

1980 BILL 14

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Second Session, 19th Legislature, 29 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 14**

**THE MUNICIPAL ELECTION AMENDMENT ACT, 1980**

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THE MINISTER OF MUNICIPAL AFFAIRS

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First Reading . . . . . 1980

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

## **BILL 14**

1980

### **THE MUNICIPAL ELECTION AMENDMENT ACT, 1980**

*(Assented to , 1980)*

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

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

*2 Section 4(1)(b)(iii) and (e) is amended by striking out  
“nomination” wherever it occurs and substituting “polling”.*

*3 The following is added after section 4.1:*

**4.2** In sections 4 and 4.1, “proprietary elector” means

(a) a person whose name appears on the assessment  
roll in respect of land located within the summer village  
that is liable to assessment and taxation for the general  
municipal purposes of the summer village, or

(b) a person who holds a mobile unit licence under  
*The Municipal Government Act* in respect of a mobile  
unit located in the summer village.

## **Explanatory Notes**

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

**2** Section 4(1)(b)(iii) and (e) presently read:

*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:*

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

*(e) in order to qualify as a councillor, a person is not required to be a resident of the summer village but must have resided in Alberta for the 12 consecutive months immediately preceding nomination day.*

**3** New definition for the purposes of sections 4 and 4.1.

*4 Section 6 is amended by adding the following after subsection (3):*

*(4) In a summer village the mayor shall be elected annually, not later than August 31, by the councillors from among their own number.*

*5 Section 10(a) is repealed.*

*6 Section 31(1) is amended by striking out “printed”.*

*7 Section 34 is amended*

*(a) in subsection 1(c) by striking out “nomination” wherever it occurs and substituting “polling”, and*

*(b) by repealing subsection (2).*

*8 Section 35 is repealed.*

**4 Section 6 presently reads:**

*6(1) In a city or town the mayor shall be elected by the vote of the electors of the entire municipality.*

*(2) In a village (not later than six weeks after the third Wednesday in September) the mayor shall be elected annually by the councillors from among their own number.*

*(3) In a municipal district (not later than six weeks after the third Wednesday in September) the reeve shall be elected annually by the councillors from among their own number.*

**5 Section 10(a) presently reads:**

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

*(a) able to speak, read and write English,*

**6 Section 31(1) presently reads:**

*31(1) To each notice so published shall be appended an additional notice over the printed signature of the returning officer stating that the above is a correct statement of the question submitted, or a correct summary of the proposed by-law that has been introduced.*

**7 Section 34 presently reads in part:**

*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.*

*(2) Subsections (1) and (1.1) do 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).*

**8 Section 35 presently reads:**

*35(1) A corporation or a church or other religious organization or an estate that is a proprietary elector is entitled to one vote only, which*

*(a) in the case of a corporation, may be given by a representative thereof authorized by the corporation,*

*(b) in the case of a church or other religious organization, may be given by a representative thereof nominated for the purpose by the local governing body of the church or religious organization, and*

9 *Section 37(d) is amended by striking out “, or elects such other abode as his residence, in which case he shall be deemed to be a resident of this other place”.*

10 *Section 42 is repealed and the following is substituted:*

**42**(1) The list of electors shall be prepared, in the manner provided by this section, not later than one week before polling day.

(2) The list of electors shall be arranged alphabetically according to wards, electoral divisions or polling divisions.

(3) The municipal secretary shall enter on the list of electors the names, in alphabetical order, of all persons

(a) who are or will be, on or before polling day, Canadian citizens of the full age of 18 years,

(b) who have or will have resided in Alberta for the 6 consecutive months immediately preceding polling day and who were or will be resident in the municipality on polling day, and

*(c) in the case of an estate, may be given by a representative thereof authorized by the executor or administrator of the estate.*

*(2) A representative shall be of the full age of 18 years.*

*(3) A representative is qualified to vote as a proprietary elector and have his name entered on the list of proprietary electors but before voting he shall produce a certificate in the prescribed form*

*(a) from the head office of the corporation or from its principal office within Alberta, or*

*(b) from the local governing body of the church or other religious organization, or*

*(c) from the executor or administrator of the estate,*

*authorizing him to represent it.*

*(4) The council may provide that the vote of a representative of a corporation or a church or other religious organization or an estate may be taken only in a designated poll or polls.*

*(5) A corporation, church or other religious organization or an estate is not entitled to a vote at an election for members of the council.*

## **9 Section 37 presently reads in part:**

*37 For the purposes of this Act, the place of residence is governed by the following rules, as far as applicable:*

*(d) the place where a person's family resides shall be deemed to be his place of residence unless he takes up or continues his abode in some other place with the intention of remaining there, or elects such other abode as his residence, in which case he shall be deemed to be a resident of this other place;*

## **10 Section 42 presently reads:**

*42(1) The final list of electors shall be prepared not later than one week before polling day, in the manner hereinafter provided.*

*(2) The list of electors shall be arranged alphabetically according to wards or electoral divisions or polling divisions.*

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

*(a) the name of every elector who*

*(i) is a purchaser of land in respect of which he is entitled to possession and that is liable to taxation for general municipal purposes, or*

*(ii) is the owner of land, other than land referred to in subclause (i), that is liable to taxation for general municipal purposes, or*

*(iii) is the owner or purchaser of a business that is liable to taxation for general municipal purposes,*

*and whose name appears on the assessment roll;*

(c) whose names appear on the forms or list referred to in section 39 or on the list referred to in section 41.

(4) If the list of electors is to be used in respect of a vote on a by-law requiring the assent of the proprietary electors, the letter "B" shall be placed opposite the name of each person on the list who is a proprietary elector.

*11 Section 50 is repealed.*



*(b) Repealed 1977 c31 s15;*

*(c) Repealed 1977 c31 s15;*

*(d) the street address of the elector's residence or a brief description of the land in respect of which he is assessed;*

*(e) the letter "B" opposite the name of each person entitled to vote on a by-law requiring the assent of the proprietary electors.*

*(4) Where an elector is resident in a ward or electoral division or polling division, his name shall be entered on the list of electors for that ward or electoral division or polling division.*

*(5) Where an elector is not resident within the municipality, his name shall be entered on the list of electors for the ward or electoral division or polling division in which the land in respect of which he is qualified is situated.*

*(6) Where an elector who is not resident within the municipality is qualified in respect of land in more than one ward or electoral division or polling division his name shall be entered on the list of electors for the ward or electoral division or polling division in which his assessment is highest, or, in the case of equality of assessment, his name shall be entered on the list of electors for the ward or electoral division or polling division that bears the lower or lowest number, as the case may be.*

*(7) 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*

*(a) who are Canadian citizens of the full age of 18 years,*

*(b) who have or will have resided in Alberta for the six consecutive months immediately preceding nomination day and who were or will be resident in the municipality on nomination day, and*

*(c) whose names appear on the list referred to in section 39 or 41, as the case may be.*

*(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 18 years on or before polling day and who hold a mobile unit licence under The Municipal Government Act.*

## **11 Section 50 presently reads:**

*50 If a returning officer dies or is unable to act from any cause, the mayor, commissioners or manager may, in writing, appoint a person to act in place of the returning officer for the purpose of any election or vote on a by-law then pending or to be held or taken within 30 days after such appointment, and the person so appointed has and is subject to the same powers, authorities, duties and liabilities as a returning officer.*

*12 Section 90(1) is amended*

*(a) in clause (a) by adding “or are resident in a senior citizens home” after “municipality”,*

*(b) in clause (b) by striking out “as a result”, and*

*(c) by striking out “patients” and substituting “persons”.*

*13 Section 96(3) is repealed and the following is substituted:*

**(3)** In electoral divisions or wards, or where more than one polling division has been established in a municipality, an elector shall vote only in the ward, electoral division or polling division in which he resides.

*14 Section 98(1)(g) is repealed.*

*15 Section 99(4) is repealed.*

*16 The following is added after section 101:*

**101.1** Where a person is permitted to vote, the deputy returning officer shall deliver to the person a ballot paper that has been folded and initialled by the deputy returning officer in such a manner that the initial will be visible without opening the ballot.

*17 Section 113(1)(a) is amended by striking out “on the reverse side”.*

**12** Section 90(1) presently reads:

*90(1) For the purpose of taking the votes of any electors*

*(a) who on the day fixed for the holding of an election may be confined to any hospital, auxiliary hospital or nursing home in the municipality, and*

*(b) who are as a result unable to go to the polling place at which they are qualified to cast their votes,*

*the returning officer may appoint such sufficient number of deputy returning officers and poll clerks as he considers necessary to take the votes of those patients, but of no other persons whomsoever.*

**13** Section 96(3) presently reads:

*(3) Notwithstanding subsection (2) an elector or proprietary elector who is also an authorized representative of a corporation or church or other religious organization or estate, may vote once in his personal capacity, and once on behalf of the corporation, church or other religious organization or estate.*

**14** Section 98(1)(g) presently reads:

*98(1) When a person whose name is on the list of electors presents himself for the purpose of voting, the deputy returning officer shall proceed as follows:*

*(g) except in the case mentioned in clause (f) the ballot papers shall then be initialled and delivered to the voter.*

**15** Section 99(4) presently reads:

*(4) Except in the case mentioned in subsection (3), the ballot papers shall then be initialled and delivered to the voter.*

**16** This section incorporates sections 98(1)(g) and 99(4).

**17** Section 113(1)(a) presently reads:

*113(1) The deputy returning officer shall examine all the ballot papers and every ballot paper,*

*(a) that does not bear the initials of the deputy returning officer on the reverse side, or*

*18 Section 124 is amended*

*(a) by adding the following after subsection (1):*

(1.1) If there is more than one polling place, the returning officer shall, at noon on the second day after the polling day at the municipal office, in the presence of the candidates or their agents as are present, sum up the result of the voting as shown by his statement and the duplicate statements furnished to him by each of the officers presiding at the polling places, and shall declare publicly that the candidate having the highest number of votes for each office to be filled is elected.

*(b) in subsection (2) by adding “and the Minister” after “secretary”, and*

*(c) by repealing subsection (3).*

*19 Section 138(2)(a) is amended by striking out “on the reverse side”.*

*20 Section 146(1)(b)(ii) is repealed.*

*21 Section 149(b) is amended by striking out “the back of”.*

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

**18 Section 124 presently reads:**

*124(1) If there is only one polling place, the returning officer, immediately after he has counted the ballot papers, shall declare the result of the voting and subsequently at noon on the second day after the day of the polling at the municipal office, he shall declare publicly that the candidate having the highest number of votes for each office to be filled, is elected.*

*(2) The returning officer shall post up in some conspicuous place a statement under his hand showing the number of votes polled for each candidate and shall forward a copy thereof to the municipal secretary, together with a statement of the candidates declared to be elected.*

*(3) If there is more than one polling place, then at noon on the second day after the polling day at the municipal office, the returning officer*

*(a) shall in the presence of such of the candidates or their agents as may be present, sum up the result of the voting as shown by the duplicate statements furnished to him by each of the officers presiding at the polling places and including his own, and*

*(b) shall thereupon post up in some conspicuous place in the municipal office, a statement under his hand showing the number of votes polled for each candidate.*

**19 Section 138(2)(a) presently reads:**

*(2) Any ballot paper*

*(a) that does not bear the initials of the deputy returning officer on the reverse side, or*

**20 Section 146(1)(b)(ii) presently reads:**

*146(1) Any municipal secretary*

*(b) who knowingly refuses or wilfully neglects or omits*

*(ii) to enter upon a list of electors the name of a person whose name appears upon the assessment roll, or*

**21 Section 149 presently reads:**

*149 If a deputy returning officer*

*(a) takes or receives a vote in contravention of this Act, or*

*(b) refuses or wilfully omits to sign his initials upon the back of any ballot paper,*

*he is guilty of an offence and liable on summary conviction to a fine of not more than \$100.*