

1980 BILL 45

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 45

THE SCHOOL ELECTION AMENDMENT ACT, 1980

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 45

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1980

THE SCHOOL 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 School Election Act is amended by this Act.

2 Section 2(f)(iii) is amended

(a) by repealing paragraph (B), and

*(b) in paragraph (C) by striking out “other than a vote for
the election of a trustee” and substituting “under this Act”.*

Explanatory Notes

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

2 Section 2(f) (iii) presently reads:

(f) “elector” means a person

(iii) who

(A) in the case of a person signing a nomination of a candidate for trustee, is resident on the date of signing the nomination in the district, division or subdivision in which the vote is to be held and who has been a resident of Alberta for the six consecutive months immediately preceding the date on which the nomination was signed, or

(B) in the case of a vote for the election of a trustee, is resident on nomination day in the district, division or subdivision in which the vote is to be held and who has been a resident of Alberta for the six consecutive months immediately preceding nomination day, or

(C) in the case of a vote other than a vote for the election of a trustee, is resident on the day upon which the vote is to be held in the district, division or subdivision in which the vote is to be held and who has been a resident of Alberta for the six consecutive months immediately preceding the day upon which the vote is held, or

(D) in the case of the performance of any other function or the exercise of any other right under this Act, is resident on the day upon which that function is performed or that right is exercised in the district or division in respect of which that function is performed or that right is exercised and who has been a resident of Alberta for the six consecutive months immediately preceding the day upon which that function is performed or that right is exercised;

3 Section 4(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 the other place”.

4 Section 16(3) is amended by adding “on the same date and” after “years”.

5 Section 24 is amended by repealing subsection (1) and substituting the following:

24(1) The returning officer shall certify that the statement of the question submitted or that the summary of the proposed by-law that has been introduced is correct.

(1.1) A copy of the certificate referred to in subsection (1) shall be published with or appended to the notice referred to in section 22.

6 Section 34 is amended by striking out “nine” and substituting “7”.

7 Section 36(1) is amended by striking out “section 34” and substituting “section 35”.

8 Section 79(1) is amended

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

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

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

3 Section 4 presently reads in part:

4 For the purposes of this Act, the place of residence of a person 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 the other place;

4 Section 16(3) presently reads:

(3) A general election of trustees to a board shall be held once every three years in the same year that a municipal general election is held.

5 Section 24(1) presently reads:

24(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.

6 Section 34 presently reads:

34 The final list of electors shall be prepared not later than nine days before polling day, in accordance with section 30.

7 Corrects a reference.

8 Section 79(1) presently reads:

79(1) For the purpose of taking the votes of any electors who

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

(b) 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.

9 Section 80(1) is amended by striking out “When” and substituting “Notwithstanding section 85(3) when”.

10 Section 85 is amended by adding the following after subsection (2):

(3) Where more than one subdivision, ward or polling area has been established in a district or division, an elector shall vote only in the ward, subdivision or polling area in which he resides.

11 Section 87(1)(g) is repealed.

12 Section 88(4) is repealed.

13 The following is added after section 90:

90.1 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.

14 Section 102(1)(a) is amended by striking out “on the reverse side”.

15 Section 113 is amended

(a) in subsection (1) by striking out “that the candidate having the highest number of votes for each office to be filled, is elected” and substituting “the name of the candidate who has the highest number of votes for each office to be filled as being the person elected to that office”, and

9 Consequential amendment.

10 Vote in a subdivision, ward or polling area.

11 Section 87(1)(g) presently reads:

87(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.

12 Section 88(4) presently reads:

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

13 This section incorporates sections 87(1)(g) and 88(4).

14 Section 102(1)(a) presently reads:

102(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

15 Section 113 presently reads:

113(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.

(b) 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 board 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 the name of the candidate who has the highest number of votes for each office to be filled as being the person elected to that office.

16 Section 114 is repealed.

17 Section 128(2)(a) is amended by striking out “on the reverse side”.

18 Section 139(b) is amended by striking out “the back of”.

19 The School Act is amended

(a) in section 2(e)(iii)

(i) by repealing paragraph (B), and

(ii) in paragraph (C) by striking out “other than a vote

(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 secretary of the board, together with a statement of the candidates declared to be elected.

16 Section 114 presently reads:

114(1) If there is more than one polling place, then at noon on the second day after the polling day at the board office, the returning officer 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.

(2) The returning officer shall thereupon post up in some conspicuous place, a statement under his hand showing the number of votes polled for each candidate.

17 Section 128(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

18 Section 139(b) presently reads:

139 If a deputy returning officer

(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.

19 Consequential amendments.

for the election of a trustee” *and substituting* “under this Act”,

and

(b) in section 9(d) by striking out “, or elects such other abode as his residence, in which case he shall be deemed to be a resident of the other place”.

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