

1970 Bill 104

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Third Session, 16th Legislature, 19 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 104**

**An Act respecting School Elections**

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THE MINISTER OF EDUCATION

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 104

1970

An Act respecting School Elections

(Assented to , 1970)

**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 School Election Act*.

**2.** In this Act,

- (a) “board” means a board of trustees of a district or division;
- (b) “by-election” means an election held to fill a vacancy in the office of trustee at a time other than a general election;
- (c) “city district” means a district situate wholly or partly within the boundaries of a city;
- (d) “district” means a school district established pursuant to *The School Act, 1970* or any predecessor Act or Ordinance;
- (e) “elector” means a person
  - (i) 19 years of age or older,
  - (ii) who is a Canadian citizen or British subject, and
  - (iii) resident in the district or division in which the vote is to be held for at least the 12 months immediately preceding polling day;
- (f) “division” means a school division established pursuant to *The School Act, 1970* or any predecessor Act;
- (g) “general election” means an election held for all trustees to fill vacancies caused by the effluxion of time;
- (h) “Minister” means the Minister of Education;
- (i) “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.

## **Explanatory Notes**

**1. Short title.**

**2. Definitions.**

**3. (1)** The Minister may give directions governing procedures in regard to the conduct of a general election, by-election, plebiscite, poll, vote on a resolution, by-law or money by-law, referendum or vote on any matter or question where the provisions of this Act are insufficient.

(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 an election, plebiscite, poll for a money by-law or referendum the Minister may in his discretion decide any questions arising through the difficulty or impossibility and in so deciding he may alter any dates prescribed by this Act for the doing of any matter or thing and may give such other directions as are justified by the difficulty or impossibility.

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

**4.** For the purposes of this Act, the place of residence of a person 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 a district or division with the intention of making his residence elsewhere, he loses his residence within the district or 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 the 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 district or division;

and in the event of a person maintaining residence in more than one district or division, he shall be required to elect one residence for the purpose of this Act.

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

**3. Ministerial decisions.**

**4. Rules of residence.**

**5. Time limits altered.**

(2) If any thing to be done by a board or employee of a board within a number of days at a time fixed by or under this Act cannot be or is not so done, the Minister by order 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 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.

**6.** (1) Where in a district or division no subdivisions or wards are established, the trustees shall be elected by the vote of the electors of the entire district or division.

(2) A board shall, in accordance with this Act,

(a) enumerate the electors in its district or division, and

(b) conduct a general election, by-election, plebiscite, poll, vote on a resolution, by-law or money by-law, referendum or vote on any other matter or question, as the case may be.

(3) The form of any question to be submitted to the electors shall be determined by the board.

**7.** (1) Notwithstanding anything in this Act a board may enter into an agreement with another board, a municipality or other person for the other board, municipality or person to conduct a general election, by-election, plebiscite, poll, vote on a resolution, by-law or money by-law, referendum or vote on any other matter or question, as the case may be, on the board's behalf.

(2) Where an agreement is made under subsection (1) a reference in this Act to the board means a reference to the board, municipality or person with whom the agreement is made.

**8.** (1) A board of a division shall provide for the nomination of candidates for trustee in accordance with the subdivisions established by the Minister pursuant to *The School Act, 1970* and for the election of the trustees by the vote of the electors of the subdivision for which each candidate was nominated.

**6. Duty to enumerate and conduct elections.**

**7. Conduct of election.**

**8. Nominations.**

(2) Only a resident of a subdivision for which a candidate for trustee is being nominated may sign the nomination of the candidate.

**9.** (1) Notwithstanding section 8, subsection (1) a board with the prior approval of the Minister may, by resolution, provide for the nomination of trustees by wards or for the election of candidates by the general vote of the electors.

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

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

(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.

**10.** To be eligible to become a trustee a person must be

- (a) able to speak, read and write English or French,
- (b) 21 years of age or older,
- (c) a Canadian citizen or British subject,
- (d) resident in the district or subdivision of a division or ward for which he is nominated for at least the 12 consecutive months immediately preceding nomination day,
- (e) eligible to vote as an elector at the election for which he is nominated, and
- (f) free from any of the disqualifications making a trustee not eligible to remain a trustee under *The School Act, 1970*.

**11.** (1) A person is not eligible to become a trustee 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 employee of the board, or
- (d) is the auditor of or other employee of the board,  
or



**9. Nominations by wards or generally.**

**10. Eligibility to become a trustee.**

**11. Disqualification of trustees and exceptions.**

- (e) is party to a subsisting contract with the board under which money of the board is payable or may become payable for any work, service, matter or thing, or
  - (f) has a pecuniary interest, whether direct or indirect, in any subsisting contract with the board under which money of the board is payable or may become payable for any work, service, matter or thing.
- (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 board
    - (i) unless he holds or there is held by himself, spouse, parents, children, brothers and sisters, individually or collectively, more than 25 per cent of the issued capital stock of the corporation, or
    - (ii) unless the contract or dealings are for the building, construction or repair of property held by the board, or
  - (b) of his contracting with the board for the supplying to him of a service or commodity that the board has statutory authority to supply, or
  - (c) of his being financially interested in a publication in which official advertisements of the board appear or that is supplied to the board thereof at the usual rates, or
  - (d) of his selling or leasing to the board, land or interest in land that the board has authority to expropriate, or
  - (e) of the sale of goods, merchandise or services to the board made at competitive prices by a dealer in those goods, merchandise or services incidental to and in the ordinary course of his business provided that the fair market value of the goods, merchandise and services does not exceed \$600 in any one year, or
  - (f) of the sale of goods, merchandise or services to persons contracting with the board made at competitive prices by a dealer in those goods, merchandise or services incidental to and in the ordinary course of his business provided that the fair market value of the goods, merchandise and services which accrue to the benefit of or ultimately become the property of the board does not exceed \$600 in any one year, or
  - (g) of professional services rendered by a barrister and solicitor to the board, if the charges for the services have been taxed under the Alberta Rules of Court, or



- (h) of the receipt by him of a gratuity or allowance for services on a committee appointed by or responsible to the board, or
- (i) of his being a party to a contract for the purchase or lease of real or personal property from the board entered into before he became a trustee.

**12.** (1) A person who resigned his seat on the board and whose resignation had the effect of enabling him to avoid making restitution of any money received by him in contravention of this Act is not eligible to become a trustee until after two general elections have occurred following the date on which he resigned or was declared disqualified.

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

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

because of that matter or thing is not eligible to become a trustee for three years following the date on which he ceased to be disqualified because of that matter or thing.

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

**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 subdivisions or wards in a district or division, the provisions of this Act respecting the election of trustees apply to every election in a subdivision or ward, unless specifically varied herein.

(3) Where the resolution establishing wards or a general vote does not provide for any matter, the Minister may by order give direction as to any other matter or thing required for the proper conduct of an election therein.

**15.** (1) In a newly formed district or division,

- (a) nominations for trustees, and
- (b) the first election of trustees, if an election is required,

**12.** Restrictions on trustees who resign to avoid disqualification.

**13.** References to secretary of a board.

**14.** Minister may make orders.

**15.** First elections.

shall be held on the dates fixed by the Minister and the persons elected hold office until the organizational meeting of the board following the next ensuing general election of the board.

(2) The Minister may give directions as to any matter or thing required in connection with the first election of trustees 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 district or division a general election shall be held in the district or division on the same date and in the same years as, by this Act, a general election is required to be held.

(4) For the purpose of holding a first election of trustees, the Minister shall

- (a) provide for the enumeration of the electors of the newly established district or division, and
- (b) appoint a returning officer and provide for the conduct of the election.

(5) The cost of holding a first election of trustees shall be borne by the board elected or such other person as the Minister may direct.

**16.** (1) A trustee, unless otherwise disqualified from remaining a trustee, holds office from the date of the organizational meeting of a board immediately following a general election, until the organizational meeting following the next general election.

(2) A person elected to a board to fill a vacancy caused other than by the effluxion of time, holds office for the remainder of the period his predecessor would have held office had his predecessor continued in office.

(3) A general election of trustees to a board shall be held once every three years in the same year that a municipal general election is held.

**17.** (1) In all elections and voting required under this Act, unless a board otherwise specifically provides by resolution, the secretary of the board

- (a) is the returning officer,
- (b) shall appoint such deputies, poll clerks 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.

**16.** General election.

**17.** Duties of secretary of board.

(2) The board may by resolution appoint a returning officer for the purpose of carrying out matters relative to board 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 trustee shall be appointed to any position with respect to the holding of an election.

**18.** (1) If a vote is required, polling day for a general election shall be held four weeks following nomination day for that election.

(2) A board may divide the district or division into polling areas and designate polling places and may from time to time alter the boundaries of any or all polling areas or alter the polling place.

**19.** (1) If a by-law or resolution requires the assent of the 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 board shall fix the day and hours for taking the votes of the electors and may fix the places in the district or division where polling places will be opened or may require the returning officer to designate the places in the district or division 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 board 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 board 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 chairman of the board 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



**18.** Polling day and polling places.

**19.** Procedure when assent of electors required.

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.

**20.** (1) At any time fixed under section 19 or, if the vote is to be held in conjunction with a general election, at the time fixed by the board, the chairman of the board 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 chairman of the board 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 of 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.

**21.** (1) 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.

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

**22.** (1) The returning officer, before the date set for the vote on a by-law or question shall cause to be issued a notice of the vote 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 elector, or
- (b) published in an issue of a newspaper circulating within the district or division once a week for two successive weeks, the last of which shall be published not less than seven clear days prior to voting day.

**20. Agents.**

**21. Substitute returning officer and new enumerator.**

**22. Notice of voting on a by-law or question.**

**23.** (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 places 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 objective,
- (b) the amount of the debt or liability to be created or the money to be raised,
- (c) the total estimated cost of its objective,
- (d) how it is to be payable,
- (e) 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, and
- (f) a statement of other sources of funds to be applied for the objective (if any).

(3) 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.

**24.** (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.

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

**26.** Subject to *The School Act, 1970* in the case of a by-law or question submitted to the vote of electors, including 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.

**23. Contents of notice.**

**24. Certifying contents of notice.**

**25. Vote on money by-law.**

**26. Majority vote required.**

**27.** At the expense of the board, at each election or vote of electors the returning officer shall prepare a set of ballot papers which shall contain the names of the candidates nominated for trustees or the question, as the case may be.

**28.** At an election, a deputy returning officer shall give

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

**29.** A corporation, church or other religious organization or an estate is not entitled to vote at a general election, by-election, poll, vote on money by-law, plebiscite or on any other matter or question.

**30.** (1) Where wards or subdivisions have been established in a district or division, the list of electors shall be arranged alphabetically according to the wards or subdivisions.

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

**31.** The secretary of a board shall in each year in which a vote for a general election is required, prepare a list of electors.

**32.** (1) Unless otherwise provided for in this Act there shall be an enumeration in each year in which a vote for a general election is required.

(2) The board shall make provision for the appointment of a sufficient number of enumerators to complete an enumeration of the electors in the district or division.

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

(4) The board may prescribe rules 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 vote for a general election is required each enumerator shall visit each place of

**27.** Ballot papers.

**28.** Delivery of ballot papers.

**29.** Vote by corporation, church prohibited.

**30.** List of electors.

**31.** List of electors to be prepared.

**32.** Enumeration.

habitation in the area assigned to him and shall record the name and address of each person residing therein who is an elector, and

- (b) each enumerator may complete an enumerator's form in duplicate in respect of each person entitled to vote at an election and may leave a copy at the residence of the person described.

(5) Each enumerator shall, upon completion of his duties, transmit to the secretary of the board the original of all enumerator's forms completed by him or, if no such forms have been completed, a list of the names of all persons enumerated by him.

**33.** (1) Notwithstanding anything in this Act, a board may by resolution provide for the completion of the list of electors by a system of registration in lieu of enumeration.

(2) Where a resolution has been passed under subsection (1)

- (a) registration shall take place only in the year in which a general election is to be held and during such hours as the board 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 88 and 89 do not apply during a year in which a general election is to be held.

**34.** The final list of electors shall be prepared not later than nine days before polling day, in accordance with section 30.

**35.** (1) When the list of electors has been prepared the secretary of the board shall post up one copy of the list in his office and one copy in each of two other conspicuous places in the district or division.

(2) The secretary of the board shall also post up

- (a) in a conspicuous place in each polling area, 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 secretary of the board shall also publish once in a newspaper or newspapers circulating in the municipality a notice stating that the lists have been prepared and



**33.** Registration of electors.

**34.** Preparation of final list.

**35.** Posting of list of electors.

posted for inspection stating the places where they are posted and the time within which application for amendments thereto may be received by him.

**36.** (1) Any person who is otherwise qualified to vote but whose name does not appear on the list referred to in section 34 may, at any time during office hours of any business day up to and including the eighth day before the date established for polling day, apply to the secretary of the board 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 secretary of the board 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 secretary of the board 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 subdivision or ward and shall notify the applicant of the addition at the time.

(6) If the secretary of the board 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.

(7) This section does not apply where a system of registration in lieu of enumeration is in effect.

**37.** (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 list of electors prepared pursuant to this Act shall continue to be the list of electors until six months prior to the date fixed for polling for the next general election, and
- (b) if no list of electors was prepared for the last general election then a list of electors shall be prepared in the same manner as provided in this Act, which shall be the list of electors to be used for the purpose of any vote.

**36.** Additions to list.

**37.** List for by-election.

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

**38.** Every returning officer, deputy returning officer, poll clerk, enumerator, 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.

**39.** (1) When an oath, affirmation or declaration is required to be taken or made by a returning officer or deputy returning officer, it may be made and subscribed before the secretary of the board, 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.

**40.** If a returning officer dies or is unable to act from any cause, the chairman or secretary of the board may, in writing, appoint a person to act in place of the returning officer for the purpose of any election or vote 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.

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

- (a) in a city district or a district or division situated wholly or partly within the boundaries of a town is the same day as nomination day for a general election in a city, town or village under *The Municipal Election Act*, and
- (b) in the case of any other district or division, is the same day as nomination day for a general election in a municipal district under *The Municipal Election Act*

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

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

**38.** Declaration of election officials.

**39.** Oath.

**40.** Substitute returning officer.

**41.** Nomination day.

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

**43.** The returning officer shall, at least six clear days prior to nomination day, give notice of nominations,

- (a) in a city district by publishing a notice in the prescribed form in a newspaper circulating within the city,
- (b) in a district wholly or partly within a town or village by posting notices in the prescribed form in at least three conspicuous places in the town or village, and
- (c) in any other district or division, by causing a notice in the prescribed form
  - (i) to be posted up in at least four widely separated and conspicuous places in each polling area in which an election is required, or
  - (ii) to be mailed to each elector, or
  - (iii) to be published in a newspaper circulating within the district or division.

**44.** Every nomination of a candidate for trustee

- (a) shall be in writing signed by at least five electors and shall be in the prescribed form,
- (b) shall be accompanied by a written acceptance signed by the person nominated, stating
  - (i) that he resides in and has resided in the district or subdivision of a division or ward for at least 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 resolution so requires, shall be accompanied by a cash deposit in the amount fixed by the resolution.

**45.** (1) A board may by resolution require every nomination to be accompanied by a cash deposit in the amount fixed in the resolution.

(2) An amount fixed in a resolution under subsection (1) may not exceed,

- (a) in the case of a city district, the sum of \$100, and
- (b) in the case of any other district or division, the sum of \$25.

**42.** Receipt of nominations.

**43.** Notice of nomination meeting.

**44.** Form of nomination.

**45.** Cash deposit.

**46.** (1) Where a board has passed a resolution providing for a deposit, the returning officer shall require the deposit to be provided

- (a) in cash, 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 50.

(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 board.

**47.** Where a resolution 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.

**48.** (1) A person is not eligible to be nominated or elected as trustee if, on nomination day, he is not qualified under this Act to be a trustee.

(2) A person is not eligible to be nominated for or elected to more than one office of trustee.

(3) A trustee is not eligible to be nominated for or elected to the same or any other office on the board unless

- (a) his term of office is expiring, or
- (b) he has resigned his office with effect 10 days or more before nomination day, where his term of office is not expiring.

**49.** (1) Where the number of persons nominated for any office is less than the number required to be elected, nominations shall

- (a) stand adjourned to the next day at the same place, at the hour of 10 o'clock in the morning and the



**46.** Disposition of deposit.

**47.** Validity of nomination paper.

**48.** Qualification for nomination.

**49.** Insufficient nominations.

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) 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 secretary of the board shall immediately notify the Minister, who may take such action as he considers necessary in the circumstances.

**50.** (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 51.

**51.** (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 secretary of the board of the names of the persons so elected and shall deliver the nomination papers and other material relating to the nomination meeting to the secretary of the board who is thereafter responsible for their safekeeping.

(3) The nomination papers and other material relating to the nomination may be inspected at all reasonable times in the presence of the secretary of the board by an election.

**52.** (1) If more than the required number of persons are nominated for any office, the returning officer shall declare that an election will 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 50, give notice of the election

**50. Withdrawal of nomination.**

**51. Election by acclamation.**

**52. Notice of election.**

- (a) in a city district or a district or division wholly or partly in a town, by posting in a conspicuous place and by publishing in one or more newspapers circulating in the city or town, at least once in each of two weeks immediately preceding polling day, a notice in the prescribed form,
- (b) in a district or division situated wholly or partly within 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 any other district or division
  - (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, or
  - (ii) by publishing a notice in the prescribed form in one issue of a newspaper circulating in the district or division not sooner than 30 clear days and not later than 14 clear days before polling day.

**53.** (1) A board may by resolution provide for the taking of the votes of the electors by means of voting machines, vote recorders or automated voting systems.

(2) The resolution shall contain the procedures to be followed in the 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 122 to 135 do not apply when the votes of the electors are taken by any of the means provided in subsection (1).

**54.** (1) A board 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 board, the returning officer shall designate the various polling places.

(3) When a polling place designated by the board 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.

**55.** (1) The returning officer shall ensure that each polling place is furnished with one or more compartments,

**53. Voting machines.**

**54. Location of polling places.**

**55. Voting 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.

**56.** (1) The secretary of the board shall provide as many ballot boxes as appear to be required, for each polling place.

(2) The ballot boxes shall be made of some durable material, to 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.

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

**58.** (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.

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

**60.** 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 main occupation of each candidate, or if he has no main occupation, his status.

**56.** Ballot boxes.

**57.** Delivery of ballot boxes.

**58.** Display of ballot boxes.

**59.** Ballot paper.

**60.** Contents of ballot paper.

**61.** (1) Notwithstanding section 59, a board by resolution, 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 resolution passed under subsection (2) remains in force from year to year, until repealed.

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

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

(3) The board, 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.

**63.** Before the opening of the poll, the returning officer shall cause to be delivered to each deputy returning officer the ballot papers and such other materials as are necessary in order to enable the electors to mark their ballot papers.

**64.** The secretary of the board 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 of the list of electors, certified by the secretary of the board to be a correct copy, as is required for each polling place, together with a blank poll book, in the prescribed form, in which to record the names and qualifications of the electors who vote.



**61.** Contents of ballot papers where resolution passed.

**62.** Form of ballot papers.

**63.** Delivery of ballot papers.

**64.** Delivery of list of electors.

**65.** (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.

**66.** 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.

**67.** (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 of *The Municipal Election Act*.

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

**68.** (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.

**65.** Directions for guidance.

**66.** Posting directions for guidance.

**67.** Provisions relating to bribery and undue influence to be posted.

**68.** Official may vote where stationed.

(5) Where, in a district or subdivision of a division or in a city district 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 a subdivision of a 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 77.

**69.** (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

(a) with the approval of the returning officer, may also appoint a constable, or

(b) may summon to his assistance in the polling place, any peace officer or any other 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.

**70.** 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.

**71.** (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.

**69. Poll clerks and peace officers.**

**70. Oaths.**

**71. Agents of candidates.**

(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 trustees, 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 those agents that

(a) are authorized to attend, and

(b) 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 that time and place does not invalidate it.

**72.** (1) Every agent appointed in respect of a vote on a by-law or question shall before being admitted to the polling place, or 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 of 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.

**73.** (1) A board 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 board, 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.

**74.** 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 district or division.

**75.** (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.

**72.** Proof of appointment of agent.

**73.** Advance poll.

**74.** Notice of advance poll.

**75.** Advance polling places.

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

(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.

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

- (a) have reason to believe that they will be absent from the district or division during the whole time fixed for the election or for voting on a by-law or question, or
- (b) by reason of physical disability find it impossible or extremely difficult to attend at the regular polling place.

**77.** (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.

**78.** 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 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 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.



**76.** Qualification to vote at advance poll.

**77.** Affidavit for advance poll.

**78.** List for deputy returning officer regarding advance poll electors.

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

(a) on the day fixed for the holding of an election may be confined to any hospital, auxiliary hospital or nursing home in the district or division, and

(b) 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 provision of this Act.

**80.** (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 poll 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 district or division, 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 district or division.

**81.** 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.

**82.** 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.

**79.** Institutional poll.

**80.** Voting at institutional poll.

**81.** Institution is polling place.

**82.** Persons allowed in polling place.

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

**84.** (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.

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

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

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

**87.** (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 and 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;

**83.** Polling hours.

**84.** Voting time.

**85.** Number of votes.

**86.** Secret ballot.

**87.** Duties of deputy returning officer.

- (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 an oath referred to in subsection (1) and otherwise establishes his identity to the satisfaction of the deputy returning officer.

**88.** (1) If a person whose name is not on the list of electors of the polling division in which he resides presents himself for the purpose of voting and claims he is entitled to vote because he is an elector 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.

**88. Swearing in.**

**89.** (1) A board 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 board 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.

**90.** The deputy returning officer shall place or cause to be placed in the columns of the poll book 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.

**91.** The deputy returning officer may, and upon request shall, either personally or through his poll clerk, explain to a voter as concisely as possible the proper method of voting.

**92.** 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 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.

**93.** 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.

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

- (a) conceal the names of the candidates and the mark upon the face of the ballot paper, and



**89.** Adding to list before polling day.

**90.** Entries in poll book.

**91.** Explanation.

**92.** Marking ballot paper.

**93.** Secrecy.

**94.** Disposal.

(b) 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.

**95. (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.

**96. (1) Where an elector does not understand the English language, the deputy returning officer may allow an**

**95. Incapacitated voters.**

**96. Interpreter.**

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.

**97.** (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.

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

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

**99.** (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.

**100.** (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.

**97. Replacement of spoiled ballot paper.**

**98. Elector declining to vote.**

**99. Removing of ballot paper.**

**100. Closing polling place.**

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

- (a) the poll clerk, if any, and
- (b) 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.

**102.** (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 endorse

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

**103.** (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.

**104.** 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:

**101.** Counting of votes.

**102.** Void ballot papers.

**103.** Note of objection.

**104.** Statement of vote.

- (a) the name of the district or division;
- (b) the name and number of the polling place (if any);
- (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".

**105.** 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 place (if any), and day of the voting;
- (b) the name of the district or division;
- (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.

**106.** (1) The written statement shall be signed by the deputy returning officer, the poll clerk, if any, and any of the candidates or their agents who 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.

**107.** Every deputy returning officer, at the close of the poll, shall certify under his signature on the poll book, in full



**105.** Statement of vote.

**106.** Signature of statement.

**107.** Certificate in poll book.

words, the total number of persons who have voted at the polling place at which he has been appointed to preside.

**108.** (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 list of electors, if any, and poll book together with the oath in the prescribed form.

(2) Before making up the packet containing the poll book and list of electors, 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 list of electors, if any.

**109.** 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,

**108.** Packets of ballot papers.

**109.** Ballot paper account.

- (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.

**110.** (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 list of electors 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.

**111.** (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 list of electors, and
- (b) the written statements made under sections 104 and 105.

(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.

**112.** (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.

**110.** Sealing of packets of ballot papers.

**111.** Delivery of ballot box and statement.

**112.** Percentage of votes.

**113.** (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 secretary of the board, together with a statement of the candidates declared to be elected.

**114.** (1) If there is more than one polling place, then at noon on the second day after the polling day at the board 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, a statement under his hand showing the number of votes polled for each candidate.

**115.** 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 board.

**116.** (1) If in a district or division wholly or partly within a town, village or municipal district a candidate is dissatisfied with the result of the voting as shown by the duplicate statement of the deputy returning officer 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 deputy returning officer, and
- (b) proceed to count the ballot papers contained therein in the same manner as the deputy returning officer 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.

**113.** Declaration.

**114.** Declaration.

**115.** Declaration of vote.

**116.** Dissatisfaction.

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

**117.** (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 packages 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 board 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.

**118.** 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.

**119.** (1) Forthwith after the election the returning officer shall deliver to the secretary of the board the ballot boxes, packets, nomination papers, other election material and returns, and the secretary of the board is thereafter responsible for their safekeeping and for their delivery when required.

(2) The nomination papers, other election material and returns not sealed in the ballot box may be inspected at all reasonable times in the presence of the secretary of the board by an elector.



**117.** Declaration where only one polling place.

**118.** Equal votes.

**119.** Retention of election material.

**120.** The secretary of the board, 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.

**121.** (1) No person shall be allowed to inspect any ballot papers in the custody of the secretary of the board, except on order of a judge of the district court in the judicial district within which the district or division is wholly or mainly situated, 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

- (a) state the time and place for inspecting the papers,
- (b) name the persons to be present at the inspection,
- (c) name the other persons entitled to be present at the inspection, and
- (d) be made subject to such conditions as the judge thinks necessary.

**122.** (1) At any time 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.

**123.** At least three days prior to the application, a copy of the notice of motion and the affidavit filed shall be

**120.** Destruction of election material.

**121.** Inspection.

**122.** Judicial recount.

**123.** Notice.

served by the elector on the secretary of the board, the returning officer and all candidates or such candidates as the judge may direct.

**124.** 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 secretary of the board, 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.

**125.** (1) The judge, the clerk or deputy clerk of the court, the secretary of the board 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 secretary of the board shall be present at the recount with the sealed packet of ballot papers and duplicate statements used at the election.

**126.** (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 secretary of the board 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.

**127.** (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.

**128.** (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

**124.** Recount.

**125.** Persons permitted at recount.

**126.** Recount by judge.

**127.** Recess during recount.

**128.** Examination of ballot papers on recount.

(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.

**129.** (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 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) 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 those candidates.

**130.** (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.

**129.** Statement after recount.

**130.** Equal votes.

**131.** 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 secretary of the board who shall thereupon, by notice to be posted in his office, declare elected the candidate having the highest number of votes.

**132.** (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 board 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.

**133.** 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.

**134.** Sections 122 to 133 apply *mutatis mutandis* to a recount of the vote for and against a by-law or question.

**135.** Nothing in sections 122 to 133 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.

**136.** (1) A secretary of a board

- (a) who knowingly enters or permits to be entered in a list of electors 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 list of electors required by this Act, or
  - (ii) to enter upon a list of electors any particulars as required by this Act or by the board, or
  - (iii) to revise a list of electors in accordance with any of the requirements of this Act,



**131.** Certification of result.

**132.** Costs of recount.

**133.** Payment of costs.

**134.** Recount for vote on by-law or question.

**135.** Self-explanatory.

**136.** List of electors.

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 "list of electors" includes any copy thereof that the secretary of the board is required to prepare by this Act.

**137. (1) Any person**

- (a) who, without the consent of the returning officer, takes down a list of electors, or
- (b) who covers up, mutilates or defaces a list of electors,

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 list of electors.

**138. (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

**137.** Removing or defacing list of electors.

**138.** Prohibitions.

- (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 secretary of the board or the returning officer may at any time after nomination day, if so directed by the board, cause a facsimile of the ballot for 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 another 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.

**139.** 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.

**140.** 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.

**141.** (1) No officer, clerk, agent or other person shall interfere with, or attempt to interfere with a voter when

**139.** Penalty for deputy returning officer.

**140.** Wilful misfeasance.

**141.** Secrecy of voting.

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.

(2) 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.

(3) 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.

(4) 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 that polling place is about to vote or has voted.

(5) Every officer, clerk and agent in attendance at a polling place or 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.

(6) 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.

(7) 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.

**142.** 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.

**143.** (1) Every printed or other advertisement, handbill, 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.

**142.** False statement.

**143.** Printer's name.

(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.

**144.** 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.

**145.** Part 2 of *The Municipal Election Act* relating to controverted elections, applies to this Act *mutatis mutandis* with the following changes:

(a) a reference to a municipality means a reference to a district or division;

(b) a reference to a council means a reference to a board;

(c) a reference to a municipal secretary means a reference to a secretary of a board;

(d) a reference to mayor or councillor means a reference to a trustee.

**146.** (1) Notwithstanding section 15, trustees who hold office (except those referred to in section 173 of *The School Act, 1970*) upon the commencement of this Act continue to hold office until the first organizational meeting of the board after the expiration of the period for which they were elected.

(2) Where the term of office of a trustee expires prior to December 31, 1973, there shall be an election held in accordance with the provisions of this Act, but



**144.** Maintaining secrecy.

**145.** Controverted elections.

**146.** Elections from now to 1974.

- (a) where an election is held in 1971, the trustee elected to fill the vacancy shall hold office until the organizational meeting following the school election in 1974,
- (b) where an election is held in 1972, the trustee elected to fill the vacancy shall hold office until the organizational meeting following the school election in 1974, and
- (c) where an election is held in 1973, the trustee elected to fill the vacancy shall hold office until the organizational meeting following the school election in 1974.

**147.** Where there is any conflict between the provisions of this Act and *The School Act*, being chapter 297 of the Revised Statutes of Alberta, concerning who may vote, the place or time at which they may vote and the procedure concerning the method and conduct of any general election, by-election, plebiscite, poll, vote on a resolution, by-law or money by-law, referendum or vote on any matter or question, the provisions of this Act prevail.

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

**147. Transitional provision.**