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THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 88

THE ELECTION ACT, 1980

DR. REID

First Reading	1980.
Second Reading	
Committee of the Whole	
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THE ELECTION ACT, 1980

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Dr. Reid

BILL 88

1980

THE ELECTION ACT, 1980

(Assented to _____, 1980)

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

1 In this Act,

(a) “advance poll” means a poll taken in advance of polling day;

(a.1) “by-election” means an election other than a general election;

(b) “candidate” means a person

(i) who is elected to serve in the Assembly,

(ii) who is nominated as a candidate for an electoral division, or

(iii) who, on or after the date of the issue of a writ for an election or after the dissolution of the Assembly or on the occurrence of a vacancy in consequence of which a writ is issued, is declared by himself or by others to be a candidate;

(b.1) “chief financial officer” means a person so appointed by a candidate pursuant to *The Election Finances and Contributions Disclosure Act*;

(c) “city electoral division” means the following electoral divisions as defined in *The Legislative Assembly Act*:

Calgary-Bow
Calgary-Buffalo
Calgary-Currie
Calgary-Egmont
Calgary-Elbow
Calgary-Fish Creek
Calgary-Foothills
Calgary-Forest Lawn

Explanatory Notes

1 Definitions.

Calgary-Glenmore
Calgary-McCall
Calgary-McKnight
Calgary-Millican
Calgary-Mountain View
Calgary-North Hill
Calgary-North West
Calgary-West
Edmonton-Avonmore
Edmonton-Belmont
Edmonton-Beverly
Edmonton-Calder
Edmonton-Centre
Edmonton-Glengarry
Edmonton-Glenora
Edmonton-Gold Bar
Edmonton-Highlands
Edmonton-Jasper Place
Edmonton-Kingsway
Edmonton-Meadowlark
Edmonton-Mill Woods
Edmonton-Norwood
Edmonton-Parkallen
Edmonton-Whitemud
Lethbridge-East
Lethbridge-West
Medicine Hat
Red Deer;

- (c.1) “clerk” means a clerk of the Court of Queen’s Bench;
- (d) “corrupt practice” means any act or omission that is a corrupt practice under this Act;
- (d.1) “Court” means the Court of Queen’s Bench;
- (e) “designated educational institution” means
- (i) a university under *The Universities Act*,
 - (ii) a provincially administered institution under *The Department of Advanced Education and Manpower Act*,
 - (iii) a public college or private college under *The Colleges Act* in Alberta,
 - (iv) the Banff Centre for Continuing Education under *The Banff Centre Act*, and
 - (v) any other educational institution so designated by the Lieutenant Governor in Council;
- (e.1) “election” means the election of a member to serve in the Assembly;
- (f) “election officer” means a returning officer, election clerk,

supervisory deputy returning officer, deputy returning officer, poll clerk or any other person having a duty to perform under this Act for the faithful performance of which he is to be sworn;

(f.1) “elector” means a person who

(i) is a Canadian citizen,

(ii) is of the full age of 18 years, and

(iii) has been ordinarily resident in Alberta for at least 6 months immediately prior to polling day;

(g) “electoral division” means an area in Alberta with respect to which electors are entitled to elect a member;

(g.1) “enumeration year” means a calendar year in which a general enumeration takes place;

(h) “enumerator” means a person appointed to compile or revise a list of electors;

(h.1) “general election” means an election where election writs are issued for elections in all electoral divisions;

(i) “general enumeration” means an enumeration of electors in all electoral divisions;

(i.1) “judge” means a judge of the Court of Queen’s Bench;

(i.2) “licensed premises” means licensed premises under *The Liquor Control Act, 1980*;

(j) “list of electors” means a list made or revised under this Act of persons entitled to vote at an election and includes a certified copy of the list;

(k) “member” means a member of the Assembly;

(k.1) “oath” includes an affirmation;

(l) “official agent” means an elector so appointed by a candidate pursuant to this Act;

(m) “poll book” means a list of names of persons who have received ballot paper at an election;

(n) “polling day” means the day fixed for voting at an election;

(o) “polling place” means a place where one or more polling stations are provided for the purpose of voting at an election;

(o.1) “polling station” means a place where an elector in a polling subdivision casts his vote;

(p) “polling subdivision” means that area of an electoral division so designated by the returning officer to enable the efficient conduct of an election;

(q) “registered political party” means a political party registered under *The Election Finances and Contributions Disclosures Act*;

(r) “returning officer” means a person appointed under this Act as a returning officer and includes a person acting in his place;

(s) “rural electoral division” means any electoral division defined in *The Legislative Assembly Act* that is not a city electoral division;

(t) “scrutineer” means an elector of an electoral division who is authorized to represent a candidate in that electoral division at a polling station;

(u) “Select Standing Committee” means the Select Standing Committee on Legislative Offices;

(u.1) “special enumeration” means an enumeration of electors within an electoral division other than as part of a general enumeration;

(v) “spoiled ballot” means a ballot that has been

(i) dealt with by an elector in a manner that may render its use inappropriate, and

(ii) surrendered by the elector to the deputy returning officer in return for a new ballot;

(w) “subdivision” means that area of an electoral division so designated by the returning officer to enable the efficient conduct of an enumeration;

(x) “treatment centre” means

(i) a hospital, a sanatorium, a home or unit under *The Senior Citizens Housing Act* or a facility under *The Mental Health Act, 1972*, or

(ii) any facility not referred to in subclause (i),

providing medical treatment or care on an in-patient basis;

(y) “voting” means voting at an election or plebiscite;

(z) “writ” means a writ of election issued by the Chief Electoral Officer pursuant to an order of the Lieutenant Governor in Council.

PART 1
APPOINTMENTS

2(1) There shall be appointed pursuant to this Act a Chief Electoral Officer.

(2) The Chief Electoral Officer is an officer of the Legislature.

3(1) Subject to subsection (2), the Lieutenant Governor in Council shall appoint the Chief Electoral Officer on the recommendation of the Assembly.

(2) If a vacancy occurs while the Legislature is not in session, the Lieutenant Governor in Council, on the recommendation of the Select Standing Committee, may appoint a Chief Electoral Officer to fill the vacancy, and unless his office sooner becomes vacant, the person so appointed holds office until a Chief Electoral Officer is appointed under subsection (1), but if an appointment under subsection (1) is not made within 30 days after the commencement of the next ensuing session, the appointment under this subsection lapses and there shall be deemed to be another vacancy in the office of Chief Electoral Officer.

(3) The appointment of the Chief Electoral Officer expires 12 months after polling day for a general election unless he is reappointed by the Lieutenant Governor in Council prior to that date upon the recommendation of the Select Standing Committee.

(4) The Lieutenant Governor in Council, on an address of the Assembly, may suspend or remove the Chief Electoral Officer from office for disability, neglect of duty, misconduct or bankruptcy.

(5) If the Legislature is not then sitting, the Lieutenant Governor in Council may suspend the Chief Electoral Officer from office for disability, neglect of duty, misconduct or bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but the suspension shall not continue in force beyond the end of the next ensuing sitting of the Legislature.

(6) The Chief Electoral Officer may resign his office by filing a written notice with the Speaker of the Assembly or, if there is no Speaker or the Speaker is absent from Alberta, with the Clerk of the Assembly.

(7) During the time that there is a vacancy in the office of Chief Electoral Officer the Deputy Chief Electoral Officer shall perform all the duties and exercise all the powers of the Chief Electoral Officer.

4(1) The Chief Electoral Officer shall

(a) provide guidance and supervision respecting the conduct of

2 Chief Electoral Officer.

3 Manner of appointment and termination of appointment of the Chief Electoral Officer.

4 Duties of the Chief Electoral Officer.

all elections, enumerations and plebiscites conducted under this Act and of plebiscites conducted under *The Liquor Plebiscites Act*;

(b) enforce on the part of all election officers fairness and impartiality in the conduct of their duties and compliance with the Act;

(c) issue to election officers any information and guidance he considers necessary to ensure the effective carrying out of the provisions of this Act;

(d) perform all duties assigned to him by this or any other Act.

(2) The Chief Electoral Officer, where he is of the opinion that an emergency exists, or a circumstance for which no adequate provision is made in the Act, may

(a) extend the time specified for the doing of any thing except

(i) the holding of an election,

(ii) the hours during which a polling place shall be kept open, or

(iii) the time by which a nomination paper must be filed;

(b) increase the number of election officers;

(c) remove from office any election officer for disability, misconduct or neglect of duty and order that election officer to deliver all materials in his possession relating to that office to a designated person;

(d) require the provision of additional polling places;

(e) omit or vary any form prescribed, other than a ballot or prescribe any additional form, other than a ballot.

(3) The Chief Electoral Officer shall, immediately following each general enumeration, general election, by-election or plebiscite, prepare and cause to be printed a report including a summary of his conduct respecting the general enumeration, general election, by-election or plebiscite, as the case may be, a breakdown of results, and a summary of costs, and shall transmit the report to the Select Standing Committee, who shall cause the report to be laid before the Assembly if it is then sitting or, if it is not then sitting, not more than 15 days after the commencement of the next ensuing sitting of the Assembly.

5(1) The Office of the Chief Electoral Officer is continued and consists of the Chief Electoral Officer, a Deputy Chief Electoral Officer and those officers and employees appointed pursuant to *The Public Service Act* who may be necessary to assist the Chief Electoral

5 Office of the Chief Electoral Officer.

Officer in the administration of his duties.

(2) On the recommendation of the Speaker, the Select Standing Committee may, by resolution, direct that any regulation, order or directive made under *The Public Service Act* or *The Financial Administration Act, 1977* or any allocation, designation or other decision of the Public Service Commissioner under *The Public Service Act* be inapplicable to, or be varied in its operation in respect of, the Office of the Chief Electoral Officer.

(3) A direction made under subsection (2) in relation to a regulation, order or directive made under *The Financial Administration Act, 1977* operates notwithstanding that Act.

6 The salary of the Chief Electoral Officer shall be in an amount fixed by the Select Standing Committee at the time of appointment, that shall be reviewed at least once a year by the Select Standing Committee.

7(1) The Lieutenant Governor in Council may appoint a returning officer for each electoral division for the purposes of or in connection with elections, enumerations and plebiscites under this Act and plebiscites under *The Liquor Plebiscites Act*.

(2) The returning officer for an electoral division must be a resident elector of that electoral division and must not be ineligible under section 42 for appointment.

(3) In addition to performing the duties specified in this or any other Act, a returning officer shall

(a) from time to time review polling subdivision boundaries,

(b) make all advance plans and preparations to enable an enumeration, election or plebiscite to be proceeded with expeditiously and efficiently when called in his electoral division,

(c) keep himself informed and knowledgeable of the requirements of all relevant legislation, and

(d) from time to time and when requested by the Chief Electoral Officer, investigate and study enumeration, election and plebiscite practices and procedures for the purpose of effecting increased economy, efficiency and service to electors and candidates.

(4) The Chief Electoral Officer shall notify each returning officer of his appointment and shall publish in *The Alberta Gazette* the name and address of the returning officer appointed for each electoral division.

(5) Immediately on receiving notice of his appointment each returning officer shall, before assuming his duties, take the prescribed oath of office and transmit it to the Chief Electoral Officer.

6 Salary of the Chief Electoral Officer.

7 Appointment of returning officers.

8(1) A returning officer shall immediately notify the Chief Electoral Officer in writing if he is unable to act and, if he wishes to resign, shall submit his written resignation to the Chief Electoral Officer.

(2) If a returning officer is for any reason unable or unwilling to act, or neglects his duties, the Chief Electoral Officer

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

(b) after a writ of election has been issued and if there is no election clerk appointed for the relevant electoral division,

may appoint an acting returning officer who shall have all the rights and powers and shall perform all the duties of a returning officer for that electoral division until the returning officer resumes his duties or a new returning officer is appointed by the Lieutenant Governor in Council.

(3) The appointment of a returning officer expires 4 months after polling day of the general election in which he was a returning officer unless it is sooner terminated by the Lieutenant Governor in Council.

(4) The Chief Electoral Officer shall confirm in writing to each returning officer the date of termination of his appointment.

9 All returning officers shall, on performance of their duties at the request of the Chief Electoral Officer, be paid

(a) an honorarium of the same amount, and

(b) fees and expenses at the same rate,

prescribed by the Lieutenant Governor in Council.

10 No person who has been appointed or is acting as a returning officer may

(a) engage in political activity on behalf of any political party or candidate, or

(b) make a contribution under *The Election Finances and Contributions Disclosure Act*,

while he is so appointed or acting.

8 Termination of appointment of returning officers.

9 Remuneration of returning officers.

10 Prohibition against partisan political activity by returning officers.

PART 2

ENUMERATIONS

11 A list of electors for each electoral division to be used for a general election, by-election or plebiscite as the occasion may arise shall be compiled and revised by means of a general enumeration.

12(1) For the purpose of making and revising lists of electors, the electoral divisions for which lists are to be made and revised shall be those defined in the Schedule to *The Legislative Assembly Act*.

(2) Where the Legislature re-enacts or amends the Schedule of electoral divisions in *The Legislative Assembly Act* but the re-enactment or amendment is not in force on March 1 of an enumeration year, the re-enactment or amendment shall be deemed to be in force for the purpose of conducting the general enumeration.

13 The Chief Electoral Officer shall provide each returning officer with sufficient quantities of all necessary forms and materials, including enumerator badges, to enable the efficient conduct of the required enumeration.

14 The enumeration shall be conducted during the period of September 15 to September 30

(a) in the second calendar year following the year in which the last general election was held, and

(b) in each succeeding year if no general election is held in the interim,

and shall be followed by a period for revision consisting of the Thursday, Friday and Saturday of the 2nd full week in October.

15 Prior to September 1 in an enumeration year, each returning officer shall

(a) subdivide the entire electoral division for which he was appointed into as many sequentially numbered subdivisions as he considers necessary for the convenience of electors but attempt to ensure, as far as possible, that no subdivision contains more than 450 electors, and

(b) prepare maps and subdivision boundary descriptions for use by the enumerators.

16(1) In this section, “registered constituency association” means

11 Requirement for a list of electors.

12 Electoral divisions to be used.

13 Provision of materials.

14 Dates for enumeration and revision.

15 Establishing electoral subdivisions.

16 Appointment of enumerators.

a constituency association registered under *The Election Finances and Contributions Disclosure Act* as evidenced by the registration lists provided by the Chief Electoral Officer.

(2) Each returning officer shall appoint in accordance with this section sufficient enumerators for the efficient conduct of the enumeration within his electoral division.

(3) During the first week in June in an enumeration year each returning officer shall, by registered letter, communicate a request to the executive of

(a) the registered constituency association within his electoral division of the registered political party forming the Government, and

(b) the registered constituency association within his electoral division of the registered political party not forming the Government whose candidate received the highest or next highest number of votes, as the case may be, at the immediately preceding election within the electoral division,

that written recommendations of qualified and available persons to act as enumerators be provided to the returning officer prior to September 1 of that year.

(4) The returning officer shall appoint enumerators from the names provided to him under subsection (3), but where

(a) there are no registered constituency associations to which subsection (3) applies, or

(b) a sufficient number of available persons who, in the opinion of the returning officer, are qualified to serve as enumerators has not been provided under subsection (3),

the returning officer shall appoint the required number of enumerators necessary to complete the enumeration from any other source he considers appropriate.

17 The following persons may not be appointed or act as enumerators:

(a) persons who are not electors;

(b) members of the Parliament of Canada;

(c) members of the Assembly;

(d) candidates;

(e) official agents;

(f) judges of federal or provincial courts;

(g) persons who have within the immediately preceding 10 years

17 Persons ineligible to be enumerators.

been convicted of an indictable offence where the penalty that may be imposed for that offence is greater than 2 years' imprisonment.

18(1) The returning officer shall appoint as enumerators for each subdivision of a city electoral division 2 electors resident in that electoral division.

(2) The returning officer shall appoint as enumerator for each subdivision of a rural electoral division one elector resident in that electoral division but may, if he considers it necessary, appoint a second resident elector for a subdivision.

(3) Where 2 enumerators are appointed for a subdivision they shall, where possible, represent different political interests based in the first instance on the recommended names provided by the registered constituency associations under section 16.

(4) A qualified enumerator may, at the discretion of the returning officer, be appointed as an enumerator for more than one subdivision.

(5) Where sufficient qualified persons are not available from among those persons resident within an electoral division, the returning officer may appoint as enumerators qualified persons resident in an adjacent electoral division.

19(1) If an enumerator is unable or unwilling to act or neglects his duties, the returning officer may appoint another enumerator in his stead.

(2) An enumerator replaced under this section shall, upon receipt of a written request signed by the returning officer, deliver or give up to his successor or any other authorized person his badge and any enumeration documents and written information he has obtained respecting the enumeration.

20 Each enumerator shall, before assuming his duties, take the prescribed oath of office before the returning officer or any person authorized to take oaths in Alberta, and no charge may be made by the person administering the oath.

21 The returning officer shall supply one identification badge to each enumerator from those provided to him by the Chief Electoral Officer, and each badge so provided shall bear the words "Province of Alberta Enumerator" on it.

22 A person to whom an enumerator has produced identification of his status shall not

(a) obstruct or interfere with, or

18 Appointments of enumerators for subdivisions.

19 Replacement of enumerators.

20 Oath of office by enumerators.

21 Identification badges.

22 Right of access of enumerators.

(b) cause or permit the obstruction or interference with,
the free access of an enumerator to each residence in a building containing 2 or more residences or to each residence in a mobile home park.

23 Subject to section 41, a person is eligible to have his name included on a list of electors if that person, on October 1 of an enumeration year in the case of a general enumeration, or on a date fixed by the Chief Electoral Officer in the case of a special enumeration,

- (a) is a Canadian citizen,
- (b) is of the full age of 18 years,
- (c) has been or will have been ordinarily resident in Alberta for at least 6 months immediately prior to that date, and
- (d) is ordinarily resident in the electoral division and subdivision for which that person is to have his name included on the list of electors.

24 Subject to section 118, for purposes of this Act, ordinary residence shall be determined in accordance with the following rules:

- (a) a person can have only one place of ordinary residence;
- (b) a person's ordinary residence is the place where he lives and sleeps and to which, when he is absent from it, he intends to return;
- (c) a student who
 - (i) is in attendance at a designated educational institution,
 - (ii) temporarily rents accommodation for the purpose of attending the designated educational institution, and
 - (iii) has family members who are ordinarily resident in Alberta and with whom he ordinarily resides when not in attendance at the designated educational institutionis deemed to reside with those family members;
- (d) when a person leaves Alberta with the intention of becoming ordinarily resident outside Alberta, his ordinary residence in Alberta ceases.

25(1) Each enumerator shall ascertain in accordance with this section the name and address of each person qualified to have his name included on the list of electors for that enumerator's subdivision.

23 Eligibility for inclusion on a list of electors.

24 Rules determining ordinary residence.

25 Conduct of an enumeration.

(2) When 2 enumerators are appointed for a subdivision, they shall

- (a) act jointly and not individually in each step of the preparation of the list of electors,
- (b) each sign any document that is required to be signed by an enumerator in respect of an enumeration, and
- (c) report immediately to the returning officer for the electoral division the facts and details of any disagreement between them.

(3) The returning officer shall decide any matter under disagreement referred to him under subsection (2)(c) and immediately communicate his decision to the enumerators.

(4) An enumerator shall

- (a) obtain the required information by visiting each residence in the subdivision except treatment centres, students' residences operated by a designated educational institution and exempted by the Chief Electoral Officer, temporary work camps, penitentiaries, correctional institutions, remand centres, detention centres and any similar institutions, and
- (b) leave at the residence of each person eligible to have his name included on the list of electors a Record of Name Form confirming that person's inclusion on the list.

(5) Each Record of Name Form left at a residence shall be signed by the enumerator.

(6) When visiting residences pursuant to subsection (4), the enumerator shall wear and prominently display his enumerator's badge.

(7) Each enumerator shall visit every residence in his subdivision at least once during the enumeration period.

(8) The enumerator shall visit the residences in his subdivision between the hours of 9 a.m. and 9 p.m.

(9) If an enumerator has

- (a) visited a residence at least once, and
- (b) found no responsible person there,

he shall then leave at the residence a notice in the prescribed form so that any qualified elector resident there may be able to contact the enumerator, or one of the enumerators in the case of 2 enumerators acting jointly, to have his name added to the list of electors.

26(1) On or before September 30 the enumerator shall prepare for his subdivisions a complete list of names of those persons in-

26 Preparation of the lists of electors.

licated by the enumeration to be qualified electors, organized

(a) for a city electoral division, by geographical arrangement in order of streets, avenues and like designations, and including complete residential addresses, and

(b) for a rural electoral division,

(i) by alphabetical arrangement of surnames, and

(ii) in the case of

(A) a city,

(B) a town that has residential addresses, or

(C) a hamlet that has a population in excess of 10 000 persons,

that is contained in a rural electoral division, by geographical arrangement in order of streets, avenues and like designations, and including complete residential addresses.

(2) First names and the prefixes Mr., Mrs., Miss or Ms. shall be recorded only if specifically requested by the elector.

(3) Each list of electors shall be typed on the prescribed form, and the enumerator shall, as far as is reasonably possible, ensure that the list contains the names and addresses of only the qualified electors enumerated within his subdivision.

(4) On completion of the list of electors for a subdivision, the enumerator shall forthwith date the list and certify the accuracy of the list by signing his name immediately under the last name on the list.

(5) Within 3 days of the completion of the list of electors the enumerator shall

(a) submit all copies of the list and 2 copies of the Record of Name Forms to the returning officer, and

(b) return all enumeration materials, including the enumerator's identification badge and completed expense claim, to the returning officer.

27 The returning officer shall satisfy himself as to the accuracy and proper preparation of the list of electors prior to authorizing payment of the enumerator's expense claim.

28 When the returning officer has accepted all lists of electors for the subdivisions within his electoral division, he shall display them in a prominent place in his office until the end of the period of time for revision to the lists of electors.

27 Returning officer to be satisfied of accuracy of the lists of electors.

28 Display of lists of electors.

29 During the first full week in October in an enumeration year each returning officer shall have published in one or more newspapers of general circulation within his electoral division the dates, time and place for consideration of applications for revisions to the lists of electors.

30(1) The returning officer for each electoral division shall attend at his office between the hours of 11 a.m. and 9 p.m. on each day during the revision period to consider applications for revisions to the lists of electors.

(2) If a returning officer considers it necessary he may, with the prior approval of the Chief Electoral Officer, fix additional dates, times and places for consideration of applications for revisions to the lists of electors.

(3) The returning officer shall have published in one or more newspapers of general circulation within his electoral division the details of any additional dates, times and places for attending to applications for revisions so as to give not less than 2 days' notice of the information.

31(1) If, before the time fixed for concluding revisions to the lists of electors, the returning officer is satisfied from representations made to him or by independent inquiry

(a) that the name of any qualified person has been omitted from the list of electors for the subdivision to which that person belongs, he shall add the name to the proper list and shall attest the addition by affixing his initials next to it,

(b) that the name of any unqualified person has been included on the list of electors for a subdivision, he shall delete the name from the list by drawing a line through the name and shall attest the deletion by affixing his initials next to it, or

(c) that the address or name of any elector is inaccurately stated on a list of electors, he shall make the necessary change on the list and shall attest the change by affixing his initials next to it.

(2) At the conclusion of the revisions, the returning officer shall

(a) draw a line immediately under the last name on each subdivision list of electors, and

(b) forthwith date the lists of electors and certify that the lists are closed to further revision by signing his name immediately under the line drawn under the last name on the lists.

32(1) Following certification of the lists of electors the returning officer shall review the boundary description of and the number of electors in each subdivision of his electoral division and, if he con-

29 Notice of revision.

30 Time and place for revision.

31 Procedure for revising the list of electors.

32 Adaptation of subdivisions as polling subdivisions.

siders it necessary, shall redefine and, if necessary, renumber the subdivisions in accordance with section 15 for use as polling subdivisions in any election or plebiscite.

(2) Where a returning officer redefines or renumbers the subdivisions under subsection (1), he shall prepare and certify new lists of electors from the lists certified under section 31(2) so as to reflect accurately the names of the electors based on the new subdivisions.

33 Each returning officer shall, with respect to his electoral division, submit to the Chief Electoral Officer not later than the last weekday in October,

- (a) the list of electors for each polling subdivision, with the cover page setting forth the boundary description of the subdivision,
- (b) one copy of a map of the electoral division clearly indicating the sequentially numbered polling subdivisions,
- (c) all expense claims,
- (d) all unused enumeration materials, and
- (e) all enumerator identification badges, with a satisfactory accounting of any absences.

34 Not later than February 1 of the year following a general enumeration, the Chief Electoral Officer shall furnish free of charge

- (a) to each registered political party,
 - (i) 6 copies of the boundary descriptions of the polling subdivisions in each electoral subdivision,
 - (ii) 6 maps showing the polling subdivisions in each electoral division, and
 - (iii) 6 copies of the list of electors for each polling subdivision,

and

- (b) to each member of the Assembly who is not a member of a registered political party,
 - (i) 6 copies of the boundary descriptions of the polling subdivisions,
 - (ii) 6 maps showing the polling subdivisions, and
 - (iii) 6 copies of the list of electors for each polling subdivision

33 Materials to be submitted to the Chief Electoral Officer.

34 Distribution of lists of electors by the Chief Electoral Officer.

in the electoral division that the member represents.

35(1) The Chief Electoral Officer may by order require a returning officer to conduct a special enumeration of an electoral division or a polling subdivision if in the opinion of the Chief Electoral Officer the circumstances are such that a special enumeration should be conducted.

(2) The Chief Electoral Officer may by order set the dates for the taking of various steps in the enumeration.

(3) This Part, except those provisions relating to revisions, applies with all necessary modifications to the conducting of a special enumeration.

PART 3

ELECTIONS, BY-ELECTIONS AND PLEBISCITES

36 Every election shall be commenced by the passing of an order of the Lieutenant Governor in Council

(a) authorizing the issue of a writ of election in the prescribed form directed and addressed to the returning officer of each electoral division for which an election is to take place,

(b) fixing the date of the writ, the date of the writ being the same for all writs in the case of a general election,

(c) appointing the 14th day after the date of the writ as nomination day,

(d) providing that, where voting is necessary, the 14th day after nomination day shall be the day on which voting is to take place, or if the 14th day is a holiday, then on the next following day not being a holiday, and

(e) directing that the writ be returned as provided by this Act.

37(1) On receipt of an order under section 36, the Chief Electoral Officer shall

(a) issue writs in accordance with the order, and

(b) transmit each writ to the returning officer to whom it is addressed.

(2) Immediately upon receiving a writ the returning officer shall endorse on it the date on which it was received by him.

35 Special enumerations.

36 Authorization for the issue of writs of election.

37 Issue of writs of election.

38 The validity of any proceedings taken under a writ is not affected by the appointment of a new or acting returning officer.

39 When transmitting a writ to a returning officer, the Chief Electoral Officer shall also forward sufficient copies of the lists of electors for the electoral division and a supply of election forms and materials.

40 Subject to section 41, a person is eligible to vote at an election if that person

- (a) is an elector and ordinarily resident on polling day in the polling subdivision in which he seeks to vote, and
- (b) his name appears on the list of electors for the polling subdivision or he is sworn in under section 91.

41 The following persons are not eligible to vote at an election:

- (a) returning officers, except to break a tie at the official count or judicial recount;
- (b) judges of federal and provincial courts;
- (c) persons disqualified from voting under this Act;
- (d) persons who are, on polling day, inmates of penal institutions.

42 The following persons shall not be appointed or act as returning officers, election clerks, supervisory deputy returning officers, deputy returning officers or poll clerks:

- (a) persons who are not electors;
- (b) persons appointed or acting as returning officers under the *Canada Elections Act*;
- (c) members of the Parliament of Canada;
- (d) members of the Assembly;
- (e) candidates;
- (f) official agents;
- (g) judges of federal or provincial courts;
- (h) persons who have within the immediately preceding 10 years been convicted of an indictable offence where the penalty that may be imposed for that offence is greater than 2 years' imprisonment.

38 Writ not affected when returning officer is replaced.

39 Election supplies.

40 Persons eligible to vote.

41 Persons ineligible to vote.

42 Persons ineligible to be election officers.

43(1) Immediately on being notified by the Chief Electoral Officer of the issue of a writ of election, the returning officer shall, by a commission in the prescribed form, appoint an elector of the electoral division as election clerk.

(2) If an election clerk is unable or unwilling to act or neglects his duties, the returning officer may appoint another election clerk in his stead.

(3) A returning officer may, with the written consent of the Chief Electoral Officer, appoint additional election clerks.

(4) Each election clerk shall, before assuming his duties, take the prescribed oath of office, and the appointment and the certificate evidencing that the oath was taken shall be attached to the writ.

44(1) An election clerk shall assist the returning officer in the performance of his duties and, if the returning officer becomes ineligible to hold the office or is unable or unwilling to act and has not been replaced by a successor, the election clerk or, if there is more than one, the election clerk first appointed, shall act as returning officer.

(2) When an election clerk is acting as a returning officer, he is liable for his acts or omissions in his capacity as returning officer as if he had been appointed a returning officer.

(3) An election clerk acting as a returning officer is not required to take the oath of a returning officer.

45(1) An oath or affidavit required under this Act from any person except a returning officer may be sworn before the returning officer for the relevant electoral division.

(2) An oath or affidavit required under this Act from any person except a returning officer or election clerk may be sworn before the election clerk for the relevant electoral division.

46(1) Immediately following receipt of a writ, the returning officer shall post one copy of the list of electors transmitted by the Chief Electoral Officer in or near each polling subdivision to which it relates, together with a notice in the prescribed form designating the dates, time and place for consideration of applications for revisions to the list of electors.

(2) The period for considering applications for revisions to the list shall

(a) commence on the 5th day after the date of the writ,

(b) continue each day except Sundays and holidays, and

43 Appointment of election clerks.

44 Duties of election clerks.

45 Oaths and affidavits.

46 Revision of polling subdivision lists of electors.

(c) conclude on the Saturday of the week preceding the opening of the advance polls.

(3) The provisions of section 31 apply with all necessary modifications to revisions under this section.

(4) At 4 p.m. on the Saturday referred to in subsection (2)(c) or so soon after that hour as all applications of persons present at that hour are disposed of, the returning officer or election clerk shall

(a) draw a line immediately under the last name on the list of electors for each polling subdivision, and

(b) forthwith date the list and certify that the list of electors is closed to further revision by signing his name immediately under the line drawn under the last name on the list.

47 Commencing on the Monday of the week of the opening of the advance polls and continuing to and including polling day the revised lists of electors shall be available in the office of the returning officer to all persons who apply to examine them or to take extracts from them.

48(1) Each returning officer shall, following receipt of the writ, fix and provide polling places at which the polling stations for each polling subdivision within his electoral division will be located.

(2) A polling place shall be in a location that, in the opinion of the returning officer, is convenient for the electors.

(3) Every polling place shall, where practicable, be situated so that it is readily accessible to handicapped persons.

(4) A returning officer may utilize as a polling place any public building or any school that is the property of any school district or school division organized under any Act if the building or school is suitable for the purpose.

(5) There may be more than one polling station located in a polling place.

(6) A polling place or polling station does not need to be located in the polling subdivision but shall be located in the electoral division.

(7) No polling place may be situated in licensed premises.

49(1) If by reason of some emergency it is found to be impractical to hold the poll in a polling place fixed by the returning officer, he may fix a different polling place as near as possible to the location originally fixed and shall give immediate notice of the change to all candidates or their official agents by telephone, confirmed by written notice.

47 Accessibility of revised lists of electors.

48 Location of polling places.

49 Change of polling place.

(2) When a different polling place is fixed under subsection (1), the returning officer shall cause a conspicuous sign that clearly and accurately states the location of the new polling place to be attached to the original place where the polling place was to be located.

50(1) Each returning officer shall

(a) have prepared conspicuous signs for directing electors to the location of each polling place within his electoral division, and

(b) distribute the signs to each deputy returning officer in his electoral division.

(2) The deputy returning officers shall place the signs received under subsection (1) at those places that will best direct attention to the polling place.

51(1) Each returning officer shall, not later than the 5th day following the date of the writ of election, publish by proclamation in the prescribed form

(a) the place, dates and hours for considering applications for revisions to the lists of electors,

(b) the place and hours fixed for the nomination of candidates and the date fixed for the closing of nominations,

(c) the place, dates and hours fixed for voting at an advance poll if voting is necessary,

(d) the date of polling day and the hours at which the polling places will open and close if voting is necessary,

(e) the place, date and time for announcing the results of the official count, that date being the 10th day after polling day, and

(f) the name, address and telephone number of the returning officer.

(2) The proclamation referred to in subsection (1), a map of the electoral division indicating the numbered polling subdivisions and a list of the locations of the polling places shall be published by

(a) posting a copy of each in the office of the returning officer, and

(b) publishing a copy of each in one or more newspapers of general circulation within the electoral division.

(3) A returning officer may post additional copies of the proclamation, map and list of locations at any other places in the electoral division where he considers they will be reasonably safe from damage and will serve to provide information to the public.

50 Polling place signs.

51 Publication of election proclamation.

(4) If the information as published is or becomes inaccurate for any reason, the returning officer shall

(a) publish details of the correction in the newspaper in which the proclamation was published under subsection (2), and

(b) immediately provide to all candidates or their official agents written details of the correction.

(5) If the returning officer is for any reason unable to comply with subsection (4), he shall immediately notify the Chief Electoral Officer, who shall take whatever action, if any, he considers appropriate.

52 A person is eligible to be a candidate at an election if he is an elector and is not disqualified under *The Legislative Assembly Act* or any other Act.

53(1) At any time following publication of the proclamation and prior to 2 p.m. of the date fixed for the closing of nominations, any 4 or more electors may nominate a person eligible to be a candidate as a candidate by signing a nomination paper in the prescribed form and filing it with the returning officer for the electoral division for which the candidate is being nominated.

(2) The signatures of the electors nominating a candidate shall be witnessed by another elector who shall complete the required affidavit on the nomination paper prior to its filing.

(3) A person who

(a) is a candidate by virtue of section 1(b)(iii), and

(b) does not file his nomination papers with the returning officer prior to the time set for closing of nominations,

ceases to be a candidate on the closing of nominations.

54(1) Each person being nominated as a candidate shall appoint an elector to be his official agent upon his nomination and shall include the name and address of the person so appointed in the appropriate place in the nomination form.

(2) The duties of an official agent are those prescribed by the candidate.

(3) The official agent shall not perform the duties of the chief financial officer unless he is the candidate's chief financial officer.

(4) If it becomes necessary to appoint a new official agent, the candidate shall immediately notify the returning officer in writing of the name and address of the person so appointed.

52 Persons eligible to be candidates.

53 Nomination of candidates.

54 Official agents of candidates.

55(1) A nomination paper is not valid and shall not be filed with the returning officer unless

- (a) it contains a properly completed affidavit of the attesting witness or witnesses, as the case may be, to the signatures of the nominating electors,
- (b) it states an address within Alberta at which documents may be served and notices given respecting the candidate,
- (c) it contains the appointment, name and address of the official agent immediately followed, subject to clause (d), by the signature of the person being nominated,
- (d) the person being nominated confirms by written communication

- (i) that he is eligible under section 52 for nomination,
- (ii) that he consents to his nomination,
- (iii) the appointment of his official agent,
- (iv) that he is the officially endorsed candidate of a registered political party or is an independent candidate,

and the confirmation is filed with the nomination paper,

- (e) it is accompanied by a deposit of \$100,
- (f) it is filed with the returning officer prior to 2 p.m. of the date fixed for the closing of nominations.

(2) If the person being nominated is to be the candidate of a registered political party, he shall, at the time of filing his nomination paper, file a certificate issued by that registered political party stating that the nominee is the candidate for that registered political party.

(3) Upon the filing of a valid nomination paper the returning officer shall give a receipt in the prescribed form, which shall be proof of receipt of the deposit and of the filing of the nomination paper.

56(1) The returning officer shall not accept a deposit tendered under section 55(1)(e) unless it consists of

- (a) Bank of Canada notes,
- (b) a certified cheque or certified bill of exchange,
- (c) a bank or postal money order, or
- (d) a combination of any of those forms.

55 Filing of nomination papers.

56 Deposits of candidate.

(2) The deposit received under section 55 shall be refunded to the candidate if he

- (a) is elected,
- (b) obtains a number of votes equal to at least 1/2 of the total number of votes obtained by the candidate elected, or
- (c) withdraws within 48 hours of the filing of his nomination paper.

(3) If a candidate dies after being nominated and prior to the closing of the polling places on polling day, the deposit shall be refunded to the candidate's personal representative.

(4) A deposit that is not refunded under this section shall be transmitted to the Chief Electoral Officer for deposit to the General Revenue Fund.

57 The returning officer, upon filing a nomination paper, shall provide to the candidate,

- (a) if he is the candidate of a registered political party,
 - (i) one copy of the proclamation,
 - (ii) one list of the locations of the polling places, and
 - (iii) a sufficient number of copies of the prescribed form for the appointment of scrutineers that will allow the candidate to appoint the number of scrutineers that he is entitled to appoint,

and

- (b) in every other case,
 - (i) one copy of the proclamation,
 - (ii) one map of the electoral division indicating the numbered polling subdivisions,
 - (iii) one list of the locations of the polling places,
 - (iv) a sufficient number of copies of the prescribed form for the appointment of scrutineers that will allow the candidate to appoint the number of scrutineers that he is entitled to appoint, and
 - (v) 2 copies of the list of electors for each polling subdivision in the electoral division.

58 If only one candidate is nominated by the time nominations close for an electoral division, the returning officer shall

57 Material to be provided to candidates.

58 Election by acclamation.

- (a) immediately declare that candidate elected,
- (b) make his return in the prescribed form to the Chief Electoral Officer certifying the election of the candidate, and
- (c) as soon as possible return to the Chief Electoral Officer the writ of election and all other election materials.

59(1) At any time after the filing of his nomination paper but not later than 48 hours before the opening of the polls on polling day, a candidate may withdraw by filing with the returning officer a declaration to that effect signed by the candidate and having his signature witnessed.

(2) If, after a candidate withdraws, only one candidate remains, the returning officer shall proceed in accordance with section 58 as if only one candidate had been nominated.

(3) If,

- (a) a candidate withdraws after the ballots for the electoral division for which he was nominated are printed, and
- (b) there remain 2 or more candidates,

the returning officer shall advise each deputy returning officer of his electoral division personally or by letter or telephone of the withdrawal and, if there is sufficient time, shall prepare a notice of withdrawal and distribute a copy to each deputy returning officer, who shall post it in a conspicuous location in his polling place.

(4) When, in acting under subsection (3), there is insufficient time to prepare and distribute a notice of withdrawal, the returning officer, when advising the deputy returning officers of the withdrawal, shall instruct each of them to cause a notice of the withdrawal to be prepared by hand, and upon so complying each deputy returning officer shall post the notice in a conspicuous location in his polling place.

(5) When a candidate has withdrawn, the deputy returning officer is responsible for ensuring that each voter is so advised when receiving a ballot.

60 If a candidate in an electoral division dies after being nominated and prior to the closing of the polling places on polling day,

- (a) the election for that electoral division shall be discontinued,
- (b) the writ remains authority for the holding of a new election for the electoral division,
- (c) the returning officer shall, with the approval of the Chief Electoral Officer, publish a new proclamation,

59 Withdrawal of a candidate.

60 Death of a candidate.

(d) the date for the closing of nominations shall be the earliest practicable date that allows the required time after publication of the new proclamation, and

(e) nominations of candidates previously filed remain valid for the new election.

61(1) At 2 p.m. on the date fixed for the close of nominations, the returning officer shall, at the place fixed for the filing of nominations,

(a) declare the nominations closed,

(b) announce the names of all officially nominated candidates in the electoral division,

(c) announce the name and address of each candidate's official agent, and

(d) announce the polling date and the date, time and place at which the official results of the election will be declared.

(2) On complying with subsection (1), the returning officer shall, as soon as possible,

(a) make available a list of the candidates to each candidate or his official agent, and

(b) publish the names and addresses of the candidates' official agents in a newspaper of general circulation within the electoral division.

(3) If another official agent is appointed under section 54(4), the returning officer shall publish in the same manner as provided in subsection (2) the name and address of the newly appointed official agent.

62 Any document or notice delivered between 9 a.m. and 6 p.m. to the address stated for that purpose in a candidate's nomination paper shall be deemed to have been personally served or given to that candidate.

63(1) If a poll is necessary in an electoral division, the returning officer shall, immediately after the close of nominations, cause to be posted at every place where the proclamation was posted a notice of poll in the prescribed form indicating the names of the candidates and their respective registered political parties, if any, in the order in which the candidates' names will be printed on the ballot.

(2) The returning officer shall

(a) ensure that corrections of obvious errors or omissions are made to the posted notices at any time up to 48 hours prior to

61 Close of nominations.

62 Service on candidates of documents and notices.

63 Posting of notice of poll.

the hour fixed for the opening of the polling places on polling day, and

(b) notify the candidates of all corrections as they are made.

64 Each returning officer shall

(a) publish once within the 7 days immediately preceding polling day, in one or more newspapers of general circulation within the electoral division,

(i) a copy of the map of the electoral division setting out the numbered polling subdivisions, and

(ii) a list of the locations of the polling places,

and

(b) provide one copy of the map and one copy of the list to each of his deputy returning officers for use on polling day.

65(1) If an election is necessary in an electoral division, the returning officer or election clerk shall, for each polling subdivision, appoint in the prescribed form a person as deputy returning officer.

(2) Each deputy returning officer shall, before assuming his duties, take the prescribed oath of office before the returning officer or election clerk or any person authorized to take oaths in Alberta, and no charge may be made by the person administering the oath.

(3) No person may be appointed as a deputy returning officer who is not an elector resident in the electoral division.

(4) Notwithstanding subsection (3), if there is not a sufficient number of qualified persons available from among those persons resident in the electoral division, the returning officer may appoint as deputy returning officers persons resident in an adjacent electoral division who are qualified to be deputy returning officers.

(5) If a deputy returning officer is unable or unwilling to act or neglects his duties, the returning officer may appoint another deputy returning officer in his stead, and a copy of the appointment shall be attached to the poll book.

66(1) The deputy returning officer for each polling station shall

(a) immediately before opening the poll, show the ballot box to the persons present so that they may see that it is empty,

(b) seal the box so that it cannot be opened without breaking the seal,

(c) place and maintain the ballot box on a desk, table, counter

64 Publishing of information concerning the location of polling places.

65 Appointment of deputy returning officers.

66 Duties of deputy returning officers.

or similar place so that it is raised above the floor and constantly in the view of all persons present, and

(d) keep the ballot box sealed.

(2) The deputy returning officer is responsible for maintaining order at his polling station or polling place, as the case may be.

67(1) Each deputy returning officer shall appoint in the prescribed form a person as poll clerk for his polling station.

(2) Each poll clerk shall, before assuming his duties, take the prescribed oath of office before the returning officer, election clerk or deputy returning officer or any person authorized to take oaths in Alberta, and no charge may be made by the person administering the oath.

(3) No person may be appointed as a poll clerk who is not an elector resident in the electoral division.

(4) Notwithstanding subsection (3), if there is not a sufficient number of qualified persons available from among those persons resident in the electoral division, the deputy returning officer may appoint as a poll clerk a person resident in an adjacent electoral division who is qualified to be a poll clerk.

(5) If a poll clerk is unable or unwilling to act or neglects his duties, the deputy returning officer may appoint another poll clerk in his stead, and a copy of the appointment shall be attached to the poll book.

68 A poll clerk shall

(a) maintain the poll book in the prescribed manner,

(b) assist the deputy returning officer in the performance of his duties, and ,

(c) perform any other duties required by the deputy returning officer.

69(1) If a deputy returning officer becomes ineligible to hold the office or is unable or unwilling to act or neglects his duties and has not been replaced by a successor, the poll clerk shall act as deputy returning officer.

(2) When a poll clerk is acting as a deputy returning officer, he is liable for his acts or omissions in his capacity as a deputy returning officer as if he had been appointed a deputy returning officer.

(3) A poll clerk acting as a deputy returning officer is not required to take the oath of a deputy returning officer.

(4) Where a poll clerk acts as a deputy returning officer he may

67 Appointment of poll clerks.

68 Duties of poll clerks.

69 Poll clerks as acting deputy returning officers.

appoint another qualified person as poll clerk in his stead, and a copy of the appointment shall be attached to the poll book.

70(1) A returning officer may, if he considers it necessary, appoint in the prescribed form a qualified person as a supervisory deputy returning officer for any polling place containing 2 or more polling stations.

(2) Each supervisory deputy returning officer shall, before assuming his duties, take the prescribed oath of office before the returning officer or election clerk or any person authorized to take oaths in Alberta, and no charge may be made by the person administering the oath.

71 A supervisory deputy returning officer is responsible for

- (a) providing overall supervision of 2 or more polling stations in the polling place,
- (b) performing the duties of the deputy returning officer or poll clerk in an emergency,
- (c) preserving peace and order within the polling place, and
- (d) giving assistance to electors.

72 A deputy returning officer may appoint in the prescribed form an interpreter at a polling place to translate questions and answers concerning voting procedures for persons not conversant in the English language.

73 Each candidate may appoint in the prescribed form not more than 4 electors resident in the electoral division as scrutineers

- (a) to represent him at each polling station, and
- (b) to observe the election procedures on his behalf.

74(1) A deputy returning officer, poll clerk, supervisory deputy returning officer, candidate, official agent or scrutineer

- (a) who may be located on polling day at a polling place in some polling subdivision within the electoral division other than the one in which he is ordinarily resident,
- (b) whose name appears on the list of electors for the polling subdivision in which he is ordinarily resident, and
- (c) who desires to vote at the poll where he will be located,

may apply to the returning officer for that electoral division for a Special Voting Certificate.

70 Appointment of supervisory deputy returning officers.

71 Duties of supervisory deputy returning officers.

72 Interpreters.

73 Scrutineers.

74 Special Voting Certificates.

(2) The returning officer, if satisfied that the applicant qualifies under subsection (1), shall grant the certificate in the prescribed form.

(3) The returning officer shall number each Special Voting Certificate in consecutive order of issue and shall fully complete and sign it.

(4) On the issue of a certificate the returning officer shall mark opposite the name of the elector to whom the certificate was issued, on the list of electors for the polling subdivision in which he is ordinarily resident, the words "Certificate issued".

75 A returning officer shall not issue a Special Voting Certificate

- (a) prior to the close of nominations, or
- (b) that is not fully completed.

76 The Chief Electoral Officer shall provide all supplies not previously delivered to the returning officers in sufficient time to enable each of them to adequately and efficiently carry out their duties.

77(1) The Chief Electoral Officer shall provide each returning officer with a sufficient number of ballot boxes to conduct the election in his electoral division.

- (2) The ballot boxes shall be
- (a) made of a durable material,
 - (b) accompanied by a sufficient number of appropriate seals, and
 - (c) designed in a manner that permits the deposit of ballots but does not permit their removal without breaking the seals after they have been attached.

78(1) Each returning officer shall cause to be printed on paper supplied to him by the Chief Electoral Officer the ballots for use in the election in his electoral division.

(2) The number of ballots printed shall exceed by at least 25% the number of electors listed in the electoral division.

(3) The printer shall deliver to the returning officer with the printed ballots a completed and executed Affidavit of Printer in the prescribed form.

79(1) On each ballot shall be printed the name of each candidate

75 Prohibitions against issuing Special Voting Certificates.

76 Provision of supplies.

77 Ballot boxes.

78 Printing of ballots.

79 Contents of ballots.

together with

- (a) the name of the registered political party for which he is the candidate, or
- (b) the word “Independent” if the candidate is not a candidate for a registered political party.

(2) The names of the candidates shall be printed on the ballot as follows:

- (a) the candidate’s
 - (i) given name,
 - (ii) initials, or
 - (iii) nickname

or any combination of them in a type of 8 point capital letters;

(b) the candidate’s surname shall appear following the given name, initials or nickname, as the case may be, and be in a type of 10 point capital letters;

(c) the candidates’ names shall be listed on the basis of the alphabetical order of their surnames;

(d) no titles, degrees, prefixes or suffixes may be included with a name.

(3) Every ballot shall include a counterfoil and stub, and there shall be a line of perforations between

- (a) the ballot and the counterfoil, and
- (b) the counterfoil and the stub.

(4) The ballot, counterfoil and stub shall be in the prescribed form and shall be bound or stitched in books in quantities that the returning officer considers appropriate.

(5) The ballots shall be serially numbered with the number of each ballot appearing on the back of both the stub and counterfoil.

(6) All ballots shall be as nearly alike as possible.

(7) The name of the printer shall appear on the back of each ballot but not on the stub or counterfoil.

(8) Each ballot shall have printed on its back the name of the electoral division and the year of the election.

80 Each returning officer shall maintain a record of

80 Record of ballots distributed to deputy returning officers.

(a) the quantity of ballots that are provided to the deputy returning officers in the electoral division, and

(b) the serial numbers of the ballots.

81 The returning officer shall provide to each deputy returning officer

(a) one copy of the list of electors for his particular polling subdivision for use on polling day, and

(b) a sufficient quantity of the necessary forms and materials to conduct the poll.

82(1) If a returning officer considers it necessary following the revision under section 46, he may establish additional polling places or polling stations for the convenience of the voters.

(2) If additional polling places or polling stations are provided, they shall be as near to the original polling places as possible, and the returning officer shall give immediate notice of the additional polling places or polling stations, as the case may be, to all candidates in the electoral division or their official agents by telephone, confirmed by written notice.

83 When there is more than one polling station located in a polling place and no supervisory deputy returning officer has been appointed, the returning officer may designate a deputy returning officer of one of the polling stations to maintain order within the polling place.

84(1) Subject to subsection (3), polling places shall be open for the purpose of voting during the following hours only:

(a) at an advance poll, from 9 a.m. to 8 p.m.;

(b) at treatment centres, during the hours fixed by the returning officer;

(c) at the taking of the poll on polling day, from 9 a.m. to 8 p.m.

(2) No voting shall be permitted before the opening of a polling place.

(3) At closing time the entrance to each polling place shall be closed, and only those persons who are inside the polling place at that time shall be permitted to vote after the closing time.

85(1) Each deputy returning officer shall attend at the polling place at least 30 minutes prior to the opening of his polling station.

(2) During the 30 minutes immediately prior to the opening of the

81 Returning officer to provide lists of electors and other election materials to deputy returning officers.

82 Establishment of extra polling places or polling stations.

83 Maintenance of order where no supervisory deputy returning officer is appointed.

84 Hours when the poll will be taken.

85 Preparation for the opening of a polling place.

polling place, candidates, official agents and scrutineers are entitled to inspect the ballots and examine all documents, materials and ballot boxes to be used in the taking of the poll.

86(1) Prior to the opening of his polling station the deputy returning officer shall post in a conspicuous location at the polling station one copy of each of the following prescribed bulletins:

- (a) Notice as to Secrecy of Voting;
- (b) Directions for Guidance of Voters;
- (c) Offences, Corrupt Practices and Voter Disqualification.

(2) The deputy returning officer shall ensure that the bulletins posted under subsection (1) remain posted during polling hours.

87(1) Each polling station shall contain one or more polling booths arranged so that when a voter is in the polling booth he is screened from observation and may mark his ballot without interference.

(2) In each polling booth there shall be provided for the use of voters marking their ballots

- (a) a suitable table, desk or shelf, and
- (b) a suitable marking instrument which shall be properly maintained during polling hours.

88(1) Only the following persons may remain in a polling place during polling hours:

- (a) the deputy returning officers;
- (b) the poll clerks;
- (c) the returning officer or election clerk;
- (d) the Chief Electoral Officer or a representative of the Chief Electoral Officer;
- (e) the official agents of the candidates;
- (f) one scrutineer per candidate for each ballot box.

(2) Nothing in this Act restricts a candidate from briefly visiting a polling place during polling hours.

89(1) All persons referred to in section 88(1) shall take the prescribed oath of secrecy before performing their duties under that section and shall aid in maintaining the secrecy of the voting.

(2) If an election officer suspects that any contravention of the law

86 Posting of bulletins.

87 Polling booths.

88 Persons entitled to remain in polling places.

89 Secrecy.

governing secrecy in relation to voting has occurred, he shall as soon as possible advise the returning officer, who shall immediately notify the Chief Electoral Officer.

(3) On receiving notification under subsection (2) the Chief Electoral Officer shall immediately inquire into the matter, and if he is satisfied that a contravention may have occurred, he shall so notify the Attorney General.

90(1) Every returning officer, supervisory deputy returning officer and deputy returning officer, from the time he takes his oath of office until completion of the duties of his office,

- (a) is charged with preserving the peace at polling places,
- (b) is vested with all the powers of a justice of the peace, and
- (c) may
 - (i) request the assistance of justices of the peace, peace officers or any persons present to aid him in maintaining peace and order at an election;
 - (ii) on the written requisition of any candidate or official agent, appoint special constables as he considers necessary;
 - (iii) arrest or cause to be arrested and placed in the custody of a peace officer or other person anyone disturbing the peace or order at an election;
 - (iv) cause an arrested person to be imprisoned on his written order until a time not later than the close of a poll.

(2) When requested to do so under subsection (1)(c), a peace officer shall forthwith attend upon and assist the person making the request in the performance of his powers under that subsection.

91(1) An elector who is otherwise eligible to vote but whose name does not appear on the list of electors for the polling subdivision in which he is ordinarily resident may vote if

- (a) he produces to the deputy returning officer satisfactory identification in the form of any one or more of the following, indicating that he ordinarily resides in that polling subdivision:
 - (i) a valid Alberta operator's licence;
 - (ii) an Alberta health insurance card;
 - (iii) a Senior Citizen's Identification Card;
 - (iv) any identification similar to the ones referred to in sub-clauses (i) to (iii) that is acceptable to the deputy returning

90 Preservation of peace and order.

91 Swearing-in procedure.

officer,

and

(b) he takes and signs the prescribed oath before the deputy returning officer, who shall sign as witness and shall indicate on the oath form the nature and number of the identification accepted.

(2) The deputy returning officer shall, after administering an oath under subsection (1), cause the elector's name to be included in the list of electors and entered in the poll book with the word "sworn" or "affirmed" written in the appropriate column.

92(1) The deputy returning officer, at the request of a voter who is unable to read or who is incapacitated by a physical cause other than blindness from voting in the usual manner, shall

(a) assist the voter by marking his ballot in the manner directed by the voter in the presence of the poll clerk, and

(b) place the ballot so marked in the ballot box.

(2) The deputy returning officer shall not act under subsection (1) until the voter has taken the prescribed oath.

(3) The deputy returning officer, in the case of a blind voter, shall

(a) if the voter is accompanied by a friend,

(i) permit the friend to accompany the voter into a polling booth to mark the voter's ballot, and

(ii) accept the marked ballot from the voter or his friend and place it in the ballot box,

or

(b) if the voter is not accompanied by a friend,

(i) provide the voter with a Blind Voter Template in the prescribed form, and

(ii) instruct the voter in its use.

(4) The deputy returning officer shall not permit a blind person to vote under subsection (2)(a) until the blind person and his friend have taken their prescribed oaths.

(5) When a ballot has been marked pursuant to this section, the deputy returning officer or poll clerk shall enter in the poll book opposite the name of the voter and in the appropriate column either "voter assistance" or "template", as the case may be.

92 Voter assistance at a polling station.

93 The returning officer shall provide one copy of the list of electors for all polling subdivisions in the electoral division for use by the deputy returning officer at the advance poll.

94(1) The returning officer shall establish at least one and no more than 4 polling places to enable

- (a) electors who are disabled,
- (b) electors who believe that they will be absent from their ordinary place of residence on polling day, and
- (c) election officers, candidates, official agents or scrutineers who believe that their official duties on polling day will require their attendance at polling subdivisions other than the one for which their name appears on the list of electors,

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

(2) Polling places for advance polling shall be in a location that, in the opinion of the returning officer, is convenient for the electors.

(3) The polling places for advance polling shall be open from 9 a.m. to 8 p.m. on each of the Thursday, Friday and Saturday of the full week preceding polling day.

(4) The provisions respecting the conduct of an election on polling day and related matters apply, with all necessary modifications, to the holding of an advance poll.

(5) After the opening of a polling place for an advance poll the deputy returning officer shall take all reasonable precautions to ensure that no other person except the poll clerk has access to the ballot box.

(6) Each day at the close of the polling place for an advance poll the ballot box

- (a) shall be sealed by the deputy returning officer and poll clerk, and
- (b) may be sealed by any candidate, official agent or scrutineer so desiring,

so that it cannot be opened nor any ballots deposited without breaking those seals.

(7) Seals placed on a ballot box shall not be removed from the time they are placed on it until the close of the polling places on polling day except as may be necessary at the opening of the polling place for the advance poll on the Friday and Saturday to permit the deposit of ballots.

(8) At the close of the polling place for the advance poll on the final

93 List of electors for the advance poll.

94 Establishment and operation of polling place for an advance poll.

day the deputy returning officer shall, after the seals have been affixed pursuant to subsection (6), take charge of and safely keep the ballot box until the close of polls on polling day, when the ballots shall be counted in accordance with section 108.

95(1) When a person who is an elector eligible to vote in the advance poll presents himself for that purpose, the deputy returning officer shall

(a) if the person's name appears on the list of electors for the polling subdivision in which the elector ordinarily resides,

(i) require the person to complete the prescribed declaration, and

(ii) enter opposite the name of that person on the list of electors the words "Advance Poll",

or

(b) if the person's name does not appear on the list of electors for the polling subdivision in which the elector ordinarily resides,

(i) require the person to complete the prescribed declaration,

(ii) require the person to comply with section 91(1), and

(iii) enter the person's name on the list of electors and opposite the name the words "Sworn" or "Affirmed", as the case may be, and "Advance Poll".

(2) At the close of the polling place for an advance poll, the deputy returning officer shall advise the returning officer of the names and polling subdivisions of all electors who voted at his advance poll, and the returning officer shall, prior to polling day, advise each deputy returning officer of the names of the electors for their respective subdivisions who have so voted.

96(1) Each elector who presents himself to vote on polling day shall give his name and address to the deputy returning officer and if

(a) the name of that elector appears on the list of electors for the polling subdivision, or

(b) the elector complies with section 91(1),

the poll clerk shall enter the name and address in the poll book, and for each name so recorded he shall enter a number in consecutive sequence opposite it.

(2) The deputy returning officer shall provide to each elector corded in the poll book a prefolded ballot

95 Voting in an advance poll.

96 Provision of ballot to an elector on polling day.

- (a) containing the deputy returning officer's initials in the prescribed place on its back so that when the ballot is folded the initials can be seen without unfolding it, and
- (b) that has a counterfoil attached to it on the back of which the deputy returning officer has inserted a number corresponding to the number recorded next to the elector's name in the poll book.

97(1) The deputy returning officer shall, without inquiring or ascertaining for whom the voter intends to vote, instruct the voter to

- (a) proceed to one of the polling booths and there, with the marker provided, mark his ballot by placing an "X" in the white space opposite the name of the candidate of his choice,
- (b) refold the ballot so that the initials, electoral division and year of the election on the back of the ballot and the number on the back of the counterfoil can be seen without unfolding it, and
- (c) hand the folded ballot to the deputy returning officer.

(2) The deputy returning officer, without unfolding the ballot, shall in full view of the voter and all present

- (a) ascertain by examining
 - (i) the initials, and
 - (ii) the number on the counterfoil,that it is the same ballot he provided to the voter,
- (b) remove and tear up the counterfoil, and
- (c) place the ballot in the ballot box.

98 A deputy returning officer, poll clerk, supervisory deputy returning officer, candidate, official agent or scrutineer may vote at the poll where he is located if he files his Special Voting Certificate with the deputy returning officer, and the deputy returning officer or poll clerk shall enter in the poll book the name of the voter and opposite the name in the appropriate column the initials "S.V.C.".

99(1) If a voter has dealt with his ballot in such a manner that it cannot be properly used, he may obtain another ballot on returning the previous ballot to the deputy returning officer.

(2) The deputy returning officer shall immediately write the word "Spoiled" on the previous ballot returned to him under subsection (1) and place it in the required envelope to be sent to the returning

97 Voting instructions.

98 Voting by persons holding Special Voting Certificates.

99 Spoiled ballots.

officer.

100 Immediately a voter's ballot is deposited in the ballot box the poll clerk shall enter in the poll book opposite the name of the voter and in the appropriate column the word "Voted"

101(1) A deputy returning officer shall administer the oath in the prescribed form to a person if

- (a) he doubts the eligibility of that person to vote, or
- (b) he is requested to do so by a candidate, official agent or scrutineer and he is of the opinion that the request is made in good faith.

(2) An election clerk, deputy returning officer, poll clerk, supervisory deputy returning officer, candidate, official agent or scrutineer who presents himself for the purpose of voting at the polling subdivision in which he ordinarily resides may be required by a candidate, official agent or scrutineer before he votes to take the prescribed oath before the deputy returning officer or poll clerk located at that polling subdivision.

(3) If a voter

- (a) has taken an oath for the purposes of voting, the poll clerk shall enter in the poll book opposite the name of that voter in the appropriate column the word "Oath", or
- (b) has refused to take an oath that he was required to take for the purpose of voting, the poll clerk shall enter in the poll book opposite the name of that voter in the appropriate column the words "Refused Oath".

(4) A person who refuses to take the oath when required to do so

- (a) shall not be provided with a ballot or permitted to vote,
- (b) forfeits his right to vote in the election, and
- (c) shall forthwith leave the polling place.

102(1) No person shall

- (a) interfere or attempt to interfere with a voter who is attempting to mark his ballot,
- (b) attempt to obtain any information at a polling place regarding which candidate a voter has voted for, is voting for or is about to vote for, or
- (c) prevent or attempt to prevent a person from exercising his right to vote.

100 Recording in the poll book that a voter has voted.

101 Elector's oath.

102 Prohibited conduct during polling.

(2) No person may communicate any information obtained at a polling place regarding which candidate a voter has voted for, is voting for or is about to vote for.

103(1) While a voter is in a polling booth for the purpose of marking his ballot, no other person may, except as permitted in section 92, enter the polling booth or be in a position from which he can see for whom the voter marks his ballot.

(2) No person may directly or indirectly induce or attempt to induce a voter to show his ballot after he has marked it so as to allow the name of the candidate for whom he has voted to be known.

(3) Except as provided in section 92, a voter shall not show his ballot, after he has marked it, to any person so as to allow the name of the candidate for whom he voted to be known.

(4) A voter shall

- (a) vote without unnecessary delay, and
- (b) leave the polling place as soon as his ballot has been placed in the ballot box.

104(1) A person who receives a ballot shall not take it out of the polling place.

(2) If a person contravenes subsection (1) or returns his ballot declining to vote, the deputy returning officer shall

- (a) make an entry in the poll book in the appropriate column to the effect that the person received a ballot but took it out of the polling place or returned it declining to vote, as the case may be, and
- (b) if the person declined to vote, immediately write the word "Declined" on the ballot and place it in the required envelope to be sent to the returning officer.

(3) A person who contravenes subsection (1) or returns his ballot declining to vote

- (a) forfeits his right to vote in the election, and
- (b) shall forthwith leave the polling place.

105(1) If a person representing himself to be an elector applies for a ballot after another person has voted in the name of that elector, he is entitled to receive a ballot and to vote after taking the prescribed oath and establishing his identity to the satisfaction of the deputy returning officer.

(2) The name of the voter shall be entered in the poll book and a

103 Conduct of persons while voting; secrecy of vote.

104 Taking ballot out of polling place, declining to vote.

105 Alleged impersonation of an elector.

note shall be made stating the fact that he voted after taking the oath,⁸ any objection made, and the name of any candidate on whose behalf an objection was made.

106 A person who has caused his ballot to be placed in the ballot box shall be deemed to have voted.

107 An elector shall have one vote only.

108(1) After the closing of the poll, the deputy returning officer shall immediately count the number of spoiled and declined ballots and record the total on the outside of the envelope containing those ballots and then seal it.

(2) On complying with subsection (1), the deputy returning officer shall count

(a) the number of electors whose names appear on the list of electors, and

(b) the number of voters recorded in the poll book as having voted,

and shall draw a line immediately under the last name in the poll book, affix his initials and complete the Election Certificate on the last page of the poll book.

(3) On complying with subsection (2), the deputy returning officer shall, in the presence of the poll clerk and those candidates, official agents and scrutineers entitled to be present, open the ballot box and proceed with a count of the votes, using tally sheets.

(4) The deputy returning officer shall provide to the poll clerk and any other person present who wishes to keep a tally a sufficient number of tally sheets.

(5) In counting the votes the deputy returning officer shall reject and place in a rejected ballot envelope any ballot that

(a) does not have on its back the name of the electoral division and year of the election,

(b) does not indicate a vote for any candidate,

(c) in the case of a vote by an incapacitated or absentee voter, does not indicate a vote for any candidate or registered political party, as the case may be,

(d) contains votes for more than one candidate,

(e) in the case of a vote by an incapacitated or absentee voter, contains votes for more than one candidate or registered political party, as the case may be,

106 Person deemed to have voted.

107 One vote only.

108 Procedure on close of poll.

- (f) is so marked that it is uncertain for which candidate the vote was cast,
 - (g) in the case of a vote by an incapacitated or absentee voter, is so marked that it is uncertain for which candidate or registered political party, as the case may be, the vote was cast,
 - (h) contains a vote for a candidate who has withdrawn,
 - (i) in the case of a vote by an incapacitated or absentee voter, contains a vote for a candidate who has withdrawn or for a registered political party that does not have a candidate for the electoral division, or
 - (j) contains any writing or mark enabling the voter to be readily identified.
- (6) Notwithstanding subsection (5)(a) to (i), a ballot shall not be rejected
- (a) by reason of any writing, number or mark made or omitted by the deputy returning officer, or
 - (b) when the vote, though incorrectly made on the ballot, clearly indicates the voter's intention to vote for one particular candidate.
- (7) When, in the course of counting the votes, any ballot is found with the counterfoil still attached, the deputy returning officer shall, after carefully concealing the number from all persons present and without examining the number on the counterfoil himself, remove and destroy the counterfoil, and shall not reject the ballot merely by reason of his previous failure to remove the counterfoil.
- (8) The deputy returning officer shall make a note in the poll book of every objection to a ballot and the name of any candidate on whose behalf an objection was made.
- (9) Each objection shall be numbered and a corresponding number placed on the back of the ballot that is the subject of the objection and initialled by the deputy returning officer.
- (10) The deputy returning officer shall decide any question arising out of an objection.
- (11) Only the following persons may be present during the unofficial count of ballots and then only if they have taken the prescribed oath of secrecy:
- (a) the deputy returning officers;
 - (b) the poll clerks;
 - (c) the returning officer or election clerk;
 - (d) the Chief Electoral Officer or a representative of the Chief Electoral Officer;

- (e) the candidates;
- (f) the official agents of the candidates;
- (g) one scrutineer per candidate for each ballot box.

109 The deputy returning officer shall, at the conclusion of the count,

- (a) complete a Statement of Poll in duplicate that shall be signed by the deputy returning officer, the poll clerk and any person present who wishes to sign the statement of the poll,
- (b) immediately communicate the unofficial results to the returning officer,
- (c) complete a sufficient number of Candidate's Certificates in the prescribed form and provide one to each candidate present or to his official agent or one of his scrutineers present,
- (d) administer to the poll clerk the poll clerk's oath in the prescribed form,
- (e) place the ballots for each candidate in the envelopes provided for that purpose and mark on the outside of each envelope the name of the candidate whose ballots are contained in it,
- (f) place the envelopes containing the ballots in one large envelope that he shall then seal and endorse with an indication of its contents, and any scrutineer present may, if he so wishes, write his signature across the envelope and its flap,
- (g) place the rejected ballots and the unused ballots in separate envelopes each of which he shall then seal and endorse with an indication of its contents, and any scrutineer present may, if he so wishes, write his signature across the envelope and its flap,
- (h) ensure that
 - (i) the list of electors,
 - (ii) all envelopes containing ballots,
 - (iii) the poll book,
 - (iv) the original copy of the Statement of Poll, and
 - (v) all other documents relating to the operation of the poll,

are placed in the ballot box that he shall immediately seal with the seal provided for that purpose and with the seals of those candidates or their official representatives who also desire to seal the ballot box,

109 Unofficial count.

- (i) return the sealed ballot box to the returning officer in accordance with section 111, and
- (j) retain his copy of the Statement of Poll until the returning officer completes the official count.

110 After the closing of the polling places on polling day the deputy returning officer of each advance poll and his poll clerk shall attend with the ballot box at the returning officer's office or the place where the advance poll was held and then, in the presence of any of the candidates or their official agents or scrutineers who attend, shall open the ballot box and proceed to count the votes, and sections 108 and 109 apply, with all necessary modifications, to the count.

111(1) The deputy returning officer is responsible for returning the ballot box to the returning officer as soon as possible after the conclusion of the unofficial count of the votes.

(2) If the deputy returning officer does not personally return the ballot box to the returning officer, he shall ensure that the ballot box is returned to the returning officer by a means approved of by the returning officer.

(3) If the deputy returning officer does not personally return the ballot box to the returning officer, he shall

- (a) write the name of the person to whom the ballot box is being given on a label in the form prescribed and affix it to the ballot box, and

- (b) obtain the prescribed receipt for the ballot box.

(4) A person to whom a ballot box is given shall

- (a) return it to the returning officer as soon as possible, and

- (b) on returning the ballot box to the returning officer, take the prescribed oath.

112 The deputy returning officer shall

- (a) before leaving the polling place, ensure that all expense claims for the election officers at his poll are properly completed, signed and certified,

- (b) ensure that the expense claims are delivered to the returning officer,

- (c) take his prescribed oath, and

- (d) transmit to the returning officer by registered mail or personally deliver the certificate evidencing that the oath was taken.

110 Advance poll count.

111 Return of ballot boxes.

112 Completion of deputy returning officer's duties.

113(1) An elector whose name is included on the list of electors for the polling subdivision in which he ordinarily resides and who is unable to vote at an advance poll or at the poll on polling day because of

- (a) physical incapacity, or
- (b) absence from the electoral division,

may apply to vote in accordance with this section.

(2) An application to vote under this section shall be in the prescribed form and may be obtained from the returning officer of the applicant's electoral division at any time following issue of a writ.

(3) The elector shall complete and sign Part I of the application and shall have the certificate in Part II signed by a sponsor whose name is shown on the list of electors for the same polling subdivision as that of the elector.

(4) The application completed in accordance with subsection (3) shall be submitted to the returning officer of the electoral division in which the applicant is entitled to vote in sufficient time to permit it to be acted upon by the returning officer or election clerk.

(5) If the returning officer or election clerk is satisfied that an applicant is entitled to vote under this section, he shall

- (a) forthwith cause the appropriate prescribed forms to be sent to that person,
- (b) strike the applicant's name from the list of electors for the polling subdivision in which he was entitled to vote, and
- (c) enter the words "Inc. Voter" for an incapacitated voter or "Abs. Voter" for an absentee voter, as the case may be, opposite the name of the voter struck from the list.

(6) The returning officer or election clerk shall record in a separate poll book

- (a) the name of each person receiving forms pursuant to subsection (5),
- (b) the polling subdivision in which the person ordinarily resides, and
- (c) the date of return of the certificate envelope under section 115.

114 The returning officer shall, upon request, make available to any candidate in the electoral division or his official agent the names and the addresses of the ordinary residences of those persons who have successfully applied as of the date of the request to vote as

113 Application by incapacitated or absentee voter.

114 Name and address of incapacitated or absentee voter to be provided to candidates.

incapacitated or absentee voters.

115(1) Upon receipt of the prescribed forms the voter shall mark the ballot by writing, with a pen or pencil of any colour, in the space provided, the name of the candidate or the registered political party of the candidate of his choice.

(2) After marking his ballot the voter shall

- (a) place the marked ballot in the ballot envelope,
- (b) seal the ballot envelope,
- (c) place the ballot envelope in the certificate envelope,
- (d) complete and sign the certificate and seal the certificate envelope,
- (e) place the certificate envelope in the outer envelope, and
- (f) seal the outer envelope.

(3) The outer envelope, when sealed, shall be forwarded so that it reaches the returning officer not later than the close of the polling places on polling day.

(4) Upon receipt of the outer envelope, the returning officer or election clerk shall remove the certificate envelope, examine the voter's application and the certificate on the certificate envelope, and

(a) if he is satisfied as to the identity of the voter whose ballot is enclosed, he shall

- (i) open the certificate envelope, remove the ballot envelope and place it unopened in a sealed ballot box marked "Incapacitated and Absentee Voters", and
- (ii) retain the certificate envelope and forward it to the Chief Electoral Officer pursuant to section 140,

or

(b) if he is not satisfied as to the identity of the voter whose ballot is enclosed, he shall

- (i) retain the certificate envelope unopened,
- (ii) treat the ballot in the envelope as a rejected ballot, and
- (iii) mark the certificate envelope accordingly.

(5) At the close of the polling place on polling day, the returning officer shall deliver the Incapacitated and Absentee Voters' ballot box to the deputy returning officer and poll clerk of an advance poll

115 Voting and counting of votes cast by incapacitated or absentee voters.

in the electoral division, who shall proceed in accordance with section 110 as if the ballot box was from an advance poll.

(6) After completing the count of the ballots, the deputy returning officer shall record the results on the prescribed form.

116 If an outer envelope is received by a returning officer after the close of the polling places on polling day, the ballot it contains shall be considered a rejected ballot and the outer envelope shall be retained unopened by the returning officer, who shall record on it the reason for its rejection.

117 Each returning officer shall, following receipt of a writ, determine if there are in his electoral division any treatment centres having not less than 10 electors who are in-patients of the treatment centre and, if so, shall, immediately after nomination day,

(a) in consultation with the administrator of the treatment centre or a co-ordinator appointed by the treatment centre,

(i) fix the hours on polling day when the poll will be taken at the treatment centre, and

(ii) determine the number of polling stations to be established and the format that each polling station is to take as either being a fixed location or bed-to-bed visitations or both,

and

(b) appoint a deputy returning officer and poll clerk for each poll so required.

118 Electors who are acknowledged by an official of a treatment centre to be in-patients of that centre on polling day shall be deemed to be ordinarily resident in the electoral division in which the treatment centre is located if they have not already voted in the election as an incapacitated or absentee voter or in an advance poll.

119(1) Subject to subsection (2), only the following persons may remain at a treatment centre polling station during polling hours:

(a) the deputy returning officer;

(b) the poll clerk;

(c) the returning officer or election clerk;

(d) a member of the treatment centre staff;

(e) each candidate or his official agent or a scrutineer.

(2) If in the opinion of a member of the treatment centre staff it is considered advisable to do so, the deputy returning officer may limit

116 Late receipt of ballots cast by incapacitated or absentee voter.

117 Establishment of treatment centre polling stations.

118 Treatment centre deemed to be the ordinary residence of in-patients.

119 Persons permitted to be present at the treatment centre polling stations.

the persons present at a polling station to

- (a) the deputy returning officer,
- (b) the poll clerk, and
- (c) the member of the treatment centre staff.

120(1) The ballots used at the taking of the poll at a treatment centre shall be the ballots being used for the election in the electoral division in which the treatment centre is situated.

(2) An elector eligible to vote and considered by an official of the treatment centre to be well enough to vote

- (a) shall take the required oath before voting, and
- (b) may, if necessary, vote in accordance with section 92.

(3) The treatment centre representative shall, upon the close of the taking of the poll at the treatment centre, endorse the poll book by affixing his signature immediately under the last name in the poll book certifying that the persons named in the poll book are in-patients in accordance with section 118.

121 Every treatment centre at which one or more treatment centre polling stations are established is a polling place under this Act, and all relevant provisions of this Act apply with all necessary modifications.

122 If a vacancy occurs in the representation of an electoral division, a by-election to fill the vacancy shall be held within 180 days after the occurrence of the vacancy.

123(1) With the writ for a by-election, the Chief Electoral Officer shall transmit to the returning officer sufficient copies of the most recent lists of electors for his electoral division.

(2) If there is in the electoral division a polling subdivision for which a list of electors is not on record in the office of the Chief Electoral Officer, a list of electors for that polling subdivision shall be prepared in the manner prescribed by the Chief Electoral Officer.

124 The provisions of this Act governing general elections apply with all necessary modifications to by-elections.

125 The Lieutenant Governor in Council may by order give directions for the holding of a general plebiscite of electors when and as often as it appears to the Lieutenant Governor in Council expedient that an expression of opinion about the desirability of

120 Treatment centre voting procedures.

121 Application of Act to the taking of the poll in a treatment centre.

122 Requirement to hold a by-election.

123 List of electors for use in a by-election.

124 Application of Act to by-elections.

125 Requirement to hold a plebiscite.

- (a) amending existing legislation, or
- (b) introducing new legislation,

relative to any subject-matter should be obtained from the electors.

126 Section 123 applies to the lists or preparation of lists of electors to be used for a plebiscite.

127 In giving directions under section 125, the Lieutenant Governor in Council may specify

- (a) the question or questions to be submitted to the electorate,
- (b) the method of instituting the plebiscite,
- (c) the forms of ballot to be used,
- (d) the person or persons to conduct the plebiscite, and
- (e) the general conduct of the taking of the plebiscite.

128 The provisions of this Act governing general elections apply with all necessary modifications to plebiscites taken under this Act except as otherwise expressly specified by order of the Lieutenant Governor in Council.

129 No political party, registered political party, candidate or official agent or any other person may advertise on the facilities of any broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada)

- (a) on polling day, or
- (b) on the day immediately preceding polling day,

for the purpose of promoting or opposing a particular political party, registered political party, or the election of a particular candidate.

130(1) When an election or plebiscite is held under this Act in an electoral division, no person may sell or give liquor at any liquor store or licensed premises within the limits of the electoral division during the hours the polling places are required to remain open for voting.

(2) Subsection (1) does not apply to a day on which an advance poll is held.

126 List of electors for use in a plebiscite.

127 Conduct of a plebiscite.

128 Application of Act to plebiscites.

129 Prohibition regarding partisan political broadcasting.

130 Provision of liquor prohibited during polling hours.

131(1) An employee who is an elector qualified to vote shall, while the polls are open on polling day at an election or plebiscite, be allowed 3 consecutive hours for the purpose of casting his vote.

(2) If the employee's hours of employment do not allow for the 3 consecutive hours' absence, his employer shall allow him additional time for voting to provide the 3 consecutive hours, but the additional time for voting shall be granted at the convenience of the employer.

(3) No employer may make any deduction from the pay of an employee or impose on or exact from him any penalty by reason of his absence from employment during the 3 consecutive hours referred to in subsection (1) or additional time granted under subsection (2).

(4) This section does not apply to employees actually engaged in the operation or dispatching of railway trains or scheduled commercial aircraft and to whom the 3 consecutive hours mentioned in subsection (1) cannot be allowed without interfering with the operation or dispatching of the trains or aircraft.

132 A person to whom a candidate or a campaign worker on behalf of a candidate has produced identification indicating that he is a candidate or campaign worker shall not

- (a) obstruct or interfere with, or
- (b) cause or permit the obstruction or interference with,

the free access of the candidate or campaign worker to each residence in a building containing 2 or more residences or to each residence in a mobile home park.

133(1) Every printed advertisement, handbill, placard or poster having a reference to any election shall include on its front in legible form the name and address of the sponsor.

(2) Subsection (1) does not apply to a printed advertisement, handbill, placard or poster bearing only one or more of the following:

- (a) the colours and logo of a registered political party;
- (b) the name of a registered political party;
- (c) the name of a candidate.

134(1) Subject to subsection (2), no person may

- (a) display inside or on the outside of, or
- (b) distribute within,

a building used for a polling place at an advance poll or on polling

131 Allowance of time for voting.

132 Right of access for campaigning.

133 Printed advertising.

134 Election advertising at polling places prohibited.

day any election circular, card, poster, bill or other paper except those posted by the deputy returning officer or other election officials as required by this Act.

(2) When a polling place is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (1) applies only to the store, office or facility comprising the area designated as a polling place.

(3) Where a person displays any circular, card, poster, bill or other paper contrary to subsection (1) or (2), the returning officer may cause it to be removed, and neither the returning officer nor any person acting under his instructions is liable for trespass or damages resulting from or occasioned by the removal.

PART 4

POST-POLLING DAY PROCEDURES

135 The returning officer for each electoral division shall provide adequate quarters and facilities for receiving and conducting the official count of the ballots received from all the deputy returning officers of his electoral division.

136(1) The returning officer shall give written notice to each candidate or his official agent of the place, date and hour of commencement of the official count.

(2) No person may be allowed in the room where an official count is being conducted except

- (a) the returning officer and election clerk,
- (b) deputy returning officers in the discharge of their duties, and
- (c) the candidates for the electoral division, their official agents or electors of the electoral division appointed in writing by the candidates or all of them.

(3) In conducting the official count the returning officer in the presence of the election clerk shall open each ballot box, remove the deputy returning officer's Statement of Poll and the envelopes containing the ballots and shall

- (a) check the deputy returning officer's Statement of Poll with the ballots accompanying it,
- (b) make a note in the poll book of every objection to a ballot taken by or on behalf of a candidate,
- (c) decide any questions arising out of an objection regardless of whether a decision was made by the deputy returning officer

135 Facilities for taking the official count.

136 Conduct of the official count.

in the first instance, and

(d) complete an official count of the votes.

(4) The decision of the returning officer under subsection (3)(c) is final, subject only to an appeal or recount under this Act.

(5) If, on the addition of votes by the returning officer, an equality of votes exists for 2 or more candidates, the returning officer shall cast the additional vote by marking a ballot which, after being included in the official count, shall be sealed in an envelope marked with the words "Returning Officer's Vote" and kept separate from the other ballots.

(6) Upon completing the official count the returning officer shall provide to each candidate or his official agent a Certificate and Return in the prescribed form indicating the number of votes counted for each candidate and the name of the candidate declared elected.

(7) Upon complying with subsection (6), the returning officer shall prepare the prescribed Statement of Official Results.

137(1) The returning officer shall attend at the place, date and time stated in the election proclamation and announce the results of the official count and declare elected the candidate who received the largest number of votes.

(2) The returning officer shall retain his Statement of Official Results for a period of 10 days after announcing the results of the official count to allow for possible appeals or applications for a recount of the votes.

138(1) If in any electoral division not all the ballot boxes have reached the returning officer by the date stated in the election proclamation for announcing the results of the official count, the returning officer shall on that date adjourn the proceedings for a period not more than one week and then may adjourn for further periods of not more than one week at a time.

(2) Notwithstanding subsection (1), the announcement of the results shall not be delayed under subsection (1) beyond 30 days from the date stated in the proclamation.

(3) If after a delay of 30 days the ballot boxes are not recovered, the returning officer shall forthwith announce the results of the official count without considering the missing ballots.

(4) If a returning officer is unable for any reason other than the one referred to in subsection (1) to announce the results of the official count at the date and time stated in the election proclamation, he shall adjourn the proceedings from time to time as may be required.

(5) Notwithstanding subsection (4), the announcement of the results of the official count shall not be delayed under subsection (4) beyond

137 Announcement of the official results.

138 Delay in announcement of official results.

14 days from the date stated in the proclamation.

139(1) After the official counting of the votes has been completed, a candidate declared elected and the Statement of Official Results completed,

- (a) the lists of electors,
- (b) the various envelopes containing the ballots,
- (c) the poll books,
- (d) 4 copies of the election proclamation,
- (e) the map of the electoral division,
- (f) the maps of the electoral subdivisions,
- (g) the descriptions of the electoral subdivision boundaries,
- (h) the list of the locations of the polling places,
- (i) the writ,
- (j) the Statement of Official Results,
- (k) the Certificate and Return, and
- (l) a report concerning the election proceedings in the returning officer's electoral division, including his recommendations regarding those proceedings,

shall be prepared by the returning officer for return to the Chief Electoral Officer in accordance with the Chief Electoral Officer's directions.

(2) The lists of electors returned under subsection (1) shall include the names of all voters sworn at the taking of an advance poll and on polling day.

140(1) When a poll has been held, the returning officer shall transmit to the Chief Electoral Officer the documents specified in section 139(1) in ballot boxes appropriately sealed and labelled within 10 days of announcing the results of the official count.

(2) Notwithstanding subsection (1), if prior to transmitting the documents under subsection (1) the returning officer is served with an originating notice pursuant to section 142(1), he shall retain the documents until he receives a Certificate of Final Result, and then he shall forthwith transmit the documents to the Chief Electoral Officer.

(3) All other documents and materials, used and unused, relating to the election shall then be prepared for return to the Chief Electoral Officer in accordance with the Chief Electoral Officer's directions.

139 Documents to be returned to the Chief Electoral Officer.

140 Transmission of election materials.

(4) Immediately after returning his election documents and materials, each returning officer shall complete the prescribed affidavit and forward it by registered mail to the Chief Electoral Officer.

141(1) If a returning officer does not, as and when required, or if no time is stated, does not within a reasonable time,

- (a) complete the official count,
- (b) declare elected the candidate who received the largest number of votes,
- (c) cast a tie-breaking vote, or
- (d) transmit his Statement of Official Results to the Chief Electoral Officer,

a candidate for the relevant electoral division or any elector who voted in the relevant electoral division may apply by originating notice to a judge of the Court for an order in the nature of mandamus requiring the returning officer to perform the duty not carried out.

(2) Notice of the application under subsection (1) shall be served on the returning officer, the Chief Electoral Officer and each person who was a candidate in the election in the relevant electoral division.

(3) Nothing in this section derogates from any other right or remedy available at law to the applicant.

142(1) If a candidate or his official agent

- (a) applies to the Court by way of originating notice, and
- (b) deposits with the clerk as security for costs the sum of \$300
 - (i) in cash, or
 - (ii) by certified cheque or certified bill of exchange,

not later than 8 days after the date the returning officer announced the results of the official count and declared a candidate elected, a judge may appoint a time and place

- (c) to hear and determine an appeal from any decision of the returning officer respecting any ballot, or
- (d) to recount the votes,

or both.

(2) Notwithstanding subsection (1)(b), if the application is limited

141 Compelling a returning officer to carry out his duties.

142 Commencement of an appeal.

to an appeal from a decision of the returning officer respecting a ballot and does not involve a recount, the required deposit under subsection (1) is \$100.

(3) At least 4 days' notice of the time and place appointed for hearing and determining the appeal shall be given by the applicant

(a) to the candidates, in the manner prescribed in section 62, and

(b) to the returning officer and election clerk.

(4) A candidate served with an originating notice under subsection (1) respecting an appeal that is limited to an appeal from a decision of the returning officer concerning a ballot may, not later than the 2nd day following the service, make application for any further appeal or for a recount as if the application had been made within the original 8 day period.

143(1) The returning officer and election clerk shall

(a) attend at the time and place appointed for hearing and determining the appeal, and

(b) bring all ballot boxes and documents required for the purpose of disposing of the matter.

(2) The ballot boxes and documents shall remain the responsibility of the returning officer, and he shall retain them in his custody, subject to the directions of the presiding judge.

(3) The judge may require the clerk to be present at the hearing of the appeal or any recount of the votes.

(4) At any recount of votes,

(a) the returning officer and election clerk shall, and

(b) each candidate and his official agent or either of them, or in their absence 2 electors of the relevant electoral division designated by the candidate, may

be present.

(5) No person other than those specified under subsection (4) may attend at the hearing or recount of votes without leave of the presiding judge.

144(1) At the time and place appointed and in the presence of those persons entitled or required to attend, the judge shall hear and determine appeals from the decision of the returning officer respecting any ballot or recount.

(2) Upon the hearing of an appeal from the decision of a returning

143 Persons entitled or required to attend an appeal.

144 Conduct of an appeal or recount.

officer, the judge may hear any oral evidence the parties wish to adduce.

(3) In the case of a recount, the judge shall open all the envelopes containing

- (a) the votes counted,
- (b) the rejected ballots,
- (c) the spoiled and declined ballots, and
- (d) the unused ballots.

(4) Notwithstanding subsection (3), the judge shall not open the outer envelope containing a vote by an incapacitated or absentee voter if the envelope was received by the returning officer after the closing of the polling places on polling day.

(5) The judge shall as far as practicable proceed continuously with the recount from 9 a.m. to 6 p.m. or for such longer hours to which he and the persons present agree.

(6) During the periods when the recount is not being actually conducted the judge shall place the ballots and other related documents in a closed container under his seal and the seals of any others present who so desire, and shall cause to be taken all other security precautions he considers necessary.

(7) The judge shall conduct a recount according to the provisions governing an official count by a returning officer and shall verify and, if necessary, amend the Statement of Official Results.

(8) When a recount is completed, the judge shall seal all the ballots in their respective envelopes and shall seal the statements of the deputy returning officers in suitably marked envelopes.

(9) Upon the request of any party to the proceedings, the judge shall number the disputed ballots on their backs and seal them in a separate envelope.

145(1) Upon conclusion of the appeal, the judge shall immediately certify the result to the returning officer, who shall then declare elected the candidate who, taking into account all appeal results, received the largest number of votes.

(2) When there has been a recount, the judge shall immediately certify the result to the returning officer, who shall, on the 3rd day thereafter, unless he is served with a notice of appeal within that period, declare elected the candidate found to have received the largest number of votes.

(3) If, on a recount, an equality of votes exists for 2 or more candidates, the returning officer's vote cast pursuant to section 136(5) shall be counted, if it has been cast, and if it has not, the returning officer shall proceed to cast the additional vote by then marking a

145 Results of an appeal.

ballot.

(4) If the appellant is directed to pay costs, the amount deposited as security for costs shall be applied to the extent necessary, and if the amount deposited is insufficient for the purpose, execution for the balance may issue on order of the judge.

146(1) Any party may appeal to the Court of Appeal from the decision of a judge of the Court of Queen's Bench respecting a recount of votes by serving the judge, the parties and the returning officer with a notice of appeal not later than the 2nd day following the judge's certification of the result.

(2) A notice of appeal may limit the appeal to certain specified ballots.

(3) If an appeal is limited to specified ballots, the judge shall

(a) seal in a packet the ballots so specified, and

(b) immediately forward the packet and the certified results to the Registrar of the Court of Appeal.

(4) If an appeal is not limited to specified ballots, the judge shall forward all ballots and relevant documentation to the Registrar of the Court of Appeal.

(5) Upon receipt of the ballots and documents, the Registrar of the Court of Appeal shall set the matter down for hearing not later than the 10th day thereafter, and shall notify the parties and the returning officer accordingly.

(6) Section 145(3) applies to an appeal under this section.

(7) Upon determination of the appeal, the Registrar of the Court of Appeal shall immediately certify the result to the returning officer, who shall then declare elected the candidate found to have received the largest number of votes.

147 On receiving a Certificate and Return respecting the election of a member to serve in the Assembly, the Chief Electoral Officer shall cause notice of the receipt of the Certificate and Return and the name of the candidate elected to be published in The Alberta Gazette.

148 Subject to any other provision of this Act, the Chief Electoral Officer shall retain

(a) the writs, poll books, and copies of the election proclamations transmitted by the returning officers until he has received the equivalent documents after the next subsequent general election,

(b) the lists of electors, maps of the electoral division and sub-

146 Appeal to the Court of Appeal.

147 Publication of election results.

148 Post-election custody of election documents.

divisions and copies of the boundary descriptions for each polling subdivision transmitted by the returning officers until he has received new documents prepared at the next subsequent general enumeration, and

- (c) all other election documents for at least
 - (i) 3 months after receipt from the returning officer, or
 - (ii) in the case of an appeal, 3 months after the appeal's final determination,

after which the retained documents shall be destroyed.

149(1) A candidate and his official agent or either of them, within 30 days after the publication in The Alberta Gazette of the name of the candidate declared elected in the relevant electoral division, may inspect any election documents, except ballots, retained by the Chief Electoral Officer and pertaining to the election in that electoral division.

(2) Subject to subsection (1), no person may inspect any election documents retained by the Chief Electoral Officer pertaining to the election in that electoral division except by order of a judge.

(3) A judge may make an order under subsection (2) if he is satisfied upon oral or affidavit evidence that inspection of the election documents is required for the purpose of

- (a) a prosecution for an offence under this Act, or
- (b) a petition questioning an election or return.

(4) An order under this section may be made subject to any conditions regarding the inspection that the judge considers appropriate.

PART 5

OFFENCES

150(1) Every person who contravenes this Act other than

- (a) a contravention referred to in sections 151 to 158, or
- (b) a corrupt practice referred to in Part 6,

is guilty of an offence and liable to a fine of not more than \$500.

(2) An offence under this Part shall be tried in The Provincial Court of Alberta under the summary conviction procedure.

149 Inspection of election documents.

150 General offence.

151 A person who, having been appointed an election officer and having taken his oath of office, neglects or refuses to perform any duty to be performed by that election officer is guilty of an offence and liable to a fine of not more than

- (a) \$500, in the case of a returning officer, and
- (b) \$200, in the case of any other election officer.

152 A person

- (a) who knows or ought to have known that he is ineligible to be appointed or to act as an election officer, and
- (b) accepts an appointment or acts as an election officer,

is guilty of an offence and liable to a fine of not more than \$500.

153(1) Any person who is not an enumerator and who represents himself to be an enumerator or wears any badge purporting to be an enumerator's badge is guilty of an offence and liable to a fine of not more than \$1000.

(2) Any person who is not an election officer and who represents himself to be an election officer is guilty of an offence and liable to a fine of not more than \$1000.

(3) Any person who is not a candidate and who represents himself to be a candidate is guilty of an offence and liable to a fine of not more than \$1000.

(4) Any person who is not a campaign worker of a candidate and who represents himself to be a campaign worker of a candidate is guilty of an offence and liable to a fine of not more than \$1000.

154 Any person who obstructs or interferes with the free access of an

- (a) enumerator,
- (b) candidate, or
- (c) campaign worker on behalf of a candidate

to a residence in a building containing 2 or more residences or to a residence in a mobile home park is, if the enumerator, candidate or campaign worker, as the case may be, produces identification of his status, guilty of an offence and liable to a fine of not more than \$1000.

155 Any person who, without authorization, takes down, covers up, mutilates, defaces or alters any proclamation, notice or other

151 Refusal or neglect by election officer to carry out duties.

152 Ineligible election officers.

153 Impersonating an enumerator, election officer, candidate or campaign worker.

154 Interfering with permitted access.

155 Interference with posted documents.

document required to be posted under this Act is guilty of an offence and liable

- (a) if he is an election officer, to a fine of not more than \$1000, and
- (b) in any other case, to a fine of not more than \$200.

156 A person who, before or during an election and for the purpose of affecting the voting for a candidate at that election, makes or publishes any false statement in relation to the personal character or conduct of that candidate or of the withdrawal of that candidate, is guilty of an offence and liable to a fine of not more than \$2000.

157 A political party, registered political party, candidate, official agent or any other person who wilfully contravenes section 129 is guilty of an offence and liable to a fine of not more than \$10 000.

158 A person who

- (a) procures an appointment as an election official by false pretence, deceit or other improper means, or
- (b) acts as an election official without lawful authority,

is guilty of an offence and liable on summary conviction to a fine of not more than \$1000.

159(1) Any person who, because an elector has voted or is about to vote, or for the purpose of influencing an elector to vote for or against a particular candidate or registered political party, causes or permits any

- (a) food or beverages, or
- (b) money, ticket, voucher or order for the procurement of food or beverages,

to be provided to an elector is guilty of an offence and liable to a fine of not more than \$500.

(2) The provision of food or beverages

- (a) by or at the expense of a person to a meeting of electors at the person's usual place of residence, if that residence is a private home,
- (b) to a meeting of electors, if the food or beverages are paid for by those electors, or
- (c) by or on behalf of a candidate

156 False statements about candidates.

157 Partisan political broadcasting when prohibited.

158 Improper appointment of an election official.

159 Entertaining.

(i) to the candidate's campaign workers or to any person acting as a scrutineer on behalf of the candidate, or

(ii) to persons who attend at the candidate's campaign headquarters,

is deemed not to be a contravention of subsection (1).

PART 6

CORRUPT PRACTICES

160 Every person commits a corrupt practice who wilfully

(a) alters, defaces or destroys a ballot or the initials of the deputy returning officer on a ballot,

(b) without authority supplies a ballot to any person,

(c) places in a ballot box a paper other than the ballot that he is authorized by law to place in it,

(d) delivers to the deputy returning officer any paper other than the ballot given to him by the deputy returning officer, to be placed in the ballot box,

(e) takes a ballot out of the polling place,

(f) without authority destroys, takes, opens or damages a ballot box or book or packet of ballots or a ballot in use or used for the purposes of an election,

(g) being a deputy returning officer, puts his initials on the back of any paper which is not but purports to be, or is capable of being used as, a ballot at an election,

(h) prints a ballot when not authorized under this Act to do so,

(i) prints a document that purports to be, or is capable of being used as, a ballot at an election, or

(j) being authorized by the returning officer to print the ballots for an election, with fraudulent intent prints more ballots than he is authorized to print.

161 Every person commits a corrupt practice who wilfully makes a false statement for the purpose of inducing an enumerator or a returning officer

(a) to omit the name of any person entitled to have his name entered on the list of electors, or

160 Improper practices.

161 False statements regarding right to be on a list of electors.

(b) to insert or retain on the list of electors the name of any person who is not entitled to have his name so inserted or retained.

162 Every person commits a corrupt practice who,

(a) being entitled to remain in a polling place during polling hours or to be present during counting of the ballots, fails to maintain or aid in maintaining the secrecy of the voting, or

(b) contravenes section 102 or section 103(2) or (3).

163 Every person commits a corrupt practice who

(a) votes or attempts to vote when he knows or ought to know that he is not qualified to vote,

(b) takes a false oath, or

(c) induces or procures, attempts to induce or procure, or aids and abets any other person to vote or attempt to vote, when he knows or ought to know that the other person is not qualified to vote.

164 A returning officer, supervisory deputy returning officer, deputy returning officer, enumerator or other person

(a) whose duty it is to deliver poll books or lists of electors, or

(b) who has the custody of a certified list of electors,

in any way wilfully falsifies the certified list, list of electors or poll book, commits a corrupt practice.

165 A returning officer, supervisory deputy returning officer, deputy returning officer or poll clerk who intentionally miscounts the ballots or in any other manner falsifies a count commits a corrupt practice.

166 Every person who, for the purpose of influencing an election, makes a bet upon

(a) the result of the election or a portion of it, or

(b) any event or contingency relating to the election

commits a corrupt practice.

167 Every employer who directly or indirectly

162 Interference with voting secrecy.

163 Fraudulent voting.

164 Falsifying documents.

165 Wilful falsification of ballot count.

166 Betting.

167 Interference with the provision of time to vote.

(a) refuses to allow, or

(b) by intimidation, undue influence or in any other manner interferes with the allowance of,

an employee to have the period of absence for voting required under section 131 commits a corrupt practice.

168(1) Every person commits a corrupt practice who, either personally or by any other person on his behalf, in order to induce an elector to vote or not to vote or to vote for or not to vote for a particular candidate

(a) offers, gives, lends or promises to offer, give or lend or promises to procure or attempts to procure any money or other valuable consideration to or for the elector or any person on behalf of the elector or to or for any other person,

(b) gives, procures or promises to give or procure or attempts to procure any office, position or employment to or for the elector or any other person, or

(c) does any act referred to in clause (a) or (b) in order to reward any person for having voted or not having voted.

(2) Every person commits a corrupt practice who, either personally or by any other person on his behalf, solicits from any candidate or official agent

(a) a gift or loan of any money or other valuable consideration,

(b) a promise to give or lend money or other valuable consideration,

(c) any office, position or employment, or

(d) a promise to give or procure any office, position or employment,

as a reward for

(e) agreeing to vote or not to vote,

(f) voting or not voting,

(g) agreeing to vote for a particular candidate, or

(h) procuring or attempting to procure the election of the candidate.

(3) Every person commits a corrupt practice who does one or more of the following:

(a) procures, promises to procure or attempts to procure the

168 Improper inducements.

election of any candidate upon, or as a result of, any act referred to in subsection (1);

(b) causes any money to be advanced or paid to any person with the intent that all or any portion of the money be expended on any corrupt practice;

(c) knowingly causes any money to be paid in settlement or repayment of money expended in whole or in part on any corrupt practice;

(d) before or during an election either personally or by any other person on his behalf, receives, agrees to receive or contracts for

(i) any money or other valuable consideration, whether by gift or loan, or

(ii) any office, position or employment,

to or for himself or any other person because of or as a reward for voting or not voting, or for agreeing to vote or not to vote;

(e) after an election, either personally or by any other person on his behalf, receives any money or other valuable consideration because of and as a reward for

(i) having voted or not having voted at an election, or

(ii) having induced any other person to vote or not vote at an election;

(f) in order to induce a person

(i) to allow himself to be nominated as a candidate,

(ii) to refuse to allow himself to be nominated as a candidate, or

(iii) to withdraw his nomination as a candidate,

either

(iv) gives or procures,

(v) agrees to give or procure, or

(vi) attempts to procure,

any office, position or employment for any person.

169 Every person who wilfully causes a poll book to be damaged, destroyed or obliterated commits a corrupt practice.

169 Intentional damage to poll book.

170 Every person commits a corrupt practice who

- (a) applies at an election for a ballot in the name of another person, whether living or dead, or of a fictitious person,
- (b) having already voted, applies at the same election for a ballot in his own name, or
- (c) votes more than once at the same election.

171(1) Every person commits a corrupt practice who,

- (a) either personally or by any person on his behalf,
 - (i) uses or threatens to use force or restraint,
 - (ii) inflicts or threatens to inflict harm or loss, or
 - (iii) in any manner practises intimidation,

upon or against an elector in order to induce or compel him to vote or not to vote, or on account of his having voted or not having voted, or

- (b) by abduction, duress or any false or fraudulent pretence or device prevents or interferes with the free exercise of the franchise of an elector or thereby induces or prevails upon an elector to vote or refrain from voting.

(2) It is a false pretence within the meaning of this section to represent to an elector directly or indirectly that the ballot to be used or the mode of voting at an election is not secret.

172(1) A person who commits a corrupt practice is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for not more than 2 years or to both a fine and imprisonment.

(2) An offence under this Part shall be tried in the Court of Queen's Bench under the summary conviction procedure.

173(1) If the Court finds that a candidate is guilty of a corrupt practice or that a corrupt practice was committed with the actual knowledge and consent of the candidate, the Court shall send a report of its findings to the Chief Electoral Officer, and the election of that candidate is void.

(2) During the 8 years immediately following the Court making its report under subsection (1), the candidate that is the subject of the report is, subject to subsection (3), prohibited from

- (a) being elected to and sitting in the Assembly or in any elected public office under a statute of Alberta,
- (b) being entered on any list of electors,

170 Multiple voting by an individual.

171 Undue influence.

172 Offence of committing a corrupt practice.

173 Corrupt practice of a candidate.

- (c) being registered as an elector,
- (d) voting at an election, and
- (e) holding any office at the nomination of the Crown.

(3) If the Court finds that

- (a) a corrupt practice was committed by a candidate, or by any other person with the knowledge and consent of a candidate,
- (b) the act was done without any corrupt intent and in an ignorance that was excusable in the circumstances, and
- (c) the candidate honestly desired and attempted as far as reasonably possible to have the election conducted according to law,

the Court shall make an order declaring the prohibitions referred to in subsection (2) do not apply to the candidate.

174(1) If the Court finds that a candidate's official agent is guilty of committing a corrupt practice, the Court shall send a report of its findings to the Chief Electoral Officer, and the election of that candidate is, subject to subsection (2), void.

(2) If the Court finds that an official agent of a candidate has committed a corrupt practice but further finds

- (a) that no corrupt practice was committed by the candidate personally, and that the corrupt practice of the official agent was committed contrary to the order and without the sanction or connivance of the candidate,
- (b) that the candidate took all reasonable means for preventing the commission of corrupt practices,
- (c) that the corrupt practice was of a trivial, unimportant and limited character, and
- (d) that in all other respects so far as disclosed by the evidence, the election was free from any corrupt practice on the part of the candidate and of his official agent,

the Court shall make an order declaring that the election of the candidate is not void by reason of that corrupt practice.

175(1) Subject to subsection (2), if a person other than a candidate is found guilty of committing a corrupt practice, that person is, during the 8 years immediately following the date of the conviction, subject to the same prohibitions to which a candidate is liable under section 173(2).

(2) If the Court finds that the corrupt practice committed by a person

174 Corrupt practice of a candidate's official agent.

175 A corrupt practice of persons other than a candidate.

referred to in subsection (1)

- (a) was done without any corrupt intent and in an ignorance that was excusable in the circumstances,
- (b) was a mere technical contravention of this Part, or
- (c) was an unintentional contravention of this Part,

the Court shall make an order declaring that the prohibitions referred to in section 173(2) do not apply to that person.

176(1) The following payments made by a candidate do not constitute a corrupt practice or an improper payment:

- (a) reasonable rent or hire of halls or other places used by a candidate personally to address public meetings of electors, and the expenses incurred in
 - (i) providing equipment or services to be used in respect of the meeting, and
 - (ii) heating, lighting and cleaning the premises rented;
- (b) reasonable, ordinary and necessary travelling and living expenses of the candidate;
- (c) reasonable, ordinary and necessary travelling and living expenses of one speaker for each public meeting to be addressed by the candidate if the speaker accompanies the candidate and travels with him for the purpose of so speaking;
- (d) reasonable and ordinary charges for the 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 person operating the conveyance.

(2) The onus is upon the candidate to show that the campaign expenses paid by the candidate under subsection (1) were fair, reasonable and proper and not in excess of what is ordinarily paid for similar facilities, services and goods.

(3) The contracting for or the receipt of ordinary and reasonable charges

- (a) by the owner or possessor of a hall or other place in which to hold bona fide public meetings for purposes related to the election, or
- (b) by a printer for printing lists of electors, election addresses or advertisements or notices of election meetings; or
- (c) by any person for the hire of transportation used in connection with and for the proper purposes of the election,

176 Payments that do not constitute a corrupt practice.

is lawful and does not disqualify the owner, printer or other person from voting.

177(1) If an election is void due to one or more corrupt practices being committed and a second election is held, the second election is a new election and shall not be avoided by reason of corrupt practices committed at the former election except for those corrupt practices that were

- (a) the personal acts of the candidate, or
- (b) the personal acts of the candidate's official agent done with the candidate's knowledge and consent.

(2) Notwithstanding subsection (1), the new election shall not be avoided for corrupt practices by the candidate at the former election if the corrupt practices were not proved at a trial and so adjudged by the Court so as to make applicable the prohibitions specified in section 173.

178 If a person is subject to the prohibitions under section 173 or 175 and a witness on the basis of whose testimony the prohibitions arose is convicted of perjury in respect of that testimony, the Court of Appeal upon

- (a) the motion of the person subject to the prohibitions, and
- (b) being satisfied that the prohibitions arose by reason of the perjury,

may order the prohibitions to cease.

PART 7

GENERAL

179 No election is void by reason of

- (a) an irregularity on the part of an election officer or in any of the proceedings preliminary to the poll,
- (b) a failure to hold a poll at any place appointed for holding a poll,
- (c) a non-compliance with the provisions of this Act relating to the taking of the poll or the counting of the votes or with regard to limitations of time, or
- (d) any mistake in the use of the prescribed forms,

if it is shown to the satisfaction of the Court that the election was

177 Effect of previous corrupt practices on a subsequent election.

178 Prohibitions based on perjured evidence.

179 Certain irregularities in an election excused.

conducted in accordance with this Act and that the irregularity, failure, non-compliance or mistake did not materially affect the result of the election.

180 In any proceeding under this Act it is not necessary at any hearing to produce the writ or the election return or to establish the authority of the returning officer founded upon the writ, but general evidence is sufficient.

181 In any inquiry or legal proceeding relating to an election or return, a voter is not required to reveal for whom he voted.

182 The certificate of the returning officer to the effect that the election was held and that any person therein stated to have been a candidate was in fact a candidate constitutes prima facie proof of the contents of the certificate without proof of the signature or official character of the person appearing to have signed the certificate.

183 In the event of suspension or delay at any stage of the proceedings, the Court before which the matter is pending may permit one or more persons to intervene and carry out the proceedings to a final determination.

184 The Lieutenant Governor in Council may make regulations

- (a) prescribing the amounts of honoraria and fees;
- (b) establishing rates for the payment of expenses;
- (c) prescribing required forms;
- (d) governing any necessary matter for which no provision is made in this Act.

PART 8

FEES AND EXPENSES

185 The method and procedure of applying for payment in respect of services and expenses under this Act shall be prescribed by the Chief Electoral Officer.

186 A candidate may lawfully contribute to his election campaign an amount from his personal funds to the limit prescribed for a contributor in section 17(1)(b)(ii) and (4) of *The Election Finances and Contributions Disclosure Act* and if the candidate's personal expenses paid exceed the maximum limit allowed for a contributor,

180 General evidence.

181 Voter cannot be compelled to testify as to how he voted.

182 Returning officer's certificate.

183 Intervenors permitted in case of delay in court proceedings.

184 Regulations.

185 Fees and expenses of election officers.

186 Candidate may contribute towards his personal expenses.

the excess amount shall be reimbursed to the candidate from the candidate's campaign account.

187(1) Subject to subsection (2), unless a person who has any monetary claim against a candidate for or in respect of an election sends in the claim to the chief financial officer of the candidate not later than 2 months following the date of polling day, the right to recover the claim is barred.

(2) In the case of the death of any person having a monetary claim under subsection (1) within the 2 month period, unless his legal representative sends in the claim within one month after probate or administration has been obtained, the right to recover the claim is barred.

(3) In the case of the death of the chief financial officer or of his incapacity to act, if no other chief financial officer has been appointed, the claim may be delivered to the candidate or his official agent.

(4) No claim may be paid without the authority of the candidate and the approval of the chief financial officer.

188 Notwithstanding anything in section 187, any claim that would have been payable if sent within 2 months of polling day may be paid by the candidate through his chief financial officer after that time if the claim is approved by a judge.

PART 9

CONSEQUENTIAL AMENDMENTS AND COMMENCEMENT

189 *The Controverted Elections Act is amended*

(a) *in sections 3, 6(b) and 31 by striking out "The Election Act" and substituting "The Election Act, 1980";*

(b) *in section 11(2)(b) by striking out "some act or acts in contravention of any provision of sections 122 to 129 of The Election Act" and substituting "a corrupt practice under The Election Act, 1980";*

(c) *in section 21(6) by striking out "any acts in contravention of any of the provisions of sections 122 to 129 of The Election Act" and substituting "a corrupt practice under The Election Act, 1980".*

190 *The Daylight Saving Time Act is amended in section 5(2) by striking out "The Election Act as provided in sections 163 to 165;*

187 Monetary claims against candidates.

188 Payment of late claims.

189 Amends chapter 66 of the Revised Statutes of Alberta 1970.

190 Amends chapter 85 of the Revised Statutes of Alberta 1970.

thereof” and substituting “*The Election Act, 1980*”.

191 *The Election Finances and Contributions Disclosure Act is amended in the following provisions by striking out “The Election Act” and substituting “The Election Act, 1980”:*

section 1(1)(d)(ii), (l) and (p);
section 3(1);
section 9(2)(a)(ii);
section 10(2)(a) and (b).

192 *The Financial Administration Act, 1977 is amended in section 26(4)(a) by striking out “The Election Act” and substituting “The Election Act, 1980”.*

193(1) *The Liquor Plebiscites Act is amended by this section.*

(2) In the following provisions “The Election Act” is struck out and “The Election Act, 1980” is substituted:

section 9(1);
section 15;
section 18(1);
section 21(1) and (3);
Form B.

(3) Section 21(2) is amended by striking out “The Election Act may exercise all the powers and duties of an enumerator under sections 22 and 23 of The Election Act” and substituting “The Election Act, 1980 may exercise the powers and duties set out in section 31 of The Election Act, 1980”.

194 *The Election Act is repealed.*

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

191 Amends chapter 18 of the Statutes of Alberta, 1977.

192 Amends chapter 68 of the Statutes of Alberta, 1977.

193 Amends chapter 213 of the Revised Statutes of Alberta 1970.

194 Repeals chapter 117 of the Revised Statutes of Alberta 1970.