resident in" and by substituting the word "of".
4. Section 38 is amended by adding the following after subsection (4) :
  - (5) A corporation, church or other religious organization is not entitled to a vote at an election for members of the council.
5. Section 44, subsection (7), clause (c) is amended by striking out the words "section 45 or 46" and by substituting the words "section 42 or 43".
6. Section 45, subsection (3) is amended by striking out the words "a week for two consecutive weeks".
7. Section 46, subsection (1) is amended by striking out the words "to the 4th day" and by substituting the words "up to and including the 8th day".

## Explanatory Notes

**1.** This Bill amends chapter 66 of the Statutes of Alberta, 1968.

**2.** Section 4 (1)(a) presently reads:

- (a) a list of electors if a vote is required in an election, shall be prepared by the municipal secretary by a system of registration rather than enumeration and shall contain the names of the proprietary electors, and of those persons who register under subclauses (ii) and (iii) of clause (b) and sections 42, 43, 99 and 100 do not apply:

**3.** Section 8 (1) presently reads:

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.

**4.** A subsection is added to make it clear that a corporation, church or other religious organization does not have a vote in an election, even though it may under section 38 vote as a proprietary elector on money by-laws, etc.

**5.** A cross-reference to other sections is corrected.

**6.** Section 45 requires the posting of the list of electors. Sub-section (3) presently reads:

- (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.

**7.** Section 46 (1) presently reads:

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 4th day before the date established for polling day, apply to the municipal secretary to have his name added to the list.

**8.** Section 49 is struck out and the following is substituted:

**49.** 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.

**9.** Section 51, subsection (1), clause (b) is amended by striking out the words "first Saturday in November" and by substituting the words "last Wednesday in October".

**10.** Section 56, subsection (2) is amended by adding after the words "the candidate elected" the words "with the lowest number of votes".

**11.** Section 64 is amended by striking out subsection (4).

**12.** Section 71, subsection (1), clause (b) is amended by adding immediately before the word "occupation", wherever it occurs, the word "main".

**13.** Section 78 is amended by adding the following after subsection (4):

(5) Where, in a municipal district or in a city in which the ward system is in effect, a person is appointed a deputy returning officer, poll clerk or constable to attend at a poll in an electoral division or ward other than the one in which he is entitled to vote, the returning officer may provide him with a certificate entitling him to vote at an advance poll, and he may vote at the advance poll without the necessity of completing the affidavit or affirmation required by section 88.

**14.** Section 80 is struck out.

**15.** Section 87 is amended by adding the word "or" at the end of clause (b) and by adding the following after clause (b):

(c) who are election officials that have been given a certificate by the returning officer entitling them to vote under subsection (5) of section 78.

**8.** Section 49 is largely a duplication of section 80. The amendment strikes out section 49 and re-enacts the provisions of section 80 in its place. A later clause in this Bill strikes out section 80.

**9.** Section 51 (1) (b) presently reads:

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

(b) in a municipal district is the first Saturday in November, in the year in which the election is to be held.

**10.** Section 56 (2) presently reads:

(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.

**11.** Section 64 (4) reads:

(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.

**12.** Section 71 (1) (b) presently reads:

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

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

**13.** Self-explanatory.

**14.** See clause 8 of this Bill.

**15.** Section 87 (b) reads:

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

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

**16.** The following is added after section 125:

**125a.** (1) At any general election or by-election the candidate or candidates receiving the highest number of votes shall be declared to be elected to the council.

(2) When at a general election it is necessary to elect a person or persons to fill an unexpired term or terms, the candidate receiving the larger number of votes shall hold office for the longer period.

(3) When during an election all vacancies are filled by acclamation and one or more of the vacancies is for an unexpired term, the municipal secretary shall conduct a draw to determine the terms of office of all candidates in the following manner:

- (a) identical slips of paper each containing a candidate's name shall be prepared for all candidates, folded in the same manner and placed in a receptacle;
- (b) the returning officer shall withdraw the slips one at a time from the receptacle and terms of office shall be accorded to candidates in the same order in which slips containing their names are withdrawn, with the longest term to be served by the candidate whose slip is first drawn, the next longest term by the candidate whose slip is next drawn and so on, until all terms of office have been accommodated.

**17.** Section 126 is amended by adding the following after subsection (2):

(3) An application pursuant to this section may be made by a candidate during the 72-hour period immediately following the closing of the polls but may not be made thereafter.

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

**16.** A provision is added for determining which candidate or candidates will serve the longer term or terms in a case where there are unexpired terms to be filled at a by-election or at a general election and where all vacancies have been filled by acclamation.

**17.** Section 126 (1) and (2) read:

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.