

1983 BILL 39

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 39

~~LOCAL AUTHORITIES ELECTION ACT~~

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 39

1983

LOCAL AUTHORITIES ELECTION ACT

(Assented to , 1983)

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

Definitions

1 In this Act,

- (a) "advance vote" means a vote taken in advance of election day;
- (a.1) "area" means the area within the boundaries of a local jurisdiction;
- (b) "bribery" means bribery within the meaning of section 116;
- (b.1) "by-election" means an election other than a general election or a first election;
- (c) "by-law" includes a resolution on which the opinion of the electors is to be obtained;
- (c.1) "council" means the council of a municipality as described in the *Municipal Government Act*;
- (d) "councillor" means a member of council;
- (d.1) "Court" means the Court of Queen's Bench;
- (e) "deputy" means the deputy returning officer;

- (f) “district board” means
- (i) a district board under the *Hospitals Act*, or
 - (ii) a district board under the *Nursing Homes Act*;
- (g) “elected authority” means
- (i) a council under the *Municipal Government Act*,
 - (ii) a council under the *County Act*, or
 - (iii) a board of trustees under the *School Act*;
- (h) “election” means a general election, first election, by-election and a vote on a by-law or question;
- (i) “election day” means the day fixed for voting at an election;
- (j) “elector” means a person eligible to vote at an election;
- (k) “first election” means first election referred to in section 7;
- (l) “general election” means an election held for all the members of an elected authority to fill vacancies caused by the effluxion of time;
- (m) “judge” means a judge of the Court;
- (n) “local jurisdiction” means a municipality, a hospital district as defined in the *Hospitals Act*, a district as defined in the *Nursing Homes Act* or a district or division as defined in the *School Act*, as the case may be;
- (o) “Minister” means the Minister of Municipal Affairs;
- (p) “officer” means a returning officer, deputy, or election clerk presiding at a voting station;
- (q) “proprietary elector” has the same meaning as in the *Municipal Government Act*;
- (r) “relevant Minister” means,
- (i) in the case of a municipality, the Minister of Municipal Affairs,
 - (ii) in the case of a hospital district as defined in the *Hospitals Act* or a district as defined in the *Nursing Homes Act*, the Minister of Hospitals and Medical Care, or
 - (iii) in the case of a district or division as defined in the *School Act*, the Minister of Education;
- (s) “returning officer” means a person appointed under this Act as a returning officer and includes a person acting in his place;
- (t) “secretary” means a municipal secretary or school secretary;

(u) "spoiled ballot" means a spoiled ballot as described in section 65;

(v) "undue influence" means undue influence within the meaning of section 117;

(w) "voting register" means the prescribed form in which to record the names of persons who have received ballots at an election;

(x) "voting station" means the place where an elector casts his vote;

(y) "voting subdivision" means that area of a local jurisdiction or ward designated as a voting subdivision by the elected authority or the returning officer;

(z) "ward" means

(i) a ward or electoral division under the *Municipal Government Act*,

(ii) an electoral division under the *County Act*,

(iii) a ward under the *Hospitals Act* or *Nursing Homes Act*, or

(iv) a ward or an electoral subdivision under the *School Act*.

PART 1

ELECTION PROCEDURE

Joint elections **2(1)** An elected authority may hold an election separately or in conjunction with another elected authority in the same area.

(2) An elected authority may by resolution enter into an agreement with 1 or more elected authorities in the same area for the conduct of an election.

(3) The agreement referred to in subsection (2) shall provide which elected authority is to be responsible for the conduct of the election and that elected authority shall ensure compliance with the procedures prescribed under this Act for holding an election, including the retention and destruction of election materials, except that each elected authority is responsible for the establishment of a deposit requirement, if any.

(4) The elected authority that is responsible for the conduct of the election under the agreement referred to in subsection (2) has all the rights, powers and duties of those elected authorities which have entered the agreement, respecting the conduct of the election.

District board elections **3** If an election is to be held to elect members to a district board, the election shall be conducted in accordance with this Act by a council designated pursuant to the *Hospitals Act* or the *Nursing Homes Act*.

Procedure
modification

4 All proceedings that, in the opinion of an elected authority, are necessary to give full effect to section 73, 79, 80 or 81 are deemed to be authorized notwithstanding any inconsistencies that may arise between any of those sections and any other provision of this Act.

Ministerial
powers

5(1) The relevant Minister may

(a) give directions governing the conduct of a general election, first election, by-election or vote on a by-law or question if he considers the provisions of this Act insufficient, and

(b) require the elected authority to conduct a vote of the electors on any question specified by him at the same time as a general election is held or any question respecting any matter over which the elected authority has jurisdiction.

(2) The relevant Minister may decide any questions arising from the difficulty or impossibility of applying this Act and in so deciding he may by order alter dates prescribed by this Act for the doing of any matter or thing and may give other directions.

(3) If there are wards in an area, the provisions of this Act respecting a general election apply unless specifically varied in this Act, and if the by-law, resolution or order establishing wards does not provide for any matter, the relevant Minister may by order give direction as to that or any other matter or thing requisite to the proper conduct of an election.

(4) The *Regulations Act* does not apply to directions given under this section.

Voting on by-law
or question

6 If this or any other Act provides for the submission of a by-law or question to the electors or proprietary electors for their assent or approval, the by-law or question shall be submitted to a vote in accordance with this Act.

First elections

7(1) In a newly formed local jurisdiction,

(a) nominations, and

(b) the first election, if an election is required,

shall be held on the dates fixed by the relevant Minister and the persons elected hold office until the organizational meeting of the elected authority or district board following the next ensuing general election.

(2) The relevant Minister shall provide for the conduct of a first election.

Term of office

8(1) A person elected under this Act, unless otherwise disqualified from remaining in office, holds office from the date of the organizational meeting of the elected authority or district board immediately following a general election until the organizational meeting immediately following the next general election.

(2) A person elected to an elected authority or district board to fill a vacancy caused other than by the passage of time holds office from

when he takes the oath of office for the remainder of the period his predecessor would have held office had his predecessor continued in office.

General term
of office

9 The members of an elected authority or district board elected at a general election hold office for a term of 3 years and a general election shall be held every 3rd year commencing with the year 1983.

Election day

10 Election day for a local jurisdiction

(a) in the case of a general election, if required, shall be the 3rd Monday in October, or

(b) in the case of a by-election or vote on a by-law or question, shall be the day fixed by a resolution of the elected authority.

Summer villages

11(1) The provisions of this Act that apply to municipalities apply to summer villages except that in respect of a summer village

(a) election day

(i) in the case of a general election for council or for school representatives shall be 4 weeks after nomination day for that election, and

(ii) in the case of a by-election or vote on a by-law or question shall be as established by resolution of the summer village council,

(b) a person is entitled to vote at an election if he is

(i) a proprietary elector of the summer village who is at least 18 years old,

(ii) at least 18 years old and the spouse of a proprietary elector of the summer village, or

(iii) at least 18 years old and not entitled to vote under subclause (i) or (ii), but is a Canadian citizen and has resided in Alberta for the 6 consecutive months immediately preceding election day and resides in the summer village on election day,

but only an elector who is a resident of the summer village is entitled to vote at an election for school representatives,

(c) in the case of a general election, nominations for councillors and school representatives, if any, shall be received by the returning officer up to the expiration of 1 hour after the commencement of the annual meeting of the ratepayers in the year in which an election is to be held, and sections 25 and 28(1) do not apply,

(d) in the case of a by-election, nominations for councillors and school representatives, if any, shall be received by the returning officer between the hours of 11 a.m. and 12 noon at a date and place established by council,

(e) voting hours in an election or in a vote on a by-law or question shall be between the hours of 12 noon and 9 p.m., and section 46 applies except as to hours,

(f) the time limit for withdrawal of nominations shall be 48 hours and section 32 applies except as to hours, and

(g) in order to qualify for nomination as a councillor, a person is not required to be a resident of the summer village but must be entitled to vote in the election and have been a resident of Alberta for the 12 consecutive months immediately preceding election day.

(2) Notwithstanding section 31(1), if the number of persons nominated for any office in a summer village is less than the number required to be elected, the nomination meeting

(a) shall stand adjourned to a time and place as determined and announced by the returning officer prior to the adjournment for the purpose of receiving further nominations for the office in respect of which the required number of nominations has not been received, and

(b) shall continue to be adjourned in the same manner from meeting to meeting until the required number of candidates has been nominated or 3 meetings have been adjourned.

Appointment of
returning officers

12(1) An elected authority may, by resolution, appoint a returning officer for the purposes of conducting elections under this Act.

(2) If the elected authority does not appoint a returning officer, the secretary is deemed to have been appointed as the returning officer.

(3) The returning officer for a local jurisdiction may not be a candidate for the elected authority for that local jurisdiction.

Duties of
returning officer

13(1) In addition to performing the duties specified in this or any other Act, a returning officer shall

(a) appoint deputies, election clerks, constables and other persons as required;

(b) establish voting stations;

(c) provide for the supply and delivery of ballots, ballot boxes, instructions to electors, copies of sections 116 and 117 and other necessary supplies to all voting stations;

(d) give notice of nominations;

(e) receive nominations;

(f) declare acclamations;

(g) give notice of elections;

(h) do all things necessary for the conduct of an election.

(2) The returning officer has all the duties and powers of a deputy and if there is no deputy appointed he shall perform the deputy's duties.

Election clerk **14** An election clerk shall assist the deputy in the performance of his duties and perform any duties under this Act required by the deputy.

Constable **15(1)** The deputy is charged with maintaining the peace at voting stations and with the approval of the returning officer, may appoint a constable to maintain order at the voting station, and may summon to his assistance in a voting station a police officer or any other person for the purpose of maintaining order, preserving the public peace, preventing any breach of the public peace, or removing any person who, in the opinion of the deputy presiding at the voting station, is obstructing the voting or contravening this Act.

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

Oath **16** Every returning officer, deputy, election clerk, enumerator and constable before performing his duties shall take and subscribe to the official oath in the prescribed form.

Substitute returning officer **17** If a person who has been appointed a returning officer becomes incapable of carrying out his duties, the mayor, reeve or chairman of the board of trustees may, in writing, appoint a person to act in the place of the returning officer.

Substitute deputy, election clerk, etc. **18(1)** If a person who has been appointed a deputy, election clerk or constable becomes incapable of carrying out his duties, the returning officer may, in writing, appoint another person to act in the place of that person.

(2) Notwithstanding subsection (1), the deputy may, in writing, appoint an election clerk, who, in the absence of the deputy or in the case of his illness or inability to carry out his duties under this Act, has the powers and duties of the deputy who appointed him.

Secretary's duties **19** The secretary shall for the purposes of this Act,
(a) on the request of the returning officer, provide him with information and assistance, and
(b) on the vote results being declared by the returning officer, take custody of election materials and provide for their destruction in accordance with this Act.

Administration of oaths **20** The returning officer and the deputy presiding at a voting station, or an election clerk when acting in the place of that deputy, are by virtue of their offices authorized to administer an oath to a person making an oath that is authorized or required by this Act.

Qualification of candidates **21(1)** A person may be nominated as a candidate in any election under this Act if he is eligible to vote in that election and has been

a resident of Alberta for 12 consecutive months and is a resident of the local jurisdiction and, if there is a ward, has been a resident of the ward for the 6 consecutive months immediately preceding nomination day, and if he is not otherwise ineligible or disqualified.

(2) Notwithstanding subsection (1), in the case of a city, a candidate for councillor is not required to be a resident of the ward in either a general election or a by-election, but must be a resident of the city.

ineligibility

22(1) A person is not eligible to be nominated as a candidate in any election under this Act if on nomination day

- (a) he is a judge of a court;
- (b) he is an undischarged bankrupt;
- (c) he is a surety for an officer or employee of the local jurisdiction for which the election is to be held;
- (d) he is the auditor of the local jurisdiction for which the election is to be held;
- (e) he is an officer or employee of the local jurisdiction for which the election is to be held;
- (f) he is indebted to the municipality of which he is an elector for taxes in default exceeding \$50, excluding therefrom
 - (i) any indebtedness for current taxes, and
 - (ii) any indebtedness for arrears of taxes for which he has entered into a consolidation agreement with the municipality, unless he is in default in the payment of any money due under the agreement;
- (g) he is indebted to the local jurisdiction for which the election is to be held for any debt exceeding \$50 and in default for more than 90 days;
- (h) he is a party to a subsisting contract with the local jurisdiction for which the election is to be held under which money of the local jurisdiction is payable or may become payable for any work, service, matter or thing;
- (i) he has a pecuniary interest, direct or indirect, in any subsisting contract with the local jurisdiction for which the election is to be held under which money of the local jurisdiction is payable or may become payable for any work, service, matter or thing;
- (j) in the case of a district board election, he or his spouse
 - (i) is a physician and a member of the medical staff,
 - (ii) is a dentist and a member of the medical staff or dental staff, or
 - (iii) is an employeeof a hospital or nursing home in respect of which the election is being held.

- (2) Subsection (1) does not apply to a person by reason only
- (a) that he is a shareholder in a corporation having a contract or dealings with the local jurisdiction or elected authority for which the election is being held,
 - (i) unless he holds or there is held by himself and his spouse, parents, children, brothers and sisters more than 25% of the issued capital stock of the corporation, or
 - (ii) unless the contract or dealings are for the building or construction of a public work of the local jurisdiction;
 - (b) that he has a contract with the local jurisdiction for the supplying to him, his spouse or child of a service, utility or commodity that the local jurisdiction has statutory authority to supply;
 - (c) that he holds an interest in a publication
 - (i) in which official advertisements of the local jurisdiction appear, or
 - (ii) that is supplied to the local jurisdiction at the usual rates;
 - (d) that he sells or leases to the local jurisdiction land or interest in land that the local jurisdiction has authority to expropriate;
 - (e) that he supplies goods, merchandise or services to the local jurisdiction or to persons contracting with the local jurisdiction if they are supplied at competitive prices and in the ordinary course of his business or profession;
 - (f) that he renders
 - (i) services to indigents who are residents of the local jurisdiction and for which the local jurisdiction is or may become liable to pay, or
 - (ii) services for which the local jurisdiction has provided a subsidy;
 - (g) that he is appointed to a position under the *Disaster Services Act*;
 - (h) that he has rendered professional services as a lawyer to the local jurisdiction, if the fees for the services have been taxed under the Alberta Rules of Court;
 - (i) that he has received a gratuity or allowance for services on a committee or board appointed by or responsible to the local jurisdiction;
 - (j) that he is a member of a co-operative association under the *Co-operative Associations Act*;
 - (k) that he is a vendor, purchaser, assignor or assignee of land bought or sold under the *Agricultural Development Act*;

(l) that he is a party to a contract for the purchase or lease of real or personal property from the local jurisdiction entered into before nomination day.

Ineligibility
for nomination

23(1) A person is not eligible to be nominated for more than 1 office of the same elected authority.

(2) A member who holds office on an elected authority is not eligible to be nominated for or elected to the same or any other office on the elected authority

(a) unless his term of office is expiring, or

(b) if his term of office is not expiring, unless he has resigned his office effective 18 days or more before nomination day.

Re-election

24(1) A person who held office on an elected authority and

(a) who resigned his office to avoid making restitution for money he received that disqualified him from holding that office pursuant to this or any other Act and has been ordered by a judge to make restitution, or

(b) who was declared by a judge to be disqualified to hold that office pursuant to this or any other Act,

is not eligible to become a member of that elected authority until after 2 general elections have occurred after the date on which he was ordered to make restitution or was declared to be disqualified.

(2) Notwithstanding that a by-election or general election has been held between the time when the disqualification of the member or former member arose and the time when the order or declaration has been made by the judge subsection (1) applies and, if the person was re-elected, he is not eligible to remain a member of the elected authority.

(3) Notwithstanding subsections (1) and (2), a judge

(a) who has made an order described in subsection (1)(a), or

(b) who has declared a person to be disqualified

may reduce the period of disqualification.

(4) An appeal against the decision of a judge under this section lies to the Court of Appeal.

Nomination day

25 Nomination day shall be 4 weeks before election day.

Notice of
nomination day

26 The returning officer shall, at least 2 weeks prior to nomination day, give notice of nomination day and of the location of the local jurisdiction office in the prescribed form by publishing a notice at least once in a newspaper circulating in the area, or if there is no newspaper circulating in the area, by

(a) mailing a notice to each elector,

	<p>(b) causing an announcement to be made on at least 3 consecutive days on a radio or television station received in the area, or</p> <p>(c) posting a notice in at least 4 widely separated and conspicuous places in the area,</p> <p>or by more than 1 of the above methods and as many additional times as he considers desirable.</p>
Form of nomination	<p>27(1) Subject to subsection (2), every nomination of a candidate shall be in the prescribed form and signed by at least 5 electors eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination, and shall be accompanied by a written acceptance signed in the prescribed form by the person nominated, stating</p> <p>(a) that he is eligible to be elected to the office, and</p> <p>(b) that he will accept the office if elected,</p> <p>and if required by by-law, it shall be accompanied by a deposit in the required amount.</p> <p>(2) If a system of wards is in effect, only an elector who is a resident of the ward for which a candidate for election is being nominated may sign the nomination of the candidate.</p> <p>(3) If a by-law has been passed providing for a deposit, a nomination paper is not valid nor shall it be acted on by the returning officer unless it is accompanied by the deposit.</p>
Nominations	<p>28(1) The returning officer shall receive nominations at the local jurisdiction office between 10 a.m. and 12 noon on nomination day.</p> <p>(2) Any person may file a nomination described in section 27 with the returning officer.</p> <p>(3) A person eligible to vote in the election may request to examine the filed nominations during regular business hours and in the presence of the returning officer or secretary.</p>
Deposit	<p>29(1) An elected authority may, by by-law passed not less than 30 days before nomination day, require that every nomination be accompanied by a deposit in the amount fixed in the by-law.</p> <p>(2) An amount fixed in a by-law under subsection (1) may not exceed</p> <p>(a) \$500, in the case of a local jurisdiction with a population of more than 100 000, or</p> <p>(b) \$100, in any other case.</p>
Disposition of deposit	<p>30(1) When a by-law has been passed to provide for a deposit, the returning officer shall require the deposit to be provided in cash, by certified cheque or cash order or by money order.</p>

	<p>(2) The candidate's deposit shall be returned to him</p> <p>(a) if he is declared elected,</p> <p>(b) if he obtains a number of votes at least equal to 1/2 of the total number of votes cast for the candidate elected with the least number of votes, or</p> <p>(c) if he withdraws his name as a candidate in accordance with section 32.</p> <p>(3) If a candidate dies before the closing of the voting stations on election day, the sum deposited by him shall be returned to his estate.</p> <p>(4) If a candidate does not obtain the number of votes described in subsection (2)(b), the deposit shall be paid into the general revenue of the local jurisdiction for which the deposit requirement has been established.</p>
Insufficient nominations	<p>31(1) If the number of persons nominated for any office is less than the number required to be elected, the time for receipt of nominations</p> <p>(a) shall stand adjourned to the next day at the same place at the hour of 10 a.m. and shall remain open until 12 noon for the purpose of receiving further nominations for the office, and</p> <p>(b) shall continue to be adjourned in the same manner from day to day until the required number of nominations has been received or a period of 6 days, including nomination day, has elapsed.</p> <p>(2) If sufficient nominations to fill all vacancies are not received, the secretary shall immediately notify the relevant Minister, who may recommend a change in the status of the local jurisdiction or any other action he considers necessary.</p>
Withdrawal of nomination	<p>32(1) Subject to subsection (2), if more than the required number of candidates for any particular office are nominated, any person so nominated may, at any time within 24 hours after the close of the nomination period, withdraw his name as a candidate for the office for which he was nominated by filing with the returning officer a withdrawal in writing.</p> <p>(2) If, after 1 or more candidates have withdrawn, the number of remaining candidates does not exceed the number of vacancies to be filled, the returning officer shall refuse to accept further withdrawals.</p>
Death of candidate	<p>33 An elected authority may, by a by-law passed prior to nomination day, provide that if prior to the opening of the voting stations on election day a candidate for an elected authority or district board dies after being nominated,</p> <p>(a) the election for the position for which the deceased candidate was nominated shall be discontinued, and</p> <p>(b) the elected authority shall as soon as practicable provide for the holding of a new election for that office.</p>

Election by
acclamation

34(1) When at the close of nominations the number of persons nominated for any office is the same as the number required to be elected, the returning officer shall declare the persons nominated to be elected to the offices for which they were nominated.

(2) Forthwith after having declared a person elected, the returning officer shall give to the secretary written notification signed by him of the names of the persons so elected and of the offices to which they were elected and he shall deliver the nomination papers and other material relating to the receipt of nominations to the secretary, who is thereafter responsible for their safekeeping.

(3) The nomination papers and other related material may be inspected by an elector during regular business hours in the presence of the secretary.

Notice of election

35(1) If more than the required number of persons for any office remain nominated 24 hours after the close of nominations, the returning officer shall declare that an election shall be held for filling that office.

(2) If an election is required, the returning officer shall give notice of it in the prescribed form

(a) by publishing a notice at least once a week in each of the 2 weeks before election day in a newspaper circulating in the area, or

(b) if there is no newspaper circulating in the area, by

(i) mailing a notice to each elector at least 2 weeks before election day,

(ii) causing announcements to be made on at least 3 days on a radio or television station, received in the area, the first of which shall be made at least 2 weeks before election day and the last one not less than 3 days before election day, or

(iii) posting the notice in at least 4 widely separated and conspicuous places in the area at least 2 weeks before election day,

or by more than 1 of the above methods and as many additional times as he considers desirable.

PART 2

VOTING PROCEDURE

Voting
subdivisions

36 The elected authority by resolution, or the returning officer if authorized by resolution of the elected authority, may divide the local jurisdiction into voting subdivisions and may from time to time alter their boundaries but may not alter them between the time of the giving of notice of an election and the election day.

Voting stations

37(1) The returning officer shall designate the locations of voting stations and a location may be outside of the area.

(2) When a voting station designated by the returning officer is not available, the returning officer shall designate another place in the vicinity and shall, by notice posted at the original voting station, direct the electors to the other voting station.

Compartment
for voting

38(1) The returning officer shall ensure that each voting station is furnished with 1 or more voting compartments arranged so that an elector is screened from observation and may mark his ballot without interference or interruption.

(2) In each voting compartment there shall be provided for the use of the electors in the marking of ballots a table, desk or shelf with hard surface and a black lead pencil or other suitable marking instrument that shall be kept operational during the hours of voting.

Ballot boxes

39(1) The secretary shall provide sufficient ballot boxes to the returning officer.

(2) Each ballot box shall be made of durable material, be provided with a locking device and be constructed so that the ballots can be deposited in it but not withdrawn unless the box is unlocked.

Locking of the
ballot box

40(1) The deputy or other person presiding at a voting station shall, immediately after the opening of the voting station, show each ballot box to the persons present at the voting station so that they can see that it is empty, lock the box and place a seal on it to prevent it being opened without breaking the seal and place the box in his view for the receipt of ballots.

(2) The deputy or other person presiding at the voting station shall keep each ballot box locked and sealed and in full view of all present during the hours of voting.

Printing
of ballots

41 If an election is required, the returning officer shall forthwith cause a sufficient number of ballots to be printed at the expense of the local jurisdiction.

Names on ballot

42(1) A separate ballot shall be used for

- (a) the office of mayor;
- (b) the offices of councillors;
- (c) the offices of school representative or trustee;
- (d) the offices of members of a hospital district board;
- (e) the offices of members of a nursing home district board.

(2) The names of the candidates for

- (a) the office of mayor;
- (b) the offices of councillors;
- (c) the offices of school representative or trustees;

(d) the offices of members of a hospital district board;

(e) the offices of members of a nursing home district board;

shall be placed on the ballot in the prescribed form.

(3) Every ballot used in an election for a member of an elected authority or district board shall contain a brief explanatory note stating the maximum number of candidates who can be voted for in order not to make the ballot void.

(4) Every ballot used in an election for mayor shall contain a brief explanatory note stating that the ballot shall not be marked for more than 1 candidate.

Contents of
ballot

43(1) Each ballot shall contain the name of each candidate.

(2) The names of the candidates on each ballot shall be arranged alphabetically in order of the surnames and, if 2 or more candidates have the same surname, the names of those candidates shall be arranged alphabetically in the order of their given names.

(3) Notwithstanding subsection (2), if an elected authority passes a by-law 2 months before an election that provides that

(a) ballots shall be printed in as many lots as there are candidates for the office,

(b) in the first lot the names of the candidates shall appear in alphabetical order,

(c) in the 2nd lot the names shall appear in the same order, except that the first name in the first lot shall be placed last,

(d) in each succeeding lot, the order shall be the same as that of the preceding lot, except that the first name in the preceding lot shall be placed last, and

(e) tablets of ballots to be used at each voting station shall be made up by combining ballots from the different lots in regular rotation so that no 2 consecutive electors may receive ballot papers from the same lot and so that each candidate's name shall appear first and in each other position substantially the same number of times on the ballots used,

then the ballots used in an election while the by-law is in force shall be in the form described in this subsection.

(4) A by-law passed under subsection (3) remains in force until repealed.

Form of ballot

44 The ballot for a vote on a by-law or question shall be in the form determined by resolution of the elected authority.

Instructions
for voters

45(1) The deputy shall, before the opening of the voting station, cause the printed instructions for the electors and copies of sections 116 and 117 to be posted in the voting station and in each voting

	<p>compartment and he shall ensure that they remain posted until the close of the voting station.</p> <p>(2) The instructions shall be printed in clearly legible characters in the prescribed form.</p>
Voting hours	<p>46(1) Every voting station shall be kept open continuously on election day from 10 a.m. until 8 p.m.</p> <p>(2) Promptly at 8 p.m. on election day, the deputy shall declare the voting station closed.</p> <p>(3) If, when the voting station is declared closed, there is an elector in the voting station who wishes to vote, he shall be permitted to do so, but no other person shall be allowed to enter the voting station for that purpose.</p>
Eligibility to vote	<p>47(1) A person is eligible to vote in an election held pursuant to this Act if he</p> <ul style="list-style-type: none"> (a) is at least 18 years old, (b) is a Canadian citizen, and (c) has resided in Alberta for the 6 consecutive months immediately preceding election day and is resident in the area on election day <p>unless another enactment requires him to be a proprietary elector.</p> <p>(2) If there are wards in a municipality the council may by by-law passed not later than 30 days prior to nomination day provide for the nomination of candidates for council by wards and for the election of candidates by the general vote of the electors.</p> <p>(3) The Minister may give directions as to any matter or thing requisite for the proper conduct of an election under subsection (2).</p> <p>(4) Notwithstanding subsection (1), if there are wards in any other elected authority and in a municipality where a by-law is not passed pursuant to subsection (2) an elector is eligible to vote only in the ward in which he is resident.</p> <p>(5) In the case of the performance of any function or the exercise of any right under this Act, a person shall be a resident on the day on which that function is performed or that right is exercised in the area, ward or voting subdivision in respect of which that function is performed or that right is exercised and shall have been a resident of Alberta for the 6 consecutive months immediately preceding the day on which that function is performed or that right is exercised, unless otherwise required by this Act.</p>
Rules of residence	<p>48(1) For the purposes of this Act, the place of residence is governed by the following rules:</p> <ul style="list-style-type: none"> (a) the residence of a person is the true, fixed, permanent home or lodging place to which, when he is absent, he has the intention of returning;

(b) a person does not lose his residence by leaving his home for a temporary purpose;

(c) if a person leaves the area with the intention of making his residence elsewhere, he loses his residence within the area;

(d) the place where a person's family resides is deemed to be his place of residence unless he takes up or continues his abode in some other place with the intention of remaining there;

(e) the residence of a single person is the place where he occupies a room as a regular lodger or to which he habitually returns not having any other permanent lodging place;

(f) a person is deemed not to have a residence in more than 1 place and if he maintains residences within the boundaries of more than 1 ward or voting subdivision he must declare 1 as his residence for the purpose of this Act.

(2) A person who is a separate school supporter or public school supporter pursuant to the *School Act* is deemed to be a resident of the separate school district or a resident of the public school district, as the case may be.

List of electors

49 The elected authority if it so desires may, by by-law,

(a) direct the secretary or returning officer to prepare a list of electors who are entitled to vote in an election, and

(b) prescribe procedures and forms governing the enumeration of electors.

Enumerators' appointment and identification

50 If an elected authority passes a by-law described in section 49, the elected authority shall

(a) appoint, or authorize the secretary or returning officer to appoint, a sufficient number of enumerators to complete an enumeration of the electors residing in each voting subdivision or ward where an election is required, and

(b) provide each enumerator with an identification badge.

Access for campaigners and enumerators

51 A person to whom

(a) a candidate,

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

(c) an enumerator,

has produced identification indicating that he is a candidate, campaign worker or enumerator shall not

(d) obstruct or interfere with, or

(e) cause or permit the obstruction or interference with,

	<p>the free access of the candidate, campaign worker or enumerator to each residence in a building containing 2 or more residences or to each residence in a mobile home park.</p>
Declaration of elector eligibility	<p>52(1) Every person who presents himself at a voting station for the purpose of voting shall make a declaration, in the prescribed form, that he is eligible to vote as an elector or as a proprietary elector, as the case may be, and that person on subscribing to the declaration shall be permitted to vote.</p> <p>(2) Every declaration shall be made in the presence of an officer at the voting station.</p> <p>(3) If a person described in subsection (1) refuses to declare he may not vote for that office or on the by-law or question.</p>
Notice of objection	<p>53(1) Notwithstanding section 52, if a candidate or his agent objects to a person who makes a declaration the deputy shall note the objection in the voting register, administer an oath in the prescribed form to the elector, note that the oath was sworn, and permit that person to vote.</p> <p>(2) If a person described in subsection (1) refuses to take an oath he may not vote for that office or on the by-law or question.</p>
Voting register entries	<p>54(1) The deputy shall ensure that there is recorded under the proper heading of the voting register the name and address of the person who has made a declaration.</p> <p>(2) If a person is objected to by any candidate or his agent, the deputy entering the objection or causing it to be entered in the voting register shall write his initials opposite the name of the person objected to, in the column headed "objected to", noting at the same time on behalf of which candidate the objection has been made by adding after his initials the name or initials of the candidate.</p> <p>(3) If the person takes the oath, the deputy shall receive the vote and shall enter in the voting register the person's name together with the word "sworn".</p> <p>(4) When the person who wishes to vote has been required to take an oath and refuses to take it, the deputy shall enter opposite the name of that person under the proper heading of the voting register the word "refused" and the vote of that person shall not be taken or received.</p> <p>(5) The voting register shall be in the prescribed form.</p>
Secrecy of vote	<p>55(1) Voting shall be by secret ballot.</p> <p>(2) While an elector is in a voting compartment for the purpose of marking his ballot, no other person may, except as permitted in section 78, enter the voting compartment or be in a position from which he can see how the elector marks his ballot.</p> <p>(3) Except as provided in section 78, it is an offence for an elector to show his ballot to any person so as to allow his vote to be known.</p>

Maintenance of secrecy	56 No person shall be required to disclose in any legal proceedings whether he has voted for a particular candidate or voted for or against a particular by-law or question.
Number of votes	<p>57(1) Subject to subsection (2), an elector may vote once for each of the persons he chooses to vote for.</p> <p>(2) An elector may not vote for more than the number of persons to be elected to the office.</p> <p>(3) An elector may vote once on each by-law or question.</p>
Voting time for employees	<p>58(1) An employee who is an elector shall, while the voting stations are open on election day, have 3 consecutive hours for the purpose of casting his vote.</p> <p>(2) If the hours of the employee's employment do not allow for 3 consecutive hours, his employer shall allow him any additional time for voting that is necessary to provide him the 3 consecutive hours, but the additional time for voting shall be granted at the convenience of the employer.</p> <p>(3) No employer shall make any deduction from the pay of an employee nor impose on him or exact from him any penalty by reason of his absence from his work during the 3 consecutive hours or part thereof.</p> <p>(4) Subsections (1), (2) and (3) do not apply if the employer provides for the attendance of an employee who is an elector at a voting station while it is open during the hours of his employment with no deduction from his pay and without exacting any penalty.</p>
Entries in voting register	59 The officer shall place under the headings of the voting register: "mayor", "councillor", "public or separate school trustee or representative", "hospital board member", "nursing home board member", "money by-law", "by-law" or "question" or those that are applicable to the election, a check mark opposite the name of every person receiving a ballot at the time he receives it to denote that the elector has received a ballot for mayor, councillors, school trustees or representatives, hospital board members, nursing home board members, by-law or question, as the case may be.
Delivery of ballot	60 When a person is permitted to vote, the officer shall deliver to the elector a ballot that has been folded and initialled by the officer in a manner that the initial will be visible without opening the ballot.
Explanation of manner of voting	61 The deputy may, and on request shall, either personally or through his election clerk, explain to an elector as concisely as possible the proper method of voting in accordance with the instructions to electors.
Marking of ballots	62 On receiving the ballots that an elector is entitled to receive from the officer presiding at the voting station, the elector shall forthwith proceed into the voting compartment provided and shall mark each of his ballots

(a) by placing an "X" on the right hand side opposite the name of the candidate of his choice, or within the division on the paper containing the name of the candidate of his choice, and

(b) in the case of a ballot for a by-law or question, by placing an "X" within the division of the paper marked "for" or "against" or within the division of the paper marked "yes" or "no",

whichever way he desires to vote.

Disposal of
marked ballot

63(1) After marking a ballot, the elector shall fold the ballot so as

(a) to conceal the names of the candidates or the by-law or question, and the marks on the face of the ballot, and

(b) to expose the initials of the officer issuing the ballot at the voting station,

and immediately after leaving the voting compartment shall, without delay and without showing the front to anyone, deliver the ballot so folded to the officer supervising at the ballot box.

(2) The officer supervising at the ballot box shall, without unfolding a ballot or in any way disclosing the marks made by the elector on the ballot, verify the initials on the ballot and deposit the ballot at once in the ballot box.

(3) After his ballots are deposited in the ballot box, the elector shall forthwith leave the voting station.

Deemed voting

64 A person who has caused his ballot to be deposited in a ballot box is deemed to have voted.

Replacement of
spoiled ballot

65(1) An elector who has inadvertently dealt with his ballot in a manner that it cannot be conveniently used as a ballot may,

(a) on returning it to the deputy, and

(b) on establishing the fact of the inadvertence to the satisfaction of the deputy,

receive another ballot in the place of the ballot so returned.

(2) The deputy shall immediately write the word "spoiled" on the returned ballot and shall preserve it.

Elector declining
to vote

66 If an elector returns a ballot stating that he is declining to vote, the deputy returning officer

(a) shall record in the voting register in the remarks column opposite the elector's name an entry to the effect that he has declined to vote, and

(b) shall write the word "declined" on the returned ballot and shall preserve it.

Persons at
voting station

67 Except for the returning officer, deputy, election clerk, constable, candidates or agents authorized to attend at the voting station and

the electors who are for the time being actually engaged in voting, no other person is entitled to be present, nor shall any other person be permitted to be present, in the voting station during the time appointed for voting.

Prohibited
removal of
ballots

68(1) No person who has received a ballot from the deputy shall take the ballot out of the voting station.

(2) Any person who, having received a ballot from the deputy, leaves the voting station without first delivering it to the deputy in the manner provided by this Act, thereby forfeits his right to vote at that election and the deputy shall record in the voting register in the remarks column opposite that person's name an entry to the effect that the person left the voting station without first delivering the ballot.

Candidates'
agents

69(1) If a person, at any time during voting hours, presents to the person in charge of a voting station a written notice, in a form acceptable to the returning officer,

(a) signed by a candidate, and

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

the person presenting the notice shall be recognized by the person in charge of the voting station as the agent of the candidate.

(2) The deputy shall not permit a candidate to have more than 1 agent present at any time in a voting station during voting hours.

(3) A candidate personally may

(a) undertake the duties that his agent may undertake,

(b) assist his agent in the performance of his duties, and

(c) attend any place that his agent is authorized by this Act to attend.

(4) The deputy may designate the place or places at a voting station where a candidate, an agent of a candidate, or both, may observe the election procedure.

(5) When, in the provisions of this Act that relate to the election of a member of an elected authority or district board, expressions are used requiring or authorizing an act or thing to be done or implying that an act or thing is to be done in the presence of an agent or a candidate, the expression is deemed to refer to the presence of those agents

(a) that are authorized to attend, and

(b) that have in fact attended at the time and place where that act or thing is being done,

and if the act or thing is otherwise properly done, the non-attendance of an agent at that time and place does not invalidate it.

By-law agents	<p>70(1) At any time fixed for a vote for a by-law or question under this Act, the returning officer, if requested by 2 or more electors, shall appoint, in writing, those persons named in the request as agents to attend at the voting stations on behalf of the persons interested in promoting the passing of the by-law or voting in the affirmative on the question and, if so requested by 2 or more electors, shall appoint in writing those persons named in the request to attend as agents on behalf of the persons interested in opposing the passage of the by-law or voting in the negative on the question.</p> <p>(2) The returning officer shall not permit more than 1 agent for each side of a by-law or question to be present at the same time at a voting station or at a counting of the votes.</p> <p>(3) The returning officer may designate the place or places at a voting station where an agent may observe the conduct of the election.</p> <p>(4) Before any agent is appointed, he shall make and subscribe before the returning officer a declaration in the prescribed form.</p>
Proof of appointment	<p>71 If a person is appointed as an agent under section 70, he shall</p> <p>(a) before being admitted as an agent to the voting station during voting hours, or</p> <p>(b) before being permitted to attend at the voting station for the counting of votes,</p> <p>produce to the person in charge of the voting station his appointment as an agent.</p>
Interpreter	<p>72(1) If an elector does not understand the English language, the deputy may allow an interpreter to translate the oath as well as any question necessary for the proper purposes of the election put to the elector, and the elector's answers.</p> <p>(2) Before acting as an interpreter, the interpreter shall take an oath in the prescribed form.</p>
Advance vote	<p>73(1) An elected authority may by resolution provide for holding an advance vote on any vote to be held in an election.</p> <p>(2) No advance vote shall be held within 24 hours of election day.</p>
Notice of advance vote	<p>74 Notice of the time and place fixed for an advance vote shall be given as prescribed in section 35 .</p>
Advance vote stations	<p>75(1) When an advance vote is authorized, the returning officer shall establish the number of advance voting stations he considers necessary.</p> <p>(2) If there are wards in a local jurisdiction, the deputy in charge of the voting station shall maintain separate ballot boxes for each ward.</p> <p>(3) Except as otherwise provided, a vote held at an advance voting station shall be conducted in the same manner as a vote on election day except that, on the ballot box being locked at the opening of the</p>

first day of the advance vote, it shall be kept locked and sealed at all times so that it cannot be opened and on the completion of the advance vote shall be sealed so that no ballots can be deposited in it without breaking the seal and it shall remain like that until opened for the counting of ballots on election day.

Advance vote
qualifications

76 The persons authorized to vote at an advance vote are the electors

(a) who have reason to believe that they will be absent from the local jurisdiction during the whole time fixed for the election,

(b) who by reason of physical disability find it impossible or extremely difficult to attend at the regular voting station, or

(c) who are election officials who have been provided a certificate by the returning officer entitling them to vote under section 83(3).

Elector's
declaration

77 Every person applying to vote at an advance voting station, before being permitted to vote, shall be required by the deputy in charge of the voting station to make a declaration in the prescribed form, which shall be kept by the deputy with the other records of the voting station.

Incapacitated
elector at voting
station

78(1) The deputy, at the request of an elector who is unable to read or is incapacitated by blindness or another physical condition from marking his ballot in the usual manner, shall mark the vote of that elector on his ballot in the manner directed by that elector, and shall immediately deposit the ballot in the ballot box.

(2) The deputy shall not act under subsection (1) until the elector has made the prescribed oath.

(3) The deputy, if requested by an elector described in subsection (1) who is accompanied by a friend, shall permit that friend, on making the prescribed oath, to accompany the elector into a voting compartment for the purpose of marking the elector's ballot and the ballot when marked shall be delivered by the elector or the friend to the deputy to be deposited in the ballot box.

(4) The deputy shall not permit an elector to vote under subsection (3) until the elector and his friend have taken their prescribed oaths.

(5) No candidate or agent shall be present in the voting compartment at the marking of a ballot under this section.

(6) The deputy shall enter or cause to be entered in the voting register, opposite the name of a person voting under this section in the "remarks" column of the voting register, that the vote of the person is marked pursuant to this section and the reason why it is so marked.

Incapacitated
elector at home

79(1) An elected authority may by resolution provide for the attendance of a deputy at the residence of an elector, during the hours an advance voting station is open or other times as may be fixed by the resolution, in order to take the votes of an elector who, because of physical incapacity, is unable to attend a voting station or an advance voting station to vote.

(2) When a resolution has been passed under subsection (1), an elector described in subsection (1) may apply in writing, in the form and within the time fixed by the resolution, to the returning officer to have a deputy attend at his residence to take his vote.

(3) If the returning officer is satisfied that an elector is unable to attend a voting station or an advance voting station because of physical incapacity, he shall include that elector's name and address on a list arranged alphabetically according to wards.

(4) When the returning officer has completed the list in accordance with this section, he shall

(a) advise each applicant in writing that his application has been accepted or rejected, as the case may be, and in the event of rejection, give reasons for it,

(b) inform each elector whose application has been accepted of the date and the approximate time at which the deputy will attend at his residence, and

(c) appoint sufficient deputies to give full effect to this section.

(5) All attendances by deputies under this section shall be made during the hours fixed by the resolution and no vote shall be taken at any other time.

(6) If there are wards or voting subdivisions in a local jurisdiction, the deputy shall maintain separate ballot boxes for each ward or voting subdivision.

(7) Every residence where a vote is taken under this section is a voting station and the voting procedures shall as nearly as possible follow the provisions of this Act.

Institutional
vote staff

80 For the purpose of taking the votes of any electors

(a) who on election day are confined to a hospital, auxiliary hospital or nursing home in the local jurisdiction or are resident in a senior citizens home or unit as defined in the *Senior Citizens Housing Act* located in the local jurisdiction, and

(b) who are unable to attend at the voting stations at which they are eligible to cast their votes,

the returning officer may appoint the number of deputies and election clerks he considers necessary to take the votes of those persons.

Attendance at an
institutional vote

81(1) If an institutional vote is provided for, the returning officer shall fix the times on election day at which the votes in the institutions shall be taken, and the deputies and election clerks, accompanied by an official of the institution, shall

(a) attend, with a ballot box, on those patients that the administrator or other person having charge of the institution certifies to the deputy to be bona fide patients in the institution, and

	<p>(b) take the votes of any of those patients who express a desire to vote.</p> <p>(2) If there are wards in a local jurisdiction, the institutional vote shall be held in accordance with subsection (1), except that the deputy in charge of the voting shall maintain separate ballot boxes for each ward.</p>
Institutional vote procedure	<p>82(1) Every institution at which a vote is taken is a voting station and the voting procedure shall as nearly as possible follow the provisions of this Act.</p> <p>(2) The deputy shall post a copy of the notice prescribed under section 35 in at least 1 conspicuous place in the institution, not less than 2 days before election day.</p>
Election officials' vote	<p>83(1) Subject to subsection (3), the returning officer, on the request of an elector who has been appointed deputy, election clerk or constable to attend at a voting station during the whole of election day other than where he is entitled to vote, shall provide him with a certificate stating that he is eligible to vote at the voting station where he is to be stationed during election day.</p> <p>(2) On the production of the certificate, the deputy, election clerk or constable may vote at the voting station where he is stationed, instead of the voting station where he would otherwise have been eligible to vote, and the returning officer shall attach the certificate to the voting register.</p> <p>(3) If, in a local jurisdiction where a ward system is in effect, an elector is appointed a deputy, election clerk or constable to attend at a voting station in a ward other than the one where he is eligible to vote, the returning officer may provide him with a certificate making him eligible to vote at an advance voting station, and he may vote at the advance voting station without the necessity of completing the declaration required by section 77.</p> <p>(4) Section 58 does not apply to an employee who is given a certificate.</p>
Voting machines	<p>84(1) An elected authority may by by-law provide for the taking of the votes of the electors by means of voting machines, vote recorders or automated voting systems.</p> <p>(2) Notwithstanding sections 42 and 43, the by-law shall prescribe the form of the ballot and the directions on voting procedure to be used and contain the procedures to be followed</p> <p>(a) in the taking of the votes by any of the means provided in subsection (1), and</p> <p>(b) in the counting, by machine or otherwise, of the votes taken by any of the means provided in subsection (1),</p> <p>and the procedures shall as nearly as possible follow the provisions of this Act.</p>

(3) Sections 85 and 103 to 115 do not apply when the votes of the electors are taken by any of the means provided in subsection (1).

PART 3

POST-VOTE PROCEDURES

Counting
of votes

85(1) Immediately after the close of the voting station, the deputy shall in the presence of

- (a) the election clerk, if any, and
- (b) the candidates or agents, if any,

open each ballot box and proceed to count the votes.

(2) The deputy shall not permit more than the candidate or his agent, or more than 1 agent of either side of a vote on any by-law or question to be present at the same time in a voting station during the counting of the votes.

Void ballots

86(1) The deputy shall examine the ballots and any ballot

- (a) that does not bear the initials of the officer,
- (b) on which more votes are cast than an elector is entitled to cast,
- (c) on which anything is written or marked by which an elector can be identified,
- (d) that has been torn, defaced or otherwise dealt with by an elector so that he can thereby be identified,
- (e) which is not marked by an "X", or
- (f) on which no vote has been cast by an elector,

is void and shall not be counted.

(2) On the back of a ballot the deputy shall

- (a) endorse "rejected" if he rejects it as void, and
- (b) endorse "rejection objected to" if any objection is made to his decision,

and shall initial each endorsement.

(3) Notwithstanding subsection (1)(e), if a vote, though incorrectly marked on a ballot, clearly indicates for whom or what the elector intended to vote, the deputy may count that ballot.

Note of objection

87(1) The deputy shall in the prescribed form make note of any objection made by a candidate or his agent or in the case of a by-law or question by any person authorized to attend, to any ballot found in the ballot box and shall decide any question arising out of the objection.

(2) Every objection shall be numbered and a corresponding number shall be placed on the back of the ballot and initialled by the deputy.

Ballot account

88(1) The deputy shall count the ballots marked for each candidate on the ballots not rejected, and shall prepare a ballot account in the prescribed form with the following headings:

- (a) the name of the local jurisdiction;
- (b) the name or number of the voting subdivision;
- (c) the date of the election;
- (d) the number of ballots supplied;
- (e) the number of persons who voted at the voting station;
- (f) the number of ballots marked for each candidate;
- (g) the number of rejected ballots;
- (h) the number of unused and spoiled ballots and ballots marked "declined".

(2) In the case of a vote on a by-law or question, the deputy shall count the number of ballots marked for and against the by-law, or in the affirmative and negative on the question, and shall prepare a ballot account in the prescribed form with the following headings:

- (a) the name of the local jurisdiction;
- (b) the name or number of the voting subdivision;
- (c) the date of the election;
- (d) the number of ballots supplied;
- (e) the number of persons who voted at the voting station;
- (f) the number of ballots marked for the by-law or in the affirmative on the question;
- (g) the number of ballots marked against the by-law or in the negative on the question;
- (h) the number of rejected ballots;
- (i) the number of the unused and spoiled ballots and ballots marked "declined".

Signatures to
ballot account

89(1) The ballot account shall be signed by the deputy and the election clerk and may be signed by those of the candidates or their agents present who desire to sign it.

(2) A deputy, on being requested to do so, shall as soon as practicable provide a copy of the ballot account to persons authorized to sign the ballot account.

Certificate in
voting register

90 Every deputy at the close of the voting station shall certify on the voting register, in words, the number of persons who voted at the voting station at which he was appointed to preside.

Packets of ballots

91(1) At the completion of the counting of the ballots and in the presence of those persons authorized to attend at the voting station, the deputy shall make up into separate packets

(a) the used ballots that have not been objected to and have been counted,

(b) the used ballots that have been objected to, but that have been counted,

(c) the rejected ballots,

(d) the spoiled ballots,

(e) the ballots given to electors who afterwards returned them declining to vote,

(f) the unused ballots,

(g) the notes taken of objections made to ballots found in the ballot box, and

(h) the voting register together with the oath referred to in subsection (2).

(2) Immediately on completion of the count of ballots, the deputy shall take an oath in the prescribed form.

Sealing ballot
packets

92 Each packet of ballots shall be sealed with the deputy's seal and each packet shall be marked on the outside with

(a) a short statement of the contents of the packet,

(b) the date of the election,

(c) the name of the deputy, and

(d) the voting subdivision name or number.

Sealing
ballot boxes

93 The deputy shall then place all the packets containing ballots, the voting register, all oaths and declarations made on voting day and list of electors, if any, in the ballot box and the ballot box shall be locked and sealed with the deputy's seal and marked on the outside with the voting station name or number.

Delivery of
ballot box and
ballot account

94(1) The deputy personally shall as soon as is practicable deliver to the returning officer the sealed ballot box and the ballot account.

(2) Notwithstanding subsection (1), if the deputy is unable to deliver the items personally to the returning officer, he shall deliver them to a person chosen by the deputy for the purpose, and shall obtain a receipt for them.

	<p>(3) The person chosen under subsection (2) shall personally deliver the items to the returning officer as soon as is practicable and obtain a receipt for them.</p>
Election results	<p>95(1) At any general election or by-election the candidate or candidates receiving the highest number of votes shall be declared to be elected.</p> <p>(2) Unless another enactment provides otherwise, if more than 50% of the persons voting vote in favour of the by-law or affirmatively on the question, then the by-law or question is deemed to be assented to by the electors or the proprietary electors, as the case may be.</p>
Declaration of vote result	<p>96(1) In the case of a vote on a by-law or question, when there is only 1 voting station, the returning officer shall declare the result of the vote immediately after he completes the counting of the ballots.</p> <p>(2) In the case of a vote on a by-law or question, if there is more than 1 voting station, the returning officer, after he has received the ballot boxes from all of the voting stations and without opening any of the sealed packets of ballots, shall calculate the number of ballots marked for and against the by-law or question from the ballot account of the number of ballots given and shall declare the result in accordance with section 97(2).</p> <p>(3) The returning officer shall, on declaring the result, certify the percentage of persons who have voted in the affirmative and exclude from the total number of ballots all ballots that have not been counted.</p> <p>(4) The returning officer shall forward a signed statement showing the number of votes for and against a by-law or question to the secretary and the relevant Minister's Deputy Minister.</p>
Declaration of election result	<p>97(1) If there is only 1 voting station, the returning officer shall declare the result of the voting immediately after he has counted the ballots.</p> <p>(2) If there is more than 1 voting station, the returning officer shall, at noon on the 4th day after the election day</p> <p style="padding-left: 40px;">(a) at the local jurisdiction office, in the presence of the candidates or their agents and any other persons present, announce, or</p> <p style="padding-left: 40px;">(b) at the office of each local jurisdiction for which an election was held, post or cause to be posted,</p> <p>the results of the voting for candidates including a declaration that the candidate receiving the highest number of votes for each office to be filled is elected.</p> <p>(3) The returning officer shall, if the result was announced, post in some conspicuous place a statement signed by him showing the number of votes for each candidate.</p> <p>(4) The returning officer shall forward a signed statement showing the number of votes for each candidate and indicate each candidate</p>

declared to be elected to the secretary and the relevant Minister's Deputy Minister.

Recount

98(1) If a candidate disagrees with the record of the result of the count of votes as shown by the ballot account of the officer presiding at a voting station, and shows reason for his disagreement, the returning officer may make a recount.

(2) If the returning officer makes a recount, he shall

(a) 12 hours before the recount, notify the persons who attended the original count and all the candidates who may be affected by the recount,

(b) break the seal of the ballot box, and

(c) proceed to count the ballots contained in it in the same manner as the deputy presiding at the voting station is directed to do.

(3) After the recount, the returning officer shall

(a) correct the ballot account if necessary,

(b) place in the ballot box all the documents contained in it at the time he broke the seal, and

(c) lock the ballot box and seal it with his seal.

(4) An application under this section may be made by a candidate during the 72-hour period immediately following the closing of the voting stations but may not be made afterwards.

Equality of votes

99 If it appears on the calculation of the votes that 2 or more candidates for any office have received the same number of votes, and if it is necessary for determining which candidate is elected, the returning officer shall write the names of those candidates separately on blank sheets of paper of equal size and of the same colour and texture, and after folding the sheets of paper in a uniform manner and so that the names are concealed, shall deposit them in a receptacle and direct some person to withdraw 1 of the sheets and the returning officer shall declare the candidate whose name appears on the withdrawn sheet to have 1 more vote than the other candidate.

Delivery of election material

100(1) As soon as practicable after the election, the returning officer shall deliver to the secretary the sealed ballot boxes, the ballot account and the nomination papers, and the secretary is thereafter responsible for their safekeeping and for their delivery when required.

(2) The nomination papers and ballot account may be inspected by an elector during regular business hours in the presence of the secretary.

Disposition of election material

101 The secretary, unless otherwise ordered by a judge, shall retain the ballot boxes with their seals unbroken for 6 weeks from the date of voting and then shall cause the ballot boxes to be opened and their contents destroyed in the presence of 2 witnesses and each of the 2

witnesses shall take an affidavit that he has witnessed the destruction of the contents of the ballot boxes.

Order for
inspection of
ballots

102(1) No person may inspect any ballots in the custody of the secretary except on order of a judge.

(2) An order referred to in subsection (1) may be granted on evidence on oath, satisfactory to the judge, that the inspection or production of the ballot is required for the purpose of

(a) maintaining a prosecution for an offence in relation to the election,

(b) taking proceedings under this Act to contest an election return, or

(c) preparing an application for a recount.

(3) The order shall

(a) state the time and place for inspection of the papers,

(b) name the persons to be present at the inspection, and

(c) name the other persons entitled to be present at the inspection,

and may prescribe any conditions the judge considers advisable.

PART 4

RECOUNT PROCEDURE

Judicial recount
application

103(1) At any time within 15 days from the time of the public declaration of the result of an election by the returning officer, any elector may apply to the Court by notice of motion for a recount, after the elector has

(a) filed an affidavit with the clerk of the Court stating that the returning officer or a deputy or other officer presiding at the voting station, in counting the ballots given at the election, improperly counted or rejected ballots, and

(b) deposited with the clerk of the Court \$300 in cash, or by certified cheque or cash order, or by money order, as security for the payment of costs and expenses.

(2) The deposit of \$300 shall not be paid out by the clerk without the order of a judge.

Notice of
application

104 At least 3 days prior to the application for a recount, a copy of the notice of motion and the affidavit filed shall be served by the applicant on the secretary, the returning officer and all candidates for the affected office.

Recount
appointment

105 On the hearing of the application for a recount, a judge may appoint a time and place to recount the ballots and cause a notice in

	<p>writing to be given to the secretary, to all candidates for the affected office and to any other person the judge may direct, of the time and place where the ballots will be recounted.</p>
Persons permitted at recount	<p>106(1) The judge, the clerk of the Court, the secretary, the returning officer, each candidate notified to attend the recount, each notified candidate's agent and solicitor and persons permitted by the judge may be present at the recount.</p> <p>(2) The secretary shall be present at the recount with the sealed ballot boxes and the ballot account used at the election.</p>
Recount	<p>107(1) At the time and place appointed, the judge shall, in the presence of the parties in attendance, proceed to open all the seals of the packets containing the ballots and count or cause to be counted all the ballots received by the secretary from the returning officer as having been cast in the election complained of.</p> <p>(2) In counting the ballots care shall be taken not to disclose how any elector has voted.</p>
Examination of ballots	<p>108(1) The judge shall examine the ballots that are objected to and recount the ballots.</p> <p>(2) Any ballot</p> <ul style="list-style-type: none"> (a) that lacks the initials of an officer, (b) on which votes are cast for more candidates than are to be elected to the office, (c) on which anything is written or marked by which the elector could be identified, or (d) that has been torn, defaced or otherwise dealt with, with the result that an elector could be identified, <p>is void and shall not be counted.</p> <p>(3) The judge shall take a note of any objection made by a candidate or by his agent to a ballot, and shall decide any question arising out of the objection, and the decision of the judge is final.</p>
Recess during recount	<p>109(1) The judge shall, as far as practicable, proceed continuously with the recount except during any hours excluded by the judge.</p> <p>(2) During the excluded time, the judge shall take precautions for the security of the ballots and documents.</p>
Statement after recount	<p>110(1) The judge shall, after counting the votes marked for each candidate on the ballots not rejected, prepare a written statement that includes the number of ballots marked for each candidate and the number of ballots rejected and not counted by him.</p> <p>(2) The statement shall be made under the following headings:</p> <ul style="list-style-type: none"> (a) names of candidates;

- (b) number of ballots for each candidate;
- (c) ballots that lack initials of deputy;
- (d) ballots on which votes are cast for more candidates than are to be elected to the office;
- (e) ballots on which anything is written or marked by which an elector could be identified;
- (f) ballots that have been torn, defaced or otherwise dealt with, with the result that an elector could be identified;
- (g) ballots rejected as unmarked or void.

(3) If the ballot box for a voting station has been lost or destroyed the judge shall use the ballot account and allow the candidates named in it the number of votes shown thereby as given for those candidates.

Equality of
recount votes

111(1) If the judge has counted an equality of ballots for 2 or more candidates for the same office, and if it is necessary for determining which candidate is elected, then he shall write the names of those candidates separately on blank sheets of paper of equal size and of the same colour and texture, and after folding the sheets of paper in a uniform manner and so that the names are concealed, shall deposit them in a receptacle and direct the clerk of the Court or some other person to withdraw one of the sheets, and the judge shall declare the candidate whose name appears on the withdrawn sheet to have 1 more vote than the other candidate or candidates.

(2) Subsection (1) does not apply if the candidates having received an equality of ballots also had an equality of ballots at the time of the calculating of ballots by the returning officer, in which case the judge shall declare the candidate who previously has been declared to have received 1 more ballot still to have 1 more ballot than the other candidate.

Certification
of recount

112 On the completion of the recount or as soon as he has ascertained the result of the voting, the judge shall replace the ballots in the respective ballot boxes and return the boxes to the secretary and shall forthwith certify the result to the secretary, who shall forthwith post a statement in his office declaring the result.

Costs of recount

113(1) All costs, charges and expenses of and incidental to an application for a recount, and to the proceedings consequent on it, shall be defrayed by the local jurisdiction, applicant, persons served with a notice, or any of them, in the manner and in the proportion the judge determines, having regard to any costs, charges or expenses that, in the opinion of the judge, have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part of the applicant or any person served with a notice.

(2) The costs may, if the judge so orders, be taxed in the same manner and according to the same principles as costs are taxed between solicitor and client.

Payment of costs **114** The payment of any costs ordered by the judge to be paid may be enforced by execution, to be issued on filing the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment.

By-law vote recount **115** Sections 103 to 114 apply to a recount of the votes for and against a by-law or question.

PART 5

CONTROVERTED ELECTIONS

Bribery **116** A person commits the offence of bribery

- (a) who directly or indirectly by himself or by any other person on his behalf
 - (i) gives, lends or agrees to give or lend or offers or promises money or valuable consideration, or gives or procures or agrees to give or procure or offers or promises an office, place or employment to or for an elector or to or for a person on behalf of an elector or any person, in order to induce an elector or a person to vote or to refrain from voting at an election, or
 - (ii) corruptly does an act described in subclause (i) because a person has voted or has refrained from voting at an election,
- (b) who directly or indirectly by himself or by any other person on his behalf makes a gift, loan, offer, promise or agreement described in clause (a) to or for a person in order to induce him to procure or defeat or endeavour to procure or defeat
 - (i) the election of a candidate,
 - (ii) the passing of a by-law,
 - (iii) the result of a vote on a question, or
 - (iv) the vote of an elector at an election,
- (c) who in return for a gift, loan, offer, promise or agreement procures or defeats or engages or promises or endeavours to procure or defeat
 - (i) the election of a candidate,
 - (ii) the passing of a by-law,
 - (iii) the result of a vote on a question, or
 - (iv) the vote of an elector at an election,
- (d) who
 - (i) advances or pays or causes to be paid money to or for the use of any other person with the intent that the money or part of it be expended in bribery at an election, or

(ii) knowingly pays or causes to be paid any money to a person in discharge or repayment of any money wholly or in part expended in bribery at an election,

(e) who, being an elector, before or during an election directly or indirectly by himself or any other person on his behalf receives, agrees to, accepts or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person for

(i) voting or agreeing to vote,

(ii) refraining or agreeing to refrain from voting, or

(iii) voting or agreeing to vote for or against a particular candidate, by-law or question,

at an election, or

(f) who after an election directly or indirectly by himself or any other person on his behalf receives any money or valuable consideration because some person

(i) has voted or refrained from voting,

(ii) has induced any other person to vote or refrain from voting, or

(iii) has voted for or against or has induced any other person to vote for or against a candidate, by-law or question,

at an election.

Undue influence **117** A person commits the offence of undue influence who

(a) directly or indirectly by himself or by any other person on his behalf

(i) makes use of or threatens to make use of any force, violence or restraint,

(ii) inflicts or threatens the infliction by himself or by or through any other person of any injury, damage, harm or loss, or

(iii) in any manner practises intimidation,

on or against any person in order to induce or compel any person to vote or refrain from voting, or to vote for or against a particular candidate, by-law or question, at an election, or on account of an elector having voted or refrained from voting at an election, or

(b) by abduction, duress or any fraudulent device or contrivance impedes, prevents or otherwise interferes with the free exercise of the franchise of an elector or thereby compels, induces or prevails on an elector to give or refrain from giving his vote, or

	to vote for or against a candidate, by-law or question, at an election.
allowable election expenses	<p>118 The following expenses shall be held to be lawfully incurred and the payment of them is not a contravention of this Act:</p> <ul style="list-style-type: none"> (a) the actual personal expenses of the candidate; (b) the cost of acquiring premises, accommodation, goods or services used for proper election campaign purposes; (c) bona fide payments for the fair cost of printing and advertising; (d) reasonable and ordinary payment to any person for the hire of transportation used <ul style="list-style-type: none"> (i) by a candidate or speakers in travelling to and from public meetings, or (ii) by any person in connection with and for the proper purposes of an election.
Oral evidence	<p>119 When on a motion in the nature of a quo warranto a question is raised relating to whether the candidate, elector or other person has been guilty of bribery or undue influence, viva voce evidence shall be used to prove the offence, and evidence by affidavit may not be used to prove the offence.</p>
Forfeiture of seat	<p>120 A candidate elected at an election who is found guilty, on the hearing of a motion in the nature of a quo warranto, of bribery or of using undue influence</p> <ul style="list-style-type: none"> (a) forfeits his office, and (b) is ineligible to be nominated as a candidate until after 2 general elections have taken place following his conviction.
Penalty for bribery or undue influence	<p>121(1) A person adjudged guilty of bribery or undue influence is liable to a penalty of not more than \$1000, which shall be paid to the local jurisdiction on behalf of which the election was conducted.</p> <p>(2) The judge shall direct that, in default of payment of the penalty within the time fixed by him, the person adjudged guilty of bribery or undue influence be imprisoned for the period the judge directs, not exceeding 30 days, or until the penalty is sooner paid.</p> <p>(3) If the person adjudged guilty of bribery or undue influence fails to pay the penalty within the time fixed by the judge, the judge shall issue a warrant for his arrest and imprisonment.</p>
Report of bribery or undue influence convictions	<p>122(1) A judge who finds a person guilty of bribery or undue influence shall report his finding forthwith to the secretary.</p> <p>(2) The secretary shall enter in a book to be kept for that purpose the names of all persons who have been reported to him by the judge pursuant to subsection (1).</p>

Witnesses	<p>123(1) A witness is bound to attend before a judge</p> <p>(a) on being served with a notice signed by the judge or by the solicitor of either party directing his attendance, and</p> <p>(b) on payment of the proper conduct money in accordance with the Rules of Court,</p> <p>and in default thereof he may be punished for contempt of court.</p> <p>(2) No person shall be excused from answering any questions put to him</p> <p>(a) on the hearing of a motion in the nature of a quo warranto, or</p> <p>(b) in a proceeding touching or concerning an election or the conduct of a person in relation thereto,</p> <p>on the ground that the answer to the question will tend to incriminate him.</p> <p>(3) No incriminating answer given to any question in proceedings under this Act shall be used against the person who gave the answer in proceedings, under this or any other Act, except in a prosecution for perjury or for the giving of contradictory evidence.</p> <p>(4) No person who has voted at an election shall be required to state in evidence in any legal proceedings whether he has voted for or against a particular candidate, by-law or question.</p>
Limitation of action	<p>124 No proceedings against a person for bribery or undue influence may be commenced after 6 weeks from the election day in respect of which the offence is alleged to have been committed.</p>
Recovery of penalties	<p>125(1) No pecuniary penalty or forfeiture imposed by this Act for an act of bribery or undue influence at an election is recoverable if it appears</p> <p>(a) that the person charged and another person or other persons were together guilty of the act charged either as giver or receiver or as accomplices, or otherwise, and</p> <p>(b) that the person charged has previously bona fide prosecuted the other person or persons or any of them for that act.</p> <p>(2) Subsection (1) does not apply if the judge certifies that it clearly appears to him that the person charged took the first step towards the commission of the offence charged and was in fact the principal offender.</p>
Trial of an election	<p>126(1) If the validity of an election of a member of an elected authority or his right to hold the seat is contested, or if the validity of a vote on a by-law or question is contested, the issue may be tried by the Court.</p> <p>(2) The issue may be raised before the Court by</p> <p>(a) a candidate at the election,</p>

(b) any elector

(i) if the right to sit is by acclamation, or

(ii) if the right to sit is contested on the grounds that a member of the elected authority is ineligible, disqualified or has forfeited his seat since his election, or

(c) an elector who gave or tendered his vote in the election.

fiat for notice
if motion

127(1) For the purposes of this section and sections 128 to 138, “respondent” means the party against whom a motion is made.

(2) If within 6 weeks after an election the person raising an issue shows by affidavit to a judge reasonable grounds

(a) for supposing that the election was not legal or was not conducted according to law,

(b) for supposing that the candidate declared elected was not duly elected,

(c) for contesting the validity of the election of a member of the elected authority, or

(d) for contesting the validity of the result of a vote on a by-law or question,

the judge may grant his fiat authorizing the person raising the issue, on entering into a sufficient recognizance as provided in subsection (4), to serve a notice of motion in the nature of a quo warranto to determine the matter.

(3) If at any time the person raising the issue shows to a judge by affidavit reasonable grounds for supposing that a member of an elected authority has become disqualified since his election and has not resigned his seat, the judge may grant his fiat authorizing the person raising the issue, on entering into a sufficient recognizance as provided by subsection (4), to serve a notice of motion in the nature of a quo warranto to determine the matter.

(4) The recognizance to be allowed as sufficient by the judge shall be entered into before the judge or before a commissioner for taking affidavits by

(a) the person raising the issue, in the sum of \$200, and

(b) 2 sureties on affidavits of justification, each in the sum of \$100,

and shall be conditioned to prosecute the motion with effect to pay to the respondent any costs that may be adjudged to him against the person raising the issue.

(5) When the sufficiency of the sureties has been determined and the recognizance has been allowed as sufficient by the judge, he shall note or endorse thereon and on the fiat allowing service of the notice of motion the words “recognizance allowed” and shall initial it.

Notice of motion requirements	<p>128(1) The notice of motion may either state</p> <ul style="list-style-type: none"> (a) the return day of the motion, being not less than 7 clear days after the day of the service of it, or (b) that the motion will be made on the 8th day after the day of service of the notice. <p>(2) The person raising the issue shall in his notice of motion set forth his name in full, his occupation, his place of residence and the interest, as a candidate, elector or otherwise, that he has in the election and shall also state specifically under distinct heads</p> <ul style="list-style-type: none"> (a) all the grounds of objection to the validity of the election complained against, (b) if the person raising the issue claims that he or any other person or persons should have been declared elected, the grounds in favour of the validity of the election of the person raising the issue or of the other person or persons, (c) the grounds of forfeiture or disqualification of the respondent, (d) if the person raising the issue claims that the result of the voting on the by-law should be reversed, the grounds in support of that contention, and (e) if the person raising the issue makes any other claim, the grounds in support of that claim.
Filing of documents	<p>129 Before serving his notice of motion the person raising the issue shall file all affidavits and material on which he intends to rely, except where viva voce evidence is to be taken, in which case he shall name in his notice the witnesses whom he proposes to examine.</p>
Service of notice of motion	<p>130(1) The notice shall be served on the persons and in the manner the judge directs.</p> <p>(2) Service of the notice of motion shall be made within 2 weeks from the date of the fiat granted by the judge unless otherwise ordered by the judge.</p>
Motion to try validity of election	<p>131 When the person raising the issue alleges that he himself or some other person or persons have been elected, the motion shall be to try the validity both of the election complained of and of the alleged election of the person raising the issue or of the other person or persons.</p>
Combination of motions	<p>132 If any of the grounds of objection apply equally to 2 or more persons declared elected, the person raising the issue may proceed by one motion against all those persons.</p>
Grounds not allowed	<p>133(1) On the hearing of the motion the person raising the issue shall not be allowed</p> <ul style="list-style-type: none"> (a) to object to the voting on the by-law or question,

- (b) to object to the election of the respondent,
- (c) to attack the respondent's right to sit, or
- (d) to support the election of any person alleged to have been elected,

on any ground not specified in the notice of motion.

(2) Notwithstanding subsection (1), the judge in his discretion may entertain any substantial ground of objection to or any substantial contention in support of

- (a) the voting on a by-law or question, or
- (b) the validity of the election or of the right to sit of either or any of the parties who may appear in evidence before him.

Production of
election material

134 The judge may require the secretary to produce before him any ballots, books, lists of electors and other lists and any other records of the election and documents in his possession and connected with the election that the judge considers necessary.

Adding parties

135 The judge may, if he thinks proper at any stage of the proceedings, make an order adding the returning officer, deputy or any other person as a party.

Intervention

136 The judge may allow any person described in section 126(2) to intervene in the proceedings and to prosecute or defend and may grant a reasonable time for that purpose, and an intervening party is as liable to pay and as entitled to receive costs as any other party to the proceedings.

Hearing

137(1) The judge shall in a summary manner without formal pleadings hear and determine

- (a) the validity of the voting on the by-law or question or in the election, or
- (b) the right of the respondent to sit,

and may inquire into the facts on affidavit or affirmation or by oral testimony.

(2) If the validity of an election is contested before a judge on the grounds of

- (a) a contravention of this Act or of any other Act applicable to
 - (i) the election,
 - (ii) the procedure at the voting station, or
 - (iii) the counting of the votes,
- (b) a mistake in the use of any of the forms required in connection with the election, or

(c) any other irregularity,

the judge, in his discretion, may adjudge the election invalid.

(3) If the validity of an election is contested before a judge on the grounds mentioned in subsection (2) and it appears to the judge that the election was conducted substantially in accordance with the requirements of this Act and that the contravention, mistake or irregularity did not materially affect the result of the election, he may adjudge the election valid.

Invalid election

138(1) If the election of a candidate complained of is adjudged invalid, the judge shall, by the judgment, order the respondent to be removed and his office vacated, and if the judge determines that any other person was elected the judge shall forthwith order the other person to be admitted to the office.

(2) If the voting on a by-law or question complained of is adjudged invalid, the judge, by the judgment, shall declare the voting on the by-law or question invalid and may order a new election to be held or make any order he considers just having regard to all the circumstances.

(3) If the judge determines

(a) that the election of all members of an elected authority is invalid, or

(b) that all members of an elected authority have become disqualified,

he shall forthwith order a new election to be held and the order shall be directed to the secretary, who on receipt of the order has all powers in connection with the holding of the election that are conferred by law on the elected authority for filling vacancies in the elected authority or district board.

(4) Notwithstanding subsection (3), the relevant Minister may make any regulations for the conduct of the election not inconsistent with any Act that he considers proper and the secretary shall conform in all respects to those regulations.

(5) The *Regulations Act* does not apply to regulations made under subsection (4).

Liability for costs

139(1) If an election has been held invalid owing to the improper refusal of a returning officer or deputy to receive ballots tendered by electors or to give ballot papers to electors, the judge may in his discretion order the costs of the proceedings to unseat the candidate declared elected, to declare the by-law or any part of it or a vote on a question invalid, or any other costs, to be paid by the returning officer or deputy.

(2) Nothing in subsection (1) is deemed to affect any right of action against a returning officer or deputy or to relieve the returning officer or deputy from any other penalty or punishment to which he may be liable.

Liability for costs	<p>140 If it appears to the judge that an election is invalid by reason of any act of non-feasance or misfeasance on the part of</p> <ul style="list-style-type: none"> (a) the returning officer, (b) a deputy, or (c) an election clerk, <p>the judge may in his discretion order that the costs of the proceedings to unseat the person declared elected, or to declare the voting on the by-law or question, or any part of it, invalid, or any other costs, be paid by the local jurisdiction in and for which the election was held.</p>
Form and effect of order	<p>141 After the adjudication on the case an order shall be drawn up in the usual manner that shall state concisely the ground and effect of the decision, and the order</p> <ul style="list-style-type: none"> (a) may at any time be amended by the judge in regard to any matter or form, and (b) has the same force and effect as a writ of mandamus formerly had in similar cases.
Return of judge's order	<p>142(1) The judge, immediately after his decision, shall return his order to the proper office of the Court to be kept as a record of the judgment of the Court.</p> <p>(2) The judgment of the Court may be enforced in the same manner as an ordinary order of mandamus of the Court and a writ of execution may be issued under it to recover any costs awarded by the judgment.</p>
Disclaimer after motion	<p>143 A candidate</p> <ul style="list-style-type: none"> (a) whose election is complained of, unless the election is complained of on the ground of bribery or undue influence on the part of that person, or (b) whose seat is attacked on the ground that he has become ineligible or disqualified, <p>may within 7 days after service on him of a notice of motion described in section 128 cause to be delivered to, or may transmit by prepaid registered mail directly to the clerk of the Court and also to the person raising the issue, or his solicitor, a disclaimer signed by him in the prescribed form.</p>
Effect of disclaimer	<p>144(1) A disclaimer delivered</p> <ul style="list-style-type: none"> (a) before the election, or (b) before the person disclaiming is complained of, <p>relieves the person making it from all liability to costs.</p> <p>(2) A disclaimer transmitted or delivered under this Act operates as a resignation and the vacancy so created shall be filled in the manner provided by this Act.</p>

Delivery of
duplicate
disclaimer

145 A person disclaiming after service on him of a notice of motion in the nature of quo warranto shall deliver a duplicate of his disclaimer to the secretary, and the secretary shall forthwith communicate it to the elected authority.

Right of appeal

146 An appeal against the decision of a judge lies to the Court of Appeal and the proceedings appertaining to it shall be as nearly as possible the same as in an appeal in other cases from a decision of the Court of Queen's Bench.

Rules of court

147 The Lieutenant Governor in Council may make rules of court

(a) regulating the form of any notices, orders or other proceedings to be issued, given, made or taken under this Part, and

(b) respecting the practice generally

(i) in hearing and determining the validity of elections in local authorities and of voting on by-laws and questions, or

(ii) in hearing and determining the question of the right of any person to sit on an elected authority or district board,

and may fix a tariff of costs to be applicable to it.

PART 6

OFFENCES

Prohibitions

148(1) No person shall

(a) without authority supply a ballot to any person,

(b) fraudulently put into a ballot box any paper other than a ballot that he is authorized by this Act to deposit,

(c) fraudulently take a ballot out of the voting station,

(d) without authority destroy, take, open or otherwise interfere with any ballot box or packet of ballots then in use for the purpose of an election.

(2) No person shall

(a) request a ballot in the name of some other person, whether the name is that of a person living or dead or of a fictitious person, or

(b) having voted once, request at the same election a ballot in his own name.

(3) No person shall vote knowing that he has no right to do so.

(4) No person shall

(a) print or distribute or cause to be printed or distributed in any advertisement, handbill, placard, poster, circular, pamphlet or newspaper or other paper a form of ballot printed by the return-

ing officer, indicating or showing it to be marked for any candidate or candidates, or

(b) without written authority from the other candidates, print or distribute or cause to be printed or distributed, for the purpose of influencing or soliciting votes for any candidate, any advertisement, handbill, placard, poster, circular, pamphlet or newspaper or other paper in connection with the names of any other candidates.

(5) Notwithstanding anything in this section, the returning officer may at any time after nomination day cause a facsimile of the ballot for mayor, member of an elected authority, by-law or question to be published as often as he considers necessary in a newspaper circulating in the area, for the information of the electors.

(6) A person who contravenes subsection (1), (2), (3) or (4) is guilty of an offence and liable

(a) in the case of a returning officer, to imprisonment for a term not exceeding 2 years, or

(b) in the case of any other person, to imprisonment for a term not exceeding 6 months or to a fine of not more than \$500, or to both a fine and imprisonment.

Offence

149 A returning officer, deputy or election clerk who

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

(b) refuses or wilfully omits to sign his initials on any ballot,

(c) acts wilfully in contravention of this Act, or

(d) commits a wilful omission,

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

Offence

150(1) Every returning officer, deputy, election clerk, constable and agent in attendance at a voting station shall maintain and aid in maintaining the secrecy of the voting at the voting station.

(2) No person shall interfere with or attempt to interfere with an elector when the elector is marking his ballot, or shall otherwise attempt to obtain at the voting station information as to which candidate or candidates any elector at that voting station is about to vote or has voted for.

(3) No person shall, in a voting station,

(a) canvass or solicit votes, or

(b) make any communication to an elector otherwise than through the deputy.

(4) No person shall display at the voting station or distribute or post in it a specimen ballot paper marked for a candidate or any other material purporting to explain to the electors how to vote or leave

or post a ballot or other material in a voting compartment other than the material that is required to be posted in accordance with this Act.

(5) No person shall communicate at any time to any person any information obtained at a voting station as to which candidate any elector at that voting station is about to vote or has voted for.

(6) No returning officer, deputy, election clerk and agent in attendance at the counting of the votes shall communicate or attempt to communicate any information obtained at that counting as to which candidate or candidates any vote is given for.

(7) No person shall directly or indirectly induce an elector to display his ballot, after he has marked it, so as to make known to any person the name of any candidate for whom he has or has not marked his ballot.

(8) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$500 or to imprisonment for a term not exceeding 6 months, or to both a fine and imprisonment.

Offence

151 A candidate for elective office who signs a candidate's acceptance form that contains a false statement is guilty of an offence and liable to a fine of not more than \$1000.

Printer's name
on advertising

152(1) Every printed advertisement, handbill, placard, poster, circular, pamphlet or other paper having reference to an election shall bear the name and address of its printer or of its printer and publisher.

(2) A person who prints, publishes, distributes or posts or causes to be printed, published, distributed or posted any advertisement, handbill, placard, poster, circular or paper described in subsection (1) that does not bear the name of its printer or its printer and publisher is guilty of an offence and liable to a fine of not more than \$500.

(3) Notwithstanding subsection (1), an advertisement published in a newspaper and any document published by the returning officer do not have to bear the name of the printer.

Advertisement
distribution

153(1) Subject to subsection (2), a person who, on election day,

(a) displays inside or on the outside of a building used for a voting station, or

(b) distributes within a building used for a voting station,

an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper except those posted by the deputy in accordance with this Act is guilty of an offence and liable to a fine of not more than \$100.

(2) The distribution by or on behalf of a candidate or his agent of newspapers, pamphlets or other literature containing articles or reports on matters of public interest is not a contravention of this section.

	<p>(3) Where a person displays an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper contrary to subsection (1), the deputy may cause it to be removed, and neither the deputy nor any person acting under his instructions is liable for trespass or damages resulting from or caused by the removal.</p>
quor on ction day	<p>154(1) A council, by by-law, may provide that when an election is held under this Act no person shall sell or give liquor at any liquor store or licensed premises in the area during the whole of the day on which the voting is held or during the hours on that day specified in the by-law.</p> <p>(2) Subsection (1) does not apply to a day on which an advance vote is held.</p>
nterference with posted documents	<p>155 A person who, without authorization, takes down, covers up, mutilates, defaces or alters any notice or other document required to be posted under this Act is guilty of an offence and liable to a fine of not more than \$500.</p>
mproper ppointment of lection official	<p>156 A person who</p> <p>(a) procures an appointment as a returning officer, deputy, election clerk or constable by false pretence, deceit or other improper means, or</p> <p>(b) acts as a returning officer, deputy, election clerk or constable without lawful authority,</p> <p>is guilty of an offence and liable to a fine of not more than \$1000.</p>
rovision of time o vote	<p>157 An employer who directly or indirectly</p> <p>(a) refuses to allow, or</p> <p>(b) by intimidation, undue influence or in any other manner interferes with the allowance of,</p> <p>an employee to have a period of absence for voting provided for under section 58 is guilty of an offence.</p>
Offence	<p>158 A person who obstructs or interferes with the free access of</p> <p>(a) an enumerator,</p> <p>(b) a candidate, or</p> <p>(c) a campaign worker on behalf of a candidate</p> <p>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 produces identification of his status as an enumerator, candidate or campaign worker, guilty of an offence and liable to a fine of not more than \$1000.</p>
Penalty	<p>159 A person who is guilty of an offence under this Act for which a penalty is not otherwise provided is liable to a fine of not more than \$500.</p>

PART 7
GENERAL

Regulations	<p>160(1) On the application of an elected authority, the Lieutenant Governor in Council may make regulations providing for any matter not provided for or insufficiently provided for in this Act but any regulation so made ceases to have any effect after the last day of the next ensuing session of the Legislature.</p> <p>(2) The Minister may make regulations prescribing forms for use under this Act.</p>
Regulations	<p>161(1) Notwithstanding anything in this Act, the Lieutenant Governor in Council may make regulations</p> <ul style="list-style-type: none"> (a) prescribing a system for the conduct and procedure of an election or vote that is not provided for in this Act or that is a modification of a system under this Act; (b) prescribing forms for use in connection with a system prescribed by regulations under this subsection; (c) with respect to a system prescribed by regulations under this subsection, providing for any matter not provided for or insufficiently provided for in this Act; (d) providing that any person who contravenes any provision of the regulations under this subsection is guilty of an offence and liable to imprisonment for a term not exceeding 6 months or to a fine of not more than \$500, or to both a fine and imprisonment. <p>(2) On the application of an elected authority, the Lieutenant Governor in Council may, by regulation, on any terms and conditions he may prescribe, authorize the elected authority to pass a by-law adopting the system for conducting an election prescribed by regulations under subsection (1).</p> <p>(3) Subject to regulations under subsections (1) and (2), the provisions of this Act apply to an election held under this section.</p>
Consequential	<p>162 <i>The following provisions are amended by striking out "Municipal Election Act" and substituting "Local Authorities Election Act":</i></p> <p><i>Alberta Lord's Day Act</i> section 1(1)(b)(i);</p> <p><i>County Act</i> sections 3(5)(d), 10, 14(a), 36;</p> <p><i>Crowsnest Pass Municipal Unification Act</i> section 2(3);</p> <p><i>Department of Social Services and Community Health Act</i> sections 15(4), 16(4);</p> <p><i>Hospitals Act</i> section 14(k) and (l);</p> <p><i>Municipal Government Act</i> sections 13(1)(g)(iv), 26(1), 39, 56(1)(b) and (3), 125(5), 276(4)(a) and (b), 325(2);</p>

Municipal and School Administration Act section 8(1) and (2);

New Towns Act section 8(6).

Consequential **163** *The following provisions are amended by striking out “School Election Act” and substituting “Local Authorities Election Act”:*

County Act sections 23(2)(a) and (4)(a), 27;

Municipal and School Administration Act sections 7(3) and 10(3) and (4);

School Act sections 26(6), 39.

Consequential **164** *The County Act is amended*

(a) in section 23(5)(a) by striking out “trustee under the *School Election Act*” and substituting “member of an elected authority under the *Local Authorities Election Act*”;

(b) in section 40(2)(b) by striking out “section 52(c) of the *Municipal Election Act*” and substituting “the *Local Authorities Election Act*”.

Consequential **165** *The Jury Act is amended by repealing section 4(c) and substituting the following:*

(c) members of the council of a municipality or members of a board of trustees of a school district or school division;

Consequential **166** *The Lloydminster Hospital Act is amended*

(a) in section 52(1) by striking out “Part 2 of the *Municipal Election Act*” and substituting “the *Local Authorities Election Act*”;

(b) in section 54 by striking out “Part 2 of the *Municipal Election Act*” and substituting “The *Local Authorities Election Act*”.

Consequential **167** *The Municipal Government Act is amended*

(a) in section 1(d)(iii)(A) by striking out “qualified” and substituting “eligible”;

(b) in section 415 by striking out “section 158 or 159 of the *Municipal Election Act*” and substituting “section 116 or 117 of the *Local Authorities Election Act*”.

Consequential **168** *The Municipal and School Administration Act is amended in section 19(5)(e) by striking out “, the *School Election Act* or the *Municipal Election Act*” and substituting “or the *Local Authorities Election Act*”.*

Consequential **169** *The Northeast Alberta Regional Commission Act is amended in section 8(1) by repealing clauses (d) and (i) and by adding the following after clause (g):*

(g.1) the *Local Authorities Election Act*;

Consequential

170 *The School Act is amended*

(a) in section 1 by repealing clause (e) and substituting the following:

(e) “elector” means elector as defined in the *Local Authorities Election Act*;

(b) in section 2(1)(a) by striking out “qualified” and substituting “eligible”;

(c) in section 9 by striking out “School Election Act” and substituting “Local Authorities Election Act”; by renumbering section 9 as 9(1) and by adding the following after section 9(1):

(2) A board with the approval of the Minister may, by resolution, provide for the nomination of trustees by wards or for the election of candidates by the general vote of the electors.

(3) A resolution under subsection (2) may be given effect at the next general election that follows passage of the resolution if the resolution has been passed not later than 30 days prior to nomination day.

(4) If a resolution under subsection (2) is passed less than 30 days prior to nomination day of a general election, the resolution does not have effect until the general election next following the one held immediately after the passage of the resolution.

(d) in section 31(1)(n) by striking out “trustee under the *School Election Act*” and substituting “member of an elected authority under the *Local Authorities Election Act*”.

Repeal

171 *The Municipal Election Act is repealed.*

Repeal

172 *The School Election Act is repealed.*

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.