

1978 BILL 46

Fourth Session, 18th Legislature, 27 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 46

THE ELECTION AMENDMENT ACT, 1978 (NO.2)

HON. MR. McCRAE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 46

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1978

THE ELECTION AMENDMENT ACT, 1978 (No.2)

(Assented to _____, 1978)

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

1 *The Election Act is amended by this Act.*

2 *Section 3 is amended by adding the following after subsection (5):*

(6) If a returning officer dies or refuses to act or is absent or incapacitated or unable from any cause to act, the Chief Electoral Officer,

(a) before a writ of election has been issued, or

(b) after a writ of election has been issued, if there is no election clerk for the electoral division in respect of which the returning officer was appointed,

may appoint an acting returning officer to act in his stead, and an acting returning officer so appointed has the powers and shall perform the duties of the returning officer until the returning officer resumes his duties or a new returning officer is appointed.

3 *Section 5 is amended*

(a) *by repealing subsection 2(b) and substituting the following:*

(b) *in whose stead a returning officer or acting returning officer has been appointed under subsection (1) or section 3(6),*

Explanatory Notes

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

2 Provides for the appointment of an acting returning officer.

3 Section 5(2) and (3) presently read:

(2) If a writ has been issued to a person

(a) whose appointment is afterwards superseded, or

(b) in whose stead a returning officer has been appointed under subsection (1),

a new writ may be issued or the new returning officer may act under the writ already issued as if the same had been addressed to him.

(b) in subsection (2) by adding “or acting returning officer” after “new returning officer”, and

(c) in subsection (3) by striking out “new appointment, but the” and substituting “new or acting appointment, but a”.

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

(3) The validity of proceedings had or taken under the first appointment is not affected by the new appointment, but the new returning officer may appoint a new election clerk or clerks as hereinafter provided and new deputy returning officers, if he thinks fit, in the place of the persons, if any, appointed to such offices by the person previously named as returning officer.

Consequential to the amendment to section 3.