

1977 BILL 38

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 38

THE MUNICIPAL ELECTION AMENDMENT ACT, 1977

MR. PURDY

First Reading

Second Reading

Third Reading

Bill 38
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THE MUNICIPAL ELECTION AMENDMENT ACT, 1977

(Assented to , 1977)

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 4, subsection (1), clause (b), subclause (iii) is amended by striking out the words "or British subject who" and by substituting therefor the words "and who".*

- 3. Section 10, clause (c) is amended by striking out the words "or British subject".*

- 4. Section 21 is amended by adding after the words "of any municipality" the words "; or the returning officer where authorized by the council to do so,".*

Explanatory Notes

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

2. Section 4, subsection (1), clause (b) presently reads:

4. (1) All the provisions of this Act that apply to villages apply to summer villages except that in respect of a summer village

(b) the persons entitled to vote at an election are:

(i) every proprietary elector of the full age of 18 years;

(ii) the spouse of every proprietary elector, if the spouse is of the full age of 18 years;

(iii) every person of the full age of 18 years not entitled to vote under subclause (i) or (ii) who is a Canadian citizen or British subject who has resided in Alberta for the six consecutive months immediately preceding nomination day and was resident in the summer village on nomination day;

3. Section 10, clause (c) presently reads:

10. To be eligible to become a member of the council a person must be

(c) a Canadian citizen or British subject,

4. Section 21 presently reads:

21. The council of any municipality may divide the municipality into polling divisions and may from time to time alter the boundaries of any or all polling divisions.

5. *Section 24 is amended*

(a) by striking out subsections (1) and (2) and by substituting therefor the following:

24. (1) Where

(a) a question is to be submitted to a vote of the electors or the proprietary electors, or

(b) a by-law requires the assent of the electors or proprietary electors,

the council shall prescribe the day and hours for taking the vote.

(2) The council, or the returning officer where authorized by the council to do so, shall prescribe the locations in the municipality at which polling places will be opened for the purpose of taking a vote under subsection (1).

(b) subsection (5), clause (b) is amended by adding after the words “when the mayor” the words “or the returning officer”.

6. *Section 25, subsection (1) is amended by adding after the words “the mayor” the words “or the returning officer”.*

7. *Section 26 is struck out.*

8. *Section 32 is struck out.*

5. Section 24, subsections (1), (2) and (5) presently read:

24. (1) *If a by-law requires the assent of the electors or the proprietary 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 council shall fix the day and hours for taking the votes of the electors and may fix the places in the municipality where polling places will be opened or may require the returning officer to designate the places in the municipality where polling places will be opened.*

(5) *The council 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 mayor 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 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.*

6. Section 25, subsection (1) presently reads:

25. (1) *At any time fixed under section 24, or, if the vote is to be held in conjunction with a general election, at the time fixed by the council, the mayor 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.*

7. Section 26 presently reads:

26. *In the absence of any agent authorized to attend at the polling place for final summing up of votes, any elector in 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.*

8. Section 32 presently reads:

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

9. *Section 34 is amended*

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

34. (1) A person is qualified to vote as an elector for mayor and councillors at an election in a municipality if that person

- (a) is of the full age of 18 years,
- (b) is a Canadian citizen, and
- (c) has resided in Alberta for the six consecutive months immediately preceding nomination day and is resident in the municipality on nomination day.

(1.1) A person is qualified to vote as elector on a question or by-law in a municipality if that person

- (a) is the full age of 18 years,
- (b) is a Canadian citizen, and
- (c) has resided in Alberta for the six consecutive months immediately preceding the day upon which the vote is to be held and is a resident in the municipality on the day upon which the vote is to be held.

(b) *as to subsection (2), by striking out the words “Subsection (1)” and by substituting therefor the words “Subsections (1) and (1.1)”.*

10. *Section 39 is amended by striking out subsection (2) and by substituting therefor the following:*

(2) The council may by resolution prescribe procedures and forms governing the enumeration of the electors and unless otherwise provided by resolution each enumerator

- (a) shall, in each year in which a general election is held, visit each place of residence in the area assigned to that enumerator,
- (b) shall record the name and address of each elector residing within that area, and
- (c) shall
 - (i) complete an enumerator’s form in duplicate in respect of each person entitled to vote in the general election, and

9. Section 34 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 18 years on or before polling day and

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

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

(b) he is a Canadian citizen or British subject and has resided in Alberta for the six consecutive months immediately preceding nomination day and was resident in the municipality on nomination day.

(2) Subsection (1) does not apply to a person who resides within a military area or camp established, controlled and maintained under the sole jurisdiction of the Department of National Defence (Canada).

10. Section 39, subsection (2) 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 or will be of the full age of 18 years on or before polling day;

(ii) is a Canadian citizen or British subject, and

(iii) has or will have resided in Alberta for the six consecutive months immediately preceding nomination day and is or will be resident in the municipality on nomination day;

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

- (ii) deliver a copy of that completed form to that person or leave the copy of the completed form at the residence of that person.

11. Section 40 is amended by striking out subsection (2) and by substituting the following:

- (2) The council shall by resolution either
 - (a) make the appointments under subsection (1), or
 - (b) delegate the duty to make those appointments to the municipal secretary or the returning officer, as the case may be.

12. Section 41, subsection (2) is amended by striking out clause (a) and by substituting therefor the following:

- (a) registration shall take place
 - (i) in the case of a general election, in the period from January 1 to the seventh day following nomination day in the year that the general election is held, and
 - (ii) in the case of a vote on a question or by-law that is not being held in conjunction with a general election, not less than 21 days prior to the date fixed for voting on the question or by-law,

during the regular office hours of the municipal office and any other hours as may be prescribed by council, and

13. The following section is added after section 41:

41.1. (1) Notwithstanding anything contained in this Act, a municipality may by by-law provide that the list of electors for that municipality be kept current by means of a system of registration whereby the electors are registered on a continuing basis by the use of information contained

- (a) on the assessment rolls of the municipality, and
- (b) in such other documents and records of the municipality as the council considers advisable.

(2) Where a council passes a by-law under this section, sections 99 and 100 do not apply to that municipality.

11. Section 40, subsection (2) presently reads:

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

12. Section 41, subsection (2) presently reads:

(2) Where a by-law 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 regular municipal office hours and during such other hours as the council 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 99 and 100 do not apply during a year in which a general election is to be held.

13. Continuing voters list.

14. Section 71 is amended by striking out subsection (1) and by substituting therefor the following:

71. (1) Each ballot paper shall contain the name of each nominated candidate.

(1.1) The names of the nominated candidates on each ballot paper shall be arranged alphabetically in order of the surnames and, where two or more candidates have the same surname, the names of those candidates shall be arranged alphabetically in the order of their given names.

15. Section 74 is amended by striking out the words “The municipal secretary” and by substituting therefor the words “Where a list of electors is prepared, the municipal secretary”.

16. Section 82 is amended by striking out subsection (1) and by substituting therefor the following:

82. (1) Where a person, at any time during polling hours, presents to the person in charge of a poll a written notice, in a form authorized by the returning officer,

(a) signed by a candidate, and

(b) stating that the person presenting the notice is to represent that candidate as his agent at the poll,

the person presenting the notice shall be recognized by the person in charge of the poll as the agent of the candidate at the poll.

17. Section 83 is struck out and the following is substituted therefor:

83. Where a person is appointed under section 25 as an agent in respect of a vote on a by-law or question, that person shall

(a) before being admitted as an agent to the polling place during polling hours, or

14. Section 71, subsection (1) presently reads;

71. (1) 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.

15. Section 74 presently reads:

74. The municipal secretary 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

(a) of the list of electors, certified by the municipal secretary to be a correct copy, as is required for each polling division, and

(b) when different lists are required for the voting on any by-law or question, of such additional lists as are necessary,

certified as being correct by the municipal secretary, together with a blank poll book, in the prescribed form, in which to record the names and qualifications of the electors who vote.

16. Section 82, subsection (1) presently reads:

82. (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.

17. Section 83 presently reads:

83. (1) Every agent appointed in respect of a vote on a by-law or question shall

(a) before being admitted to the polling place, or

(b) before the summing up of the votes,

(b) before being permitted to attend at the poll for the summing up of votes,

produce to the person in charge of the poll his appointment as an agent.

18. Section 100 is amended

(a) as to subsection (1) by adding after the words "A council" the words "or the returning officer where authorized by the council to do so," and

(b) as to subsection (2) by adding after the words "a council" the words "or the returning officer, as the case may be,".

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

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 in 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.

18. Section 100 presently reads:

100. (1) A council 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 council 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.