

1974 Bill 29

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Third Session, 17th Legislature, 28 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 29**

**The School Election Amendment Act, 1974**

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DR. PAPROSKI

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First Reading .....

Second Reading .....

Third Reading .....

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Bill 29  
Dr. Paproski

## BILL 29

1974

### THE SCHOOL ELECTION AMENDMENT ACT, 1974

(Assented to \_\_\_\_\_, 1974)

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

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

2. *Section 2, clause (f) is amended by striking out sub-clause (iii) and by substituting the following:*

(iii) who

(A) has resided in Alberta for the six consecutive months immediately preceding nomination day, and

(B) is resident in the district or division in which the vote is to be held on nomination day;

3. *Section 3 is amended*

(a) *by striking out subsection (1) and by substituting the following:*

**3. (1)** The Minister may

(a) give directions governing 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 he considers the provisions of this Act insufficient;

(b) require all boards, at any time, to conduct a vote or referendum of the electors of the district or division on any matter or question specified by him.

(b) *by striking out subsection (3) and by substituting the following:*

(3) The Minister may make regulations prescribing forms to be used under this Act and providing for any matter relating to the conduct of a vote or referendum held at his direction.

## Explanatory Notes

**1.** This Bill will amend chapter 331 of the Revised Statutes of Alberta 1970.

**2.** Section 2, clause (f) presently reads:

- (f) "elector" means a person
  - (i) 18 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;

**3.** Section 3 presently reads:

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. *Section 10 is amended by striking out clause (d) and by substituting the following clauses:*

- (d) resident in Alberta for the 12 consecutive months immediately preceding nomination day,
- (d1) resident in the district or subdivision of a division or ward for which he is nominated for the six consecutive months immediately preceding nomination day,

5. *Section 41 is amended by striking out subsection (1) and by substituting the following subsection:*

41. (1) Nomination day for a general election in a district or division is the same day as nomination day for a general election in a city, town, municipal district or village under *The Municipal Election Act* in the year in which the election is to be held.

6. *Section 44, clause (b) is amended by striking out sub-clause (i) and by substituting the following subclauses:*

- (i) that he has resided in Alberta for the 12 consecutive months immediately preceding nomination day,
- (i.1) that he resides in and has resided in the district or subdivision of the division or ward for the six consecutive months immediately preceding nomination day,

7. *Section 53 is amended by striking out subsection (2) and by substituting the following subsection:*

- (2) The resolution shall contain the procedures to be followed
  - (a) in the taking of the votes by any of the means provided in subsection (1), and
  - (b) in the counting, by machine or otherwise, of the votes taken by any of the means provided in subsection (1),

which procedures shall, as nearly as possible, follow the provisions of this Act.

8. *The following section is added after section 95:*

95.1 (1) A board may by by-law provide for the attendance of deputy returning officers at places of residence of electors, during the hours an advance poll is open or such other time as may be fixed by the board, in order to take the votes of electors who are unable to attend a polling place or an advance polling place to vote because of physical incapacity.

**4. Section 10, clause (d) presently reads:**

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

- (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,

**5. Section 41, subsection (1) presently reads:**

**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.

**6. Section 44, clause (b) presently reads:**

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

- (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

**7. Section 53, subsection (2) presently reads:**

- (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 procedure shall as nearly as possible follow the provisions of this Act.

**8. To provide for the taking of votes of incapacitated electors by the attendance of deputy returning officers at the electors' residence.**

(2) Where a by-law has been passed under subsection (1), an elector who is unable to attend a polling place or an advance polling place to vote because of his physical incapacity may apply in writing to the returning officer to have a deputy returning officer attend at his place of residence to take his vote but such application shall be made in the form and within the time fixed by the by-law.

(3) Where the returning officer is satisfied that an elector is unable to attend a polling place or an advance polling place because of physical incapacity he shall include that elector's name on a list to be prepared by him.

(4) The list shall be arranged alphabetically according to districts or subdivisions of a division or a ward and shall contain

- (a) the name of each elector,
- (b) the address of each elector's place of residence,
- (c) an indication as to whether the elector is a public or separate school supporter,
- (d) the number of the subdivision or ward in which the elector is entitled to vote (if any), and
- (e) any other information which the returning officer considers necessary.

(5) When the returning officer has completed the list in accordance with this section he shall

- (a) advise each applicant in writing that his application has been accepted or rejected, as the case may be, and in the event of rejection, give reasons therefor;
- (b) inform electors whose applications have been accepted of the approximate time at which the deputy returning officer will attend at the elector's place of residence;
- (c) appoint sufficient deputy returning officers to give full effect to the provisions of this section.

(6) All attendances by deputy returning officers under this section shall be made during the hours in which advance polls are open or such other time as may be fixed by the board and no vote shall be taken at any other time.

(7) 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.

(8) Where there are wards or subdivisions in a district or division, the deputy returning officer shall maintain separate ballot boxes for each ward or subdivision of the district or division.



(9) A by-law passed under this section remains in force until repealed.

(10) All the provisions of this Act apply, so far as they are applicable, to the taking of votes under this section and to all proceedings in connection therewith or incidental thereto.

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