

1975 Bill 82
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 82

THE ELECTION AMENDMENT ACT, 1975

MR. PURDY

First Reading

Second Reading

Third Reading

Bill 82
Mr. Purdy

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(Second Session)

THE ELECTION AMENDMENT ACT, 1975

(Assented to _____, 1975)

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

1. *The Election Act is hereby amended.*
2. *Section 2, clause 3 is amended by adding at the end thereof the words "Red Deer".*
3. *Section 3 is amended*
 - (a) *by striking out subsection (4) and by substituting the following:*

(4) The appointment of a returning officer under subsection (1) expires one year from the date it becomes effective unless during that time a writ is directed to him in connection with an election in which case his appointment expires 120 days after the election directed by the writ is held.
 - (b) *as to subsection (5) by striking out the words "shall be paid" and by substituting the words "shall, upon performing duties as set forth in subsection (3) at the request of the Clerk of the Legislative Assembly, be paid".*
4. *Section 4, subsection (1) is amended by striking out clause (c) and by substituting therefor the following clause:*
 - (c) appointing the 14th day after the date of the writ as nomination day,
5. *Section 6, subsection (1) is amended by striking out clause (c).*

Explanatory Notes

1. This Bill will amend chapter 117 of the Revised Statutes of Alberta 1970.

2. The definition of “city constituency” is amended to include the Electoral Division of Red Deer.

3. Section 3 (4) and (5) presently read:

(4) The appointment of a returning officer under subsection (1) expires one year from the date it becomes effective, unless during that time a writ is directed to him in which case his appointment expires 60 days after the election or plebiscite directed by the writ is held.

(5) All returning officers appointed under subsection (1) shall be paid

- (a) an annual honorarium in the same amount, and
- (b) subsistence and travelling allowances at the same rate, which shall be prescribed by the Lieutenant Governor in Council.

4. Section 4 (1) (c) presently reads:

4. (1) Every election shall be commenced by the passing of an order of the Lieutenant Governor in Council

- (c) appointing a day not sooner than the 25th day or later than the 35th day after the date of the writ as nomination day.

5. Section 6 (1) (c) presently reads:

6. (1) The following shall not be appointed or act as returning officer, deputy returning officer, election clerk, enumerator or poll clerk, namely:

- (c) a minister, priest or ecclesiastic under any form or profession of religious faith or worship;

6. Section 7 is struck out.

7. Section 8 is struck out and the following section is substituted therefor:

8. (1) No person having been appointed or acting as a returning officer may engage in political activity on behalf of any candidate or any party during the term of his appointment.

(2) A person who contravenes subsection (1) or who refuses to perform the duties of returning officer after having received the writ of election is guilty of an offence and liable upon summary conviction to a fine of not more than \$200, unless he is disqualified by this Act.

8. Section 10 is amended

- (a) as to subsection (1) by striking out the words "appointed pursuant to this Act as an enumerator for a polling subdivision in a city constituency",
- (b) as to subsection (3) by striking out the words "for a city", and
- (c) as to subsection (4) by striking out the words "for a city constituency".

9. Section 15 is amended

- (a) as to subsection (1)
 - (i) by striking out clause (c) and by substituting therefor the following clause:
 - (c) upon making the subdivision the returning officer shall appoint in writing in Form 7 two resident electors of the electoral division as enumerators for each polling subdivision;
 - (ii) as to clause (e) by striking out subclauses (i), (ii) and (iii) and by substituting therefor the following subclauses:
 - (i) contain the names of the electors
 - (A) geographically arranged by streets, roads and avenues and by apartment or unit numbers as in Form 9.1 where the polling subdivision is in a city constituency, or
 - (B) alphabetically arranged according to the first letter of the surname as in Form 9 in all other cases,
 - and
 - (ii) give both the mailing address and residence of each elector, including the number of his suite or room where appropriate,
- and
- (b) as to subsection (2) by striking out the word "city" and by substituting therefor the word "all".

6. Section 7 presently reads:

7. The following are not obliged to accept appointment or to act as returning officer, deputy returning officer, election clerk or poll clerk, namely:

- (a) a physician or surgeon;
- (b) a person sixty years of age or over;
- (c) a person who has within the five years immediately preceding the date of the writ served as returning officer at any election to the Assembly.

7. Restrictions on returning officers. Section 8 presently reads:

8. A person who refuses to perform the duty of returning officer after having received the writ of election is guilty of an offence and liable upon summary conviction to a fine of not more than \$200, unless

- (a) he is disqualified by this Act, or
- (b) he has a right to claim exemption under section 7 and has claimed exemption by letter setting forth the grounds of such exemption and forwarded to the Clerk of the Legislative Assembly within two days next after the receipt of the writ of election.

8. Section 10, subsections (1), (3) and (4) presently read:

10. (1) The Clerk of the Legislative Assembly shall procure a supply of enumerators' badges in sufficient quantity to provide one badge for each enumerator appointed pursuant to this Act as an enumerator for a polling subdivision of a city constituency.

(3) As soon as possible after the issue of the writ of election for a city constituency, the Clerk shall furnish the returning officer for the constituency with a sufficient supply of badges.

(4) Whenever the returning officer for a city constituency appoints an enumerator for any polling subdivision, he shall furnish the enumerator with one badge and shall keep an accurate record of every badge so furnished.

This amendment ties in with section 22 of the Bill.

9. Section 15 presently reads:

15. (1) A list of electors of the several electoral divisions of Alberta for use in a general election shall be made and revised at the time and in the manner hereinafter provided:

- (a) for the purpose of making and revising lists of electors hereunder the electoral divisions for which lists are to be made or revised shall be the electoral divisions set out in the Schedule of The Legislative Assembly Act;
- (b) upon receipt by the returning officer of an electoral division of the Province of the writ for the election he shall subdivide the electoral division into as many polling subdivisions as he deems necessary for the convenience of the voters, taking care to include every part of the electoral division in some polling subdivision;
- (c) upon making such subdivision, the returning officer shall,
 - (i) in the case of an electoral division that is a city constituency, appoint under his hand in Form 7, two resident electors of the electoral division as enumerators for each polling subdivision, and
 - (ii) in the case of all other electoral divisions, appoint under his hand in Form 7, one competent and reliable resident elector of the electoral division as enumerator for each polling subdivision;
- (d) every enumerator shall, before acting as such, take the oath of office in Form 8 which may be sworn before the returning officer, an election clerk, a justice of the peace, a commissioner for oaths or a notary public, who shall administer the oath free of charge;
- (e) each enumerator immediately upon his having taken the oath of office shall compile a list of the persons qualified as electors for the polling subdivision at the election then pending, and the list shall
 - (i) be in Form 9 and in quadruplicate,
 - (ii) contain the names of the electors alphabetically arranged according to the first letter of their surnames and, in the case of a married woman or a widow, under her own given name and the surname of her husband, using the abbreviation "Mrs." as prefix, and
 - (iii) give the occupation and residence of each elector, including the number of his suite or room when an elector resides in an apartment block or a hotel.

(2) In city constituencies the rules set out under the heading of "Rules for the Appointment of Enumerators" in the Second Schedule govern the appointment of enumerators.

10. *Section 17 is amended*

- (a) *as to subsection (2), clause (a) by striking out the words "or British subject",*
- (b) *as to subsection (3) by adding at the end thereof the words ", except as provided in subsection (4)",*
- (c) *by adding the following subsections after subsection (3):*

(4) Notwithstanding any thing in this Act, at the time of a general election only, any elector who between

- (a) the day on which the writ was issued, and
- (b) the time fixed for the closing of the revision of the list of electors,

changes his ordinary place of residence from one polling subdivision to another in the same or another electoral division may apply to an enumerator for the polling subdivision to which he has moved, during the sittings for revision, to have his name included in the list of electors for the polling subdivision in which he is ordinarily resident at the time of application, and upon his name being included in that list he is entitled to vote in that polling subdivision of that electoral district.

(5) Where an enumerator includes the name of an elector in the list of electors under subsection (4), the enumerator shall forthwith so advise an enumerator for the polling subdivision from which the elector moved and that enumerator shall remove the elector's name from the voters' list for that polling subdivision and shall attest the removal with his initials.

(6) No person is qualified or entitled to vote at a by-election unless he continues to be ordinarily resident until polling day for the by-election in the electoral division in which is situated the polling subdivision in which he was ordinarily resident on the date of the issue of the writ of election.

11. *Section 18 is amended by renumbering the section as subsection (1) and by adding thereafter the following subsections:*

(2) A person shall, for the purpose of this Act, be deemed to be ordinary resident on the day on which the writ was issued in a treatment centre where he was resident on the date of the issue of the writ of election.

(3) For the purposes of this section, "treatment centre" means any hospital, sanatorium, home for the aged or any other facility providing medical treatment or care on an in-patient basis.

10. Section 17 (2) and (3) presently read:

- (2) A person is qualified to be registered as an elector and to vote, who
- (a) on the day on which the writ was issued was a Canadian citizen or British subject,
 - (b) is of the full age of 18 years or will attain the full age of 18 years on or before polling day,
 - (c) had, on the day on which the writ was issued resided in Alberta for at least 12 months immediately prior to that day, and
 - (d) was, on the day on which the writ was issued, ordinarily resident in the electoral division and polling subdivision in which he or she seeks to vote.
- (3) An elector shall be registered on the list of electors for the electoral division in which the elector ordinarily resided on the day on which the writ was issued, and on no other.

11. Residency qualifications.

12. Section 19 is struck out.

13. Section 20 is amended by striking out the word "city".

14. Section 21, subsection (1) is amended by striking out the words "one copy" and by substituting therefor the words "six copies".

15. Section 22 is amended

(a) as to subsection (1)

(i) by striking out the words ", or in a city constituency, the returning officer," and

(ii) by striking out the words "or the returning officer",

(b) as to subsection (2) by striking out the words "or returning officer, as the case may be," and

(c) by striking out subsection (3) and by substituting therefor the following subsection:

(3) If an enumerator finds that the residence or mailing address of any elector is inaccurately stated in the list, he may make the necessary change and shall attest the change by his initials.

16. Section 23 is struck out.

12. Section 19 presently reads:

19. (1) In every electoral division other than a city constituency, each enumerator shall not later than the last weekday before nomination day

- (a) complete, date at his place of residence and sign four legible copies of the list of electors compiled as aforesaid,
- (b) forthwith post up two of the copies for each polling subdivision in two of the most conspicuous public places within the polling subdivision,
- (c) forward the third copy to the returning officer, and
- (d) retain the fourth for revision.

(2) One of the places where a copy of the list is to be posted up shall be a conspicuous place outside and adjoining the main entrance to the polling place.

(3) The enumerator shall attach to each of the copies posted up by him a certificate and notice in Form 10 (in city constituencies) or Form 10B (in constituencies other than city constituencies) signed by him and designating a place within the polling subdivision where electors may find him between the hours of ten o'clock in the morning and four o'clock in the afternoon during the last two consecutive weekdays next before the polling day.

(4) Notwithstanding subsection (3), where for the greater convenience of electors the polling place for a polling subdivision not included within the limits of a city or town but adjacent thereto has been fixed in the city or town it adjoins, the enumerator may designate a place at or near the polling place as the place where he may be found during the said two days.

(5) If the returning officer deems it expedient, he may print any or all of the copies of the list of electors compiled and submitted to him by the enumerators as aforesaid, and the returning officer may post up printed copies thereof in such places as he deems most conspicuous.

13. Section 20 presently reads:

20. The list of electors for each polling subdivision in a city constituency shall be made and dealt with according to the rules set out in the Third Schedule under the heading "Rules for Compiling List of Electors in City Constituencies".

14. Candidates will be entitled to six free copies of the list of electors.

15. Section 22 (1), (2) and (3) presently read:

22. (1) If an enumerator, or in a city constituency the returning officer, at any time after posting up the list of electors and before the time fixed for the closing of the revision of the list is fully satisfied from representations made to him by any creditable person and by independent inquiry that the name of any qualified elector has been omitted from the list of electors of the polling subdivision to which such elector belongs, the enumerator or the returning officer, as the case may be, shall add such name to the copy of the list in his possession below his own signature and shall attest such addition by his initials.

(2) If an enumerator or returning officer, as the case may be, in like manner is fully satisfied that there is on the list the name of any person who is not qualified as an elector of the polling subdivision, he may remove such name therefrom by drawing lines through the name and shall attest such removal by his initials.

(3) If an enumerator or returning officer, as the case may be, finds the occupation, or residence of any elector to be inaccurately stated in the list, he may make the necessary alteration and affix his initials thereto in like manner.

16. The provision is replaced by making section 24 applicable to all constituencies.

17. Section 24, subsection (1) is amended by striking out the words "In the case of a city constituency, the" and by substituting therefor the word "The".

18. Section 25 is struck out and the following section is substituted therefor:

25. (1) A deputy returning officer, poll clerk, candidate or agent of a candidate

- (a) whose name appears on the list of electors of a polling subdivision as that of a qualified elector,
- (b) who will be situated on polling day at a polling place in some other polling subdivision, and
- (c) who desires to vote at the polling place in which he is so situated,

may apply to the returning officer of the electoral division for a certificate that he is a qualified elector in his home polling subdivision.

(2) The returning officer, if satisfied that the applicant is a qualified elector and that his name appears on the list of electors for the voter's home polling subdivision, shall grant the certificate in Form 15.

(3) The returning officer shall grant the certificate in accordance with the following provisions:

- (a) he shall not issue any certificate until after two o'clock in the afternoon of the day of nomination and he shall not issue any certificate in blank;
- (b) he shall
 - (i) number each certificate in consecutive order of issue,
 - (ii) set out in writing the name of the person to whom it is issued,
 - (iii) certify that such person is a qualified elector, giving the number of the polling subdivision to which he belongs and the electoral division, and
 - (iv) state the position and number of the polling subdivision to which he is appointed, which polling subdivision shall be in the same electoral division as the polling subdivision to which he belongs;
- (c) he shall correctly date and sign each certificate;
- (d) he shall not issue a certificate to more than each of three agents of any candidate for use in any one polling subdivision and to such three only on the production by each of a written application as agent signed by the candidate.

(4) Upon the issue of any certificate as herein provided the returning officer shall mark on the list opposite the name of an elector to whom a certificate has been granted the words "certificate issued".

17. Section 24 (1) presently reads:

24. (1) In the case of a city constituency, the returning officer shall, on the first four of the days designated in the notice attached to the list posted up by the enumerator and at the time and place designated in the said notice, attend for the purpose of hearing and disposing of applications for the revision of the list.

18. This amendment will make the procedure the same for all constituencies.

19. *Section 27 is amended by striking out subsection (1) and by substituting the following subsection therefor:*

27. (1) The returning officer shall, after four o'clock in the afternoon of the day referred to in section 24 and before eight o'clock in the morning of the polling day, deliver the list of electors so certified to the deputy returning officer for the polling subdivision to which the list relates.

20. *Section 28 is struck out.*

21. *Section 30, subsection (1) is amended by striking out the words "to a penalty of one dollar and costs" and by substituting therefor the words "to a fine in an amount not exceeding \$50".*

22. *Section 31 is amended by striking out the words "of a city constituency" in clauses (a) and (c).*

23. *Section 38, subsection (1) is amended*

(a) *by adding after the word "proclamation" the words "which shall be a place that all electors may have free access to", and*

(b) *by striking out clause (a).*

24. *Section 41, subsection (2) is amended by adding after the word "publish" the words "in a prominent manner".*

25. *Section 42, subsection (1) is amended by striking out the word ", residences".*

26. *Section 45, subsection (2) is amended by adding after the words "is situated" the words ", except in a city constituency where no suitable resident elector is available, in which case an elector of another city constituency in the same city may be appointed".*

19. Section 27 (1) presently reads:

27. (1) The enumerator or the returning officer, as the case may be, shall, after four o'clock in the afternoon of the day referred to in section 23 or section 24 and before eight o'clock in the morning of the polling day, deliver the list of electors so certified to the deputy returning officer for the polling subdivision to which the list relates.

20. Section 28 reads:

28. The enumerator of any polling subdivision in an electoral division other than a city constituency shall on the form provided deliver to the deputy returning officer with the certified copy of the list of electors a certified voucher of his fees as enumerator, according to the schedule of fees adopted by order in council.

21. Section 30 (1) presently reads:

30. (1) An enumerator or returning officer who corruptly
- (a) omits from the list of electors the name of a person entitled to have his name entered thereon, or
 - (b) inserts or retains on the list of electors the name of a person who is not entitled to have his name so inserted or retained,

is in each case guilty of an offence and liable on conviction to a penalty of one dollar and costs for each such omission, insertion or retention, or the penalty may be recovered by suit in the district court of the district in which the said electoral division is wholly or partially situated.

22. Section 31 presently reads:

31. A person is in each case guilty of an offence
- (a) who, being an enumerator for a polling subdivision of a city constituency, wears the enumerator's badge issued to him at any time except during the time he is engaged upon making the house-to-house visitation pursuant to Rule 2 of the Third Schedule, or
 - (b) who, being such enumerator as aforesaid, wears any enumerator's badge other than the badge issued to him, or
 - (c) who, being a person other than an enumerator for a polling subdivision of a city constituency, wears any badge purporting to be an enumerator's badge.

This amendment ties in with section 8 of the Bill.

23. Section 38 (1) presently reads:

38. (1) Every returning officer on nomination day and at the place fixed in the proclamation,
- (a) shall proceed to the hustings, which shall be at such place that all electors may have free access thereto,
 - (b) shall at the hour of twelve o'clock noon read or cause to be read publicly in an audible voice the writ of election and the nominations that he has received, and
 - (c) shall from time to time until two o'clock in the afternoon of the day so read further nominations as he receives them.

24. Section 41 (2) presently reads:

(2) The returning officer shall announce at the place and on the day of the nomination, and shall on or immediately after the day of nomination publish the names and addresses of the official agents of the candidates in a newspaper published within the electoral division, or in case no newspaper is so published, then in the newspaper published nearest thereto.

25. Section 42 (1) presently reads:

42. (1) If a poll is necessary the returning officer shall with the least possible delay after the close of the nomination cause to be posted up at all the places where the proclamation was posted up a notice in Form 18 of the holding of the poll indicating the names, residences and political affiliations of the candidates nominated in the order in which they are to be printed on the ballot papers.

26. Section 45 (1) and (2) presently read:

45. (1) If a poll is to be held the returning officer or election clerk shall, by a commission under his hand in Form 19, appoint a deputy returning officer for every polling place.

(2) No person shall be so appointed who is not an elector in the electoral division wherein the polling place for which he is appointed is situated.

27. Section 50 is amended by adding after the words "deputy returning officer" where they occur in subsections (1) and (2) the words "or returning officer".

28. The following section is added after section 53:

53.1 Where more than one polling place is located in the same building, the returning officer may designate the deputy returning officer of one of the polling places to be responsible for order throughout the building.

29. Section 54 is struck out and the following section is substituted:

54. A deputy returning officer shall post up

- (a) at a conspicuous place outside the polling place, and
 - (b) in a conspicuous place within the polling place,
- the notice relating to secrecy of voting as set out in Form 25, and shall ensure that the notices remain posted in both places from the opening to the closing of the poll.

30. Section 58 is amended by striking out subsection (3) and by substituting the following:

(3) At least two days before polling day the returning officer shall deliver to each deputy returning officer one ballot box and the materials set forth in Form 26.

31. Section 59 is amended

(a) by striking out subsection (2) and by substituting therefor the following subsections:

(2) There shall be printed on each ballot the name of each candidate together with his political party or political affiliation as shown on the statement accompanying his nomination paper.

(2.1) The names of the candidates shall be printed on the ballot papers in alphabetical order according to the following rules:

- (a) the given name or names of a candidate shall be printed first in type not less than the size known as "8 point caps";
 - (b) the surname of a candidate shall be printed last in type of the size known as "10 point caps";
- (b) as to subsection (3) by striking out the words "In the case of a city constituency, the" and by substituting therefor the word "The", and
- (c) by striking out subsection (4).

27. Section 50 presently reads:

50. (1) The deputy returning officer may appoint a constable, but shall not do so unless he considers such appointment necessary for the preservation of order at the polling place.

(2) A constable so appointed shall take and subscribe an oath in Form 24 before the deputy returning officer or other person entitled to administer the same.

28. Maintaining order.

29. Section 54 presently reads:

54. (1) Before any general or other election, the Clerk of the Legislative Assembly shall cause to be printed in conspicuous characters a notice relating to secrecy of voting as set out in Form 25, and shall place two copies of the notice in each ballot box sent out for delivery to the deputy returning officer.

(2) The deputy returning officer shall post up one such copy in a conspicuous place outside the polling place and one copy in a conspicuous place within the polling place, and he shall ensure that they remain so posted up from the opening to the close of the poll.

30. Section 58 (3) presently reads:

(3) At least two days before polling day the returning officer shall deliver to each deputy returning officer one ballot box, which shall contain election material of the nature, number or quantity set out in Form 26.

31. Section 59 (2), (3) and (4) presently read:

(2) There shall be printed on the ballot paper the name and surname of each candidate together with his address and political party or political affiliation as shown on the statement accompanying his nomination paper, and the name or names shall be printed first with type not less than the size known as "eight point, caps", and the surname shall be printed second with type of the size known as "ten point, caps".

(3) In the case of a city constituency, the ballot papers shall be printed in batches of one hundred, and shall be so printed that upon the first batch the surnames of the candidates are in alphabetical order, and that upon each successive batch the alphabetical order of the surnames is altered only by advancing each name one position and by placing at the bottom of the list the name that appeared at the top of the list in the preceding batch.

(4) In the case of any electoral division other than a city constituency the surnames of the candidates shall be printed in alphabetical order.

32. Section 63 is amended

- (a) as to subsection (1) by striking out the words "not more than three" and by substituting therefor the words "not less than one nor more than four",*
- (b) as to subsection (3) by striking out the words "Tuesday, Wednesday,"*
- (c) by striking out subsection (8) and by substituting the following:*

(8) At the close of an advance poll on each day

(a) the deputy returning officer and the poll clerk shall, and

(b) any candidate or agent of a candidate present who desires to may,

seal the ballot box in such a manner that it cannot be opened nor any ballot papers deposited in it without breaking the seals.

and

- (d) as to subsection (10) by striking out clause (a) and by substituting the following:*

(a) the deputy returning officer and the poll clerk shall and the candidate or agent of a candidate present who desires to may seal the ballot box in such a manner that it cannot be opened nor ballot papers deposited in it without breaking the seals, and

33. Section 64 is struck out and the following section is substituted therefor:

64. (1) Where an elector who considers it necessary to vote at an advance poll presents himself for that purpose before the deputy returning officer in charge of the advance polling place, the deputy returning officer shall

(a) where the person's name appears on the list of electors for the polling subdivision in which that person resides, write opposite the name of the person on the list of electors the words "Advance Poll", or

(b) where the person's name does not appear on the list of electors for the polling subdivision in which that person resides, require the person to take the oath in Form 30 before the deputy returning officer and shall enter the name on the list of electors with the particulars of the person and the words "Sworn" and "Advance Poll",

and shall require the person to make and sign a declaration in Form 14.

(2) At the conclusion of the voting day at an advance poll the deputy returning officer for that advance poll shall

32. Section 63 (1), (3), (8) and (10) presently read:

63. (1) The returning officer shall establish not more than three special polling places for the purpose of enabling

(a) electors who are invalids, and

(b) electors who believe that they will necessarily be absent from their places of residence on the day fixed for the election

to vote in advance at an election held in the electoral division in which those electors reside.

(3) An advance polling place shall be open between the hours of 11 o'clock in the morning and 9 o'clock in the evening of the Tuesday, Wednesday, Thursday, Friday and Saturday of the week preceding that of the election, but at no other times.

(8) At the close of an advance poll on each day, the deputy returning officer and the poll clerk and also any candidate or agent of a candidate present who desires to do so shall seal the ballot box in such manner that it cannot be opened nor any ballot papers deposited in it without breaking the seals.

(10) At the close of the advance poll on the fifth day

(a) the deputy returning officer and the poll clerk and also any candidate or agent of a candidate present who desires to do so shall seal the ballot box in such a manner that it cannot be opened nor ballot papers deposited in it without breaking the seals, and

(b) the deputy returning officer shall take charge of and safely keep the ballot box until the close of poll on election day when he and the poll clerk shall proceed as directed by section 96.

33. This amendment will simplify the procedure for voting at an advance poll.

forthwith advise the deputy returning officer of each polling subdivision within the electoral division of the names of electors resident in his polling subdivision who have voted at the advance poll.

(3) A person who corruptly

(a) for the purpose of voting at an advance poll, makes a false declaration before a deputy returning officer, or

(b) in any other manner contravenes this section, is guilty of an offence and liable on summary conviction to a fine of not less than \$50 or not more than \$1,000 and in default of payment to imprisonment for a term not exceeding 90 days.

34. Section 68 is amended

(a) as to subsection (3) by striking out the words "other than a city constituency", and

(b) by striking out subsection (4).

35. Section 70 is amended

(a) as to subsection (2) by striking out the words "and occupation", and

(b) by striking out subsection (3).

36. Section 74 is struck out.

37. Section 75 is amended by striking out subsections (1), (2) and (3) and by substituting therefor the following subsections:

75. (1) Subject to compliance with subsection (2), a person whose name does not appear on the list of electors may vote at the polling place for the polling subdivision in which he resides upon application to the deputy returning officer thereof while the poll is open.

(2) If an applicant whose name does not appear on the list of electors takes the oath in Form 30 before the deputy returning officer or a poll clerk, the deputy returning officer shall cause the name and particulars of the applicant to be entered in the poll book followed by the word "Sworn" and thereupon the applicant may vote.

34. Section 68 (3) and (4) presently read:

- (3) In any electoral division other than a city constituency
 - (a) each candidate may appoint in writing not more than three electors of the electoral division as agents to represent him at each polling place,
 - (b) in the absence of such appointments two electors of the polling subdivision on their own request may act as such agent, and
 - (c) each agent or elector acting as agent shall, on being admitted to the polling place, take the oath of secrecy in Form 47.
- (4) In a city constituency
 - (a) each candidate may appoint in writing one elector of the electoral division as agent to represent him at each polling place,
 - (b) in the absence of such appointment one elector of the polling subdivision on his own request may act as such agent, and
 - (c) each agent or elector acting as agent shall, on being admitted to the polling place, take the oath of secrecy in Form 47.

35. Section 70 (3) presently reads:

- (3) The deputy returning officer at any time
 - (a) may determine how many voters are to be allowed in the said room together, and
 - (b) may forbid the entrance of additional voters until some of those already in the room have left the room.

36. Section 74 provides for swearing-in polls for city constituencies.

37. Section 75 (1) to (3) read:

- 75. (1) Subject to compliance with subsection (2), a person whose name does not appear on the list of electors may vote
 - (a) at the polling place for the polling subdivision in which he resides, or
 - (b) if he resides in a city constituency, at the swearing-in poll for the constituency in which he resides,upon application to the deputy returning officer thereof while the poll is open.
- (2) If an applicant whose name does not appear on the list of electors
 - (a) takes the oath in Form 30 before the deputy returning officer, and
 - (b) is vouched for by an elector
 - (i) whose name appears on the list of electors,
 - (ii) who is resident in the same polling subdivision as the applicant, and
 - (iii) who takes the oath in Form 31 before the deputy returning officer,the deputy returning officer shall
 - (c) cause the name and particulars of the applicant to be entered in the poll book, followed by the name and particulars and number on the list of electors of the elector who vouched for him, followed by the word "sworn", and
 - (d) in an electoral division, other than a city constituency, cause the applicant's name to be added to the list of electors with the word "sworn" written thereafter,and thereupon the applicant may vote.
- (3) No elector shall vouch for more than one applicant.

38. Section 76, subsection (1) is amended by striking out clause (a) and by substituting therefor the following clause:

- (a) produces a certificate in Form 15 from the returning officer,

39. Section 84, subsection (4), clause (b) is amended by adding after the words "The Mental Health Act" the figure ", 1972".

40. Section 95, subsection (4), clause (a) is amended by striking out the words "attached to" and by substituting the words "included in".

41. Section 104, subsection (1) is amended by striking out the words "a mandamus" and by substituting the words "an order in the nature of mandamus".

42. Section 105, subsection (1) is amended by adding after the words "by himself or his agent" the words ", by way of originating notice".

43. Section 107, subsection (2) is amended by striking out the words "this section" and by substituting therefor the words "section 108".

44. Section 108, subsection (2) is amended by adding after the word "Registrar" the words "of the Appellate Division".

45. Section 110, subsection (1), clause (a) is amended by striking out the words "at least five years" and by substituting therefor the words "until after he has received all election returns at the conclusion of the next general election".

46. Section 113 is struck out.

47. Section 123 is amended by striking out subsection (1) and by substituting the following subsection therefor:

123. (1) No candidate shall, and no other person at the expense of the candidate shall, provide or furnish food, drink, refreshments or drugs, or make any other provision

38. Consequential amendment to section 25.

39. This amendment will update a reference.

40. Section 95 (4) (a) presently reads:

(4) The deputy returning officer shall make out a statement in triplicate in Form 36, which statement shall forthwith be signed by him and the poll clerk and such of the agents of the candidates as are present and desire to sign it, and

(a) one copy of the statement shall be attached to the poll book,

41. Section 104 (1) presently reads in part:

104. (1) If a returning officer wilfully delays, neglects or refuses . . . the person aggrieved or any elector who voted at the election may apply to a judge of the Supreme Court for a mandamus commanding the returning officer to perform the duty that he is shown to have omitted.

42. Procedure by which an application is made to the Court is specified.

43. This amendment will correct a cross-reference.

44. Section 108 (2) presently reads:

(2) When the appeal is limited the judge shall seal up in a separate packet the ballot papers that are the subject of the appeal and shall forward them together with the notice and a certificate showing his findings with regard to the ballot papers in dispute by registered post to the Registrar of the Supreme Court.

45. Section 110 (1) presently reads:

110. (1) Subject to the provisions of this Act, the Clerk of the Legislative Assembly shall

(a) retain in his possession for at least five years the lists of electors and poll books transmitted to him by a returning officer, and shall then destroy them by fire, and

(b) retain in his possession the other documents for at least three months, or if there is an appeal against the result of the election, for at least three months after the appeal has been finally determined, and shall then destroy them by fire.

46. Section 113 prohibits the carrying of firearms by other than specified persons within one mile of a place of nomination or a polling place.

47. Section 123 (1) presently reads:

123. (1) A candidate shall not nor shall any other person provide or furnish meat, drink, refreshment, or make any other provision at the expense of such candidate or other person at a meeting of electors assembled for the purpose of promoting the election previous to or during the election or pay or promise or engage to pay therefor, but nothing herein extends to meat, drink, refreshment or provision furnished to a meeting of electors by or at the expense of any person at his usual place of residence where such a residence is a private house, nor to the furnishing of meals by or on behalf of a candidate to any person acting as agent for the candidate at any poll or polling place.

at a meeting of electors assembled for the purpose of promoting the election previous to or during the election or pay or promise or engage to pay therefor, but nothing herein extends to food, drink, refreshment or provision furnished to a meeting of electors by or at the expense of any person at his usual place of residence where such a residence is a private home, nor to the furnishing of meals by or on behalf of a candidate to any person acting as agent for the candidate at any poll or polling place.

48. Section 124, subsection (1) is amended by striking out the words "his nomination or selection as aforesaid," and by substituting therefor the words "the date of the issuance of the writ,".

49. Section 125 is amended

(a) as to subsection (1)

(i) by striking out the words "before or during an election" and by substituting therefor the words "after the date of the issuance of the writ", and

(ii) by striking out the words "meat, drink, refreshment or provision" and by substituting therefor the words "food, drink, refreshments or drugs",

and

(b) by striking out subsection (2).

50. Section 128, subsection (1) is amended by striking out the words "meat, drink, refreshment or provision" and by substituting therefor the words "food, drink, refreshment or drugs".

51. Section 130, subsection (2) is amended by striking out the words "four hundred dollars" and by substituting the figure "\$1,000".

52. Section 131, subsection (1) is amended by striking out the words "four hundred dollars" and by substituting the figure "\$1,000".

53. Section 152 is amended by striking out subsection (2) and by substituting therefor the following subsection:

(2) An appeal lies to the Appellate Division of the Supreme Court from any decision of a district court judge under subsection (1) and the Alberta Rules of Court applicable to civil matters apply to the appeal.

48. Section 124 (1) presently reads:

124. (1) No candidate at an election, and no person who has been nominated or selected as a candidate for election by any political party or group of individuals at a convention, or by petition, request or otherwise, shall, at any time after his nomination or selection as aforesaid, and before the holding of the poll, if any, at the election, make or promise to make directly or indirectly a subscription or donation of any kind whatsoever for any religious, charitable or philanthropic purpose or to any society or association.

49. Prohibition against treating is extended to include drugs.

50. Section 128 (1) presently reads:

128. (1) A person who gives or causes to be given to an elector on polling day, on account of his being about to vote or having voted, any meat, drink, refreshment or provision or any money, ticket or order to enable him to procure the same is guilty of an offence and liable on conviction to a fine of ten dollars.

51. Section 130 (2) presently reads:

(2) A person who commits or who directly or indirectly aids or abets, counsels or procures the commission of the offence of impersonation is guilty of an offence and liable on conviction to a fine of four hundred dollars, and to imprisonment for a term not exceeding one year.

52. Section 131 (1) presently reads:

131. (1) A person who
(a) procures an appointment as deputy returning officer or poll clerk by false pretence, deceit or other improper means, or
(b) acts as deputy returning officer without lawful authority,
is guilty of an offence and liable on conviction to a fine of four hundred dollars, and to imprisonment for a term not exceeding one year.

53. Section 152 (2) reads:

(2) No appeal lies from the decision of a district court judge under this section except in cases involving offences declared to be corrupt practices and punishable by imprisonment, whether alone or in addition to a pecuniary penalty or fine, in which cases an appeal lies from a conviction to the Appellate Division of the Supreme Court and the appeal is subject to the Alberta Rules of Court in civil matters.

54. Section 147, subsection (1) is amended by adding the word "or" at the end of clause (c) and by adding after clause (c) the following clause:

- (d) any printed advertisement, handbill, placard, poster or dodger having reference to an election in relation to which polling has not yet taken place,*

55. The following section is added after section 148:

148.1 No person shall obstruct or interfere with the free access of a candidate or campaign worker on behalf of a candidate to any building having more than one dwelling unit if the candidate or campaign worker produces identification of his status as such.

56. Section 158, subsection (2), clause (d) is amended by striking out the words "hire and keep of horses and".

57. Section 164 is amended by striking out clause (b).

58. (1) This section amends the First Schedule.

(2) Form 1 is amended

(a) by striking out the words "or members",

(b) by striking out the words "each member" and by substituting the words "the member".

(3) Form 2 is struck out and the following Form is substituted therefor:

54. The prohibition against destroying election documents is extended to candidates' advertisements.

55. Access.

56. Section 158 (2) (d) reads:

(2) "Personal expenses" when used in this section includes the following expenses, and payment therefor may lawfully be made by the candidate personally:

(d) reasonable and ordinary charges for the hire and keep of horses and hire of conveyances for the use of the candidate in travelling to and from public meetings and in canvassing in the electoral division and reasonable and ordinary charges for the services and maintenance of a driver;

57. Section 164 (b) reads:

164. In giving any directions under section 163 the Lieutenant Governor in Council may fix

(b) the class or classes of electors who may vote in the plebiscite.

58. Amendments to forms.

FORM 2

(Section 9)

LIST OF FORMS AND MATERIAL TO BE SENT TO THE RETURNING OFFICER AFTER THE ISSUE OF A WRIT OF ELECTION

Number or Quantity	No. of Form	Section of Act	Description
1 for each enumerator 1	2	9	Instructions to Enumerators. List of Forms and Election Material sent to R.O. immediately after issue of Writ.
1	3	11	Oath of R.O.
1	4	13	Form of Proclamation.
1	5	14	Commission of Election Clerk.
1	6	14	Oath of Election Clerk.
1 for each poll	7	15	Commission of Enumerator.
1 for each poll	8	15	Enumerator's Oath of Office.
Sufficient supply	9	15	List of Electors.
2 for each poll	10	19	Enumerator's Certificate, true copy of list.
Sufficient supply	11	20 Rules 2 and 7 of Third Sched.	Enumerator's notice to elector.
Sufficient supply	11A	..	Enumerator's absentee notice.
2 for each poll	12	20	Oath of deputy returning officer.
1 for each poll	13	23	Enumerator's Certificate, approved copy of list.
Sufficient supply	14	64	Advance Poll Certificate — only Electoral Divisions where advance polls.
Sufficient supply each candidate	15	25 & 76	Enumerator's Certificate.

Sufficient supply		10	Enumerator's Badges.
3	16	34	Nomination Paper.
1	17	39	Returning Officer's Return, where acclamation.
1 for each poll	18	42	Form Election Notice.
1 for each poll	19	45	Commission of Deputy Returning Officer.
1 for each poll	20	45	Deputy Returning Officer's Oath of Office.
1	28	59	Affidavit of Printer.
Sufficient supply	33	83	Form of Oath of Inability to read.
Sufficient supply	34	83	Form of Oath of Friend of Blind voter.
2	42	101 & 103	General Statement of Returning Officer.
1 for each candidate	43	101	Returning Officer's Certificate of the result of the poll.
2	44	103	Statement by Returning Officer of the Result of the Poll at an Election Where One Member is to be Elected.
2	45	103	Returning Officer's return after a poll has been taken.
1	46	103	Oath of Returning Officer after transmitting his return.
Sufficient supply	47	68 & 121	Oath of Secrecy.
2 for each poll	D P C 19B	..	Expense Vouchers.
1 for each enumerator	Schedule of Fees.
2	Bibles for Administering Oaths.
Sufficient supply	49	Fifth Sched.	Directions for guidance of absentee student voters.
Sufficient supply	51	Fifth Sched.	Declaration of absentee student voter.
Sufficient supply	52	Fifth Sched.	Declaration of wife of absentee student voter.

(4) Form 9 is struck out and the following Forms are substituted therefor:

FORM 9
(Section 15 (1) (e))
LIST OF ELECTORS

Electoral Division of Polling Subdivision No.

No.	Name	Residence	Mailing Address	Remarks

FORM 9.1
(Section 15 (1))
LIST OF ELECTORS

Electoral District of Polling Division

No.
 Comprising the area included within a line described as
 commencing at the intersection of Avenue west
 and Avenue, thence east along Avenue
 west to Street, thence south along Street
 to Road, thence west along Road to
 Avenue, and north along Avenue to point of
 commencement.

The following names have been enumerated during a recent house-to-house visitation
 in the above mentioned polling division by a pair of enumerators.

Name of street and		Name of elector (family name first)	Mailing Address	Con- secutive number
Street number	Apartment number			

(5) Form 10 is amended by striking out the words "(For use in city constituencies)".

(6) Form 10B is struck out.

(7) Form 11 is amended

(a) by striking out the words "City of
 Urban", and

(b) by striking out the words "Occupation"
 (Insert Occupation)

(8) Form 13 is amended by striking out the words

".....
Enumerator
 (or in a city constituency) Returning Officer"

(9) Form 14 is struck out and the following form is substituted therefor:

FORM 14

(Section 64)

PROVINCE OF ALBERTA
DECLARATION OF AN ELECTOR VOTING AT ADVANCE POLL

I,
(Name, residence, and mailing address as on certificate)
do hereby declare that my name, residence and mailing address are correctly set out herein; that I personally applied for and obtained the advance poll voting certificate now presented and bearing my name, and that I am an invalid or believe that it will be necessary for me to be absent on election day from the place where I am entitled to vote at this election (as the case may be).

.....
Name of Elector

Witness

.....
Deputy Returning Officer

(10) Form 15 is amended by striking out the words
“(For use in city constituencies)”.

(11) Form 15B is struck out.

(12) Form 16 is amended by striking out the words
“Insert name, residence and” and by substituting therefor the words
“Insert name, which may include a nickname but shall not include a title, degree or other prefix or suffix, and the”.

(13) Form 17 is amended by striking out the word
“(address)”.

(14) Form 18 is struck out and the following form is substituted therefor:

FORM 18

(Section 42)

NOTICE OF POLL BEING GRANTED AND OF CANDIDATES
NOMINATED

Electoral Division of
to wit:

Public notice is hereby given to the electors of the electoral division aforesaid that a poll has been demanded at the election now pending for the said electoral division and that I have granted such poll; and further that the persons duly nominated as candidates at the said election and for whom only votes will be received are:

Name	Political Affiliation
.....
.....
.....

Of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at this
..... day of in the year 19.....

.....
Returning Officer

(15) Form 23 is struck out and the following form is substituted therefor:

FORM 23

(Section 47)

POLL BOOK

Consecutive Number	Name of Voters	Place of Residence	Mailing Address	Objection	Sworn or affirmed	Refused to swear or affirm or to answer	Voted (to indicate that voter has voted)	REMARKS

(16) Form 26 is amended by striking out the words "TO BE PLACED IN EACH BALLOT BOX" and by substituting therefor the words "TO BE SENT TO EACH DEPUTY RETURNING OFFICER".

(17) Form 27 is struck out and the following form is substituted therefor:

FORM 27

(Sections 59 (6) and 81)

FORM OF BALLOT PAPER

Front


The black line above the first name shall extend to the upper edge and the black line below the last name shall extend to the lower edge of the ballot paper and all black lines shall be prolonged to the edge of the paper. The black margin to the left is the counterfoil and the space to the left of the counterfoil is the stub. There shall be a line of perforations between the ballot paper and the counterfoil and between the counterfoil and the stub.

The names of the candidates alphabetically arranged in the order of their surnames, and the political party or political affiliations of each, shall be printed on the ballot paper as close as possible to the black margin at the left.

The ballots must be bound or stitched in books containing 10, 15, 25, 50 or 100 ballots according to the order of the returning officer.




Joseph Thomas BROWN, Social Credit.




Edward JOHNSON, Liberal.



William SMITH, New Democratic Party.



Louis WILSON, Conservative.



ELECTION

Back

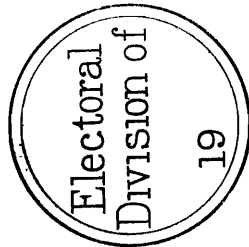
No.

No.

No. of Vote in Poll Book.

D. R. O. Initials.

R. O. Stamp.



(Here insert name of Printer)

(18) Form 29 is amended by striking out all the words after the words "the names of four candidates are on the ballot paper:" and by substituting therefor the following words:

Joseph Brown,
(Name of the Candidate's
Political Party)

Edward Johnson,
(Name of the Candidate's
Political Party)

Louis Wilson,
(Name of the Candidate's
Political Party)

John Young,
(Name of the Candidate's
Political Party) X.....

The voter has here given his
vote to Young.

(19) Forms 30, 31 and 32 are amended by striking out the words "or British subject".

59. The Third Schedule is amended

- (a) as to the title by striking out the words "IN CITY CONSTITUENCIES",*
- (b) as to Rule 5 by striking out the words "occupation and" and by substituting therefor the words "residence and mailing",*
- (c) by striking out Rule 6 and by substituting therefor the following Rule:*

Rule 6(1). The enumerators shall, in the list of electors, register the name of a married woman or widow under her husband's surname, her own given name and the prefix "Mrs." or, if requested, "Ms."

(2) The name of an unmarried woman shall be prefixed by the word "Miss" or, if requested, "Ms."
and,

- (d) as to Rule 7, clause (a) by striking out the words "addresses and occupations" and by substituting therefor the words "residences and mailing addresses".*

60. The Sixth Schedule is struck out and the following schedule is substituted therefor:

SIXTH SCHEDULE

TREATMENT CENTRE VOTING RULES

1. Where by any means it is made to appear to the Clerk of the Legislative Assembly, at any time after nomination day and not later than the second day before polling day, that there are in any treatment centre not less than 10 patients who are entitled to vote at the election, the Clerk shall by telegram or by letter forthwith instruct the returning officer of the electoral division in which the treatment centre is situated to take a poll in the treatment centre for patients who are resident in the treatment centre on election day.

2. (1) Upon receiving instructions pursuant to rule 1, the returning officer shall appoint a deputy returning officer to take a poll of the votes of the electors of the electoral division who are patients in the treatment centre, but of no other persons whomsoever.

(2) Where it appears advisable because of the number of electors in the treatment centre, the returning officer

59. Rule 6 presently reads:

Rule 6. (1) The enumerators shall, in such list, register the name of a married woman or widow under her own Christian name and the surname of her husband or deceased husband, as the case may be, using the abbreviation "Mrs." as prefix.

(2) When the name of a married woman is entered on the list immediately below her husband's name, there shall be no occupation given opposite such woman's name.

(3) The name of an unmarried woman shall be prefixed with the word "Miss".

60. The Hospital Voting Rules will apply to all hospitals in Alberta.

may appoint two or more deputy returning officers to conduct polls in different parts of the treatment centre.

3. (1) The returning officer shall fix a period on election day for the taking of the poll at the treatment centre, and appoint the times at which the poll shall be opened and closed.

(2) During the hours fixed under subrule (1), the deputy returning officer and the poll clerk, accompanied by an officer of the treatment centre and by the representatives of the candidates, if any, shall attend with a ballot box upon every person in the treatment centre who is certified in writing by the superintendent or other person having charge of the treatment centre to be a bona fide patient in the treatment centre and well enough to vote and if the person wishes to vote and either

- (a) produces an enumerator's certificate showing he was enumerated as an elector of the electoral subdivision, or
- (b) takes the oath in Form 30 before the deputy returning officer,

the deputy returning officer shall cause the name and particulars of the applicant to be entered in the poll book and shall take the vote of the person.

4. Every treatment centre at which a poll is taken under this Schedule is a polling place and

- (a) except as provided in this Schedule, and
- (b) to the extent that they are reasonably applicable to a treatment centre poll,

the provisions of this Act relating to the holding of a poll apply with all necessary modifications to the holding of a poll pursuant to this Schedule.

5. In this Schedule "treatment centre" includes a facility under *The Mental Health Act, 1972*.

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