

1971 Bill 27

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 27

An Act to amend The Municipal Election Act

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Third Reading

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BILL 27

1971

AN ACT TO AMEND THE MUNICIPAL ELECTION ACT

(Assented to _____, 1971)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1. *The Municipal Election Act is hereby amended.*

2. *Section 2 is amended by striking out clause 11 and by substituting the following:*

11. "proprietary elector" means

- (i) a person whose name appears on the assessment roll in respect of land liable to assessment and taxation for general municipal purposes, and
- (ii) a person who holds a mobile unit licence under The Municipal Government Act.

3. *Section 24, subsection (3) is amended by striking out the words "hereinafter mentioned" and by substituting the words "referred to in section 29".*

4. *Section 29, subsection (2) is amended*

- (a) *as to clause (a) by striking out the figure "16" and by substituting the figure "21",*
- (b) *as to clause (b) by striking out the word "seven" and by substituting the figure "14".*

5. *Section 33 is struck out and the following is substituted:*

33. In the case of a by-law or question being submitted to the electors or proprietary electors for approval, if more than 50 per cent of the persons 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 or the proprietary electors, as the case may be.

6. *Section 34, subsection (1) is amended*

- (a) *by adding after the words "age of 19 years" the words "on or before polling day",*

Explanatory Notes

1. This Bill amends chapter 245 of the Revised Statutes of Alberta 1970.

2. Section 2, clause 11 presently reads:

11. "proprietary elector" means a person whose name appears on the assessment roll in respect of land liable to assessment and taxation for general municipal purposes.

3. Section 24, subsection (3) presently reads:

(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. Section 29, subsection (2) presently reads:

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

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

5. Section 33 presently reads:

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

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

- (a) if two-thirds of the proprietary electors voting thereon, when the total number of proprietary electors voting on the by-law is not more than 50 per cent of the total number of proprietary electors entitled to vote thereon, vote in favour of the by-law, or
- (b) if the majority of the proprietary electors voting thereon when the total number of proprietary electors voting on the by-law is more than 50 per cent of the total number of proprietary electors entitled to vote thereon, vote in favour of the by-law, the money by-law shall be deemed to be assented to by the proprietary electors.

6. Section 34, subsection (1), clause (a) presently reads:

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

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

(b) by adding the following clause after clause (a):

(a1) he holds a mobile unit licence under The Municipal Government Act, or

7. Section 39, subsection (2), clause (a) is amended by striking out subclause (i) and by substituting the following:

(i) is or will be of the full age of 19 years on or before polling day;

8. The following section is added after section 39:

39.1 (1) Notwithstanding anything in this Act, a municipality may by by-law provide that it is unnecessary to complete a list of electors.

(2) If a council passes a by-law pursuant to subsection (1) every proprietary elector and every elector shall subscribe to a declaration, in the form prescribed by the Minister, that he is qualified to vote as an elector or as a proprietary elector, as the case may be, and any person subscribing to the declaration shall be permitted to vote.

(3) Every declaration shall be subscribed in the presence of the officer presiding at the poll.

(4) A by-law, pursuant to subsection (1) shall be passed not later than one week following nomination day and in the case of a vote on a question or by-law not later than three weeks prior to the date fixed for voting on the question or by-law.

(5) A by-law passed pursuant to this section shall remain in effect until repealed.

9. Section 42 is amended

(a) as to subsection (3) by striking out the words "of the full age of 19 years" where they occur in clauses (a), (b) and (c) and by substituting the words "or will be of the full age of 19 years on or before polling day",

(b) by adding the following subsection after subsection (7):

(8) The municipal secretary shall also enter upon the list of electors, the names in alphabetical order, of all persons whose names do not already appear on the list but who are or will be of the full age of 19 years on or before polling day and who hold a mobile unit licence under The Municipal Government Act.

10. Section 49 is amended by adding after the words "commissioner for oaths" the words "or, in the case of a deputy returning officer, before the returning officer".

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

7. Section 39, subsection (2), clause (a), subclause (i) presently reads:

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

(a) in each year in which a vote for a general election is required each enumerator shall visit each place of habitation in the area assigned to him and shall record the name and address of each person residing therein who

(i) is of the full age of 19 years,

8. Section 38 presently reads:

38. The municipal secretary, or such other person as the council may appoint, shall in each year in which a vote for a general election is required, prepare a list of electors.

9. Section 42, subsection (3), clause (a) presently reads:

(3) The list shall contain the following particulars, which when possible shall be taken from the assessment roll:

(a) the name of every purchaser who is entitled to the possession of land liable to taxation for general municipal purposes, whose name appears upon the assessment roll and who is of the full age of 19 years;

10. Section 49 presently reads:

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