

1985 BILL 25

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Third Session, 20th Legislature, 34 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 25

LOCAL AUTHORITIES ELECTION AMENDMENT ACT, 1985

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MR. PAPROSKI

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 25  
Mr. Paproski

## BILL 25

1985

### LOCAL AUTHORITIES ELECTION AMENDMENT ACT, 1985

(Assented to \_\_\_\_\_, 1985)

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

- 1 *The Local Authorities Election Act is amended by this Act.*
- 2 *Section 1(p) is amended by striking out "or election clerk presiding at a voting station" and substituting "election clerk or constable".*
- 3 *The following is added after section 2:*
  - 2.1(1) If an election is to be held in an improvement district or special area, the Minister may assume any of the powers, duties or functions of an elected authority under this Act in respect of that election.
  - (2) This Act applies to the election of school representatives to a board of education under the *County Act*.
- 4 *Section 7 is amended by adding the following after subsection (2):*
  - (3) Notwithstanding any other Act, if an Act or an order under an Act is passed to create a new municipality or a new district or division as defined in the *School Act*, the first election for the municipality, district or division may be held on a date prior to the date on which the Act or order comes into force.
  - (4) A person elected at an election referred to in subsection (3) shall not be sworn into office before the effective date of the formation of the municipality, district or division, as the case may be.
- 5 *Section 11(1) is amended by adding the following after clause (b):*
  - (b.1) in order to qualify as a proprietary elector a person shall meet all the requirements of a proprietary elector except that he is not required to be a resident,
  - (b.2) the nomination of candidates for election as councillors shall be in the form prescribed for use under section 27(1) and shall be signed by at least 5 electors eligible to vote at that election,

## Explanatory Notes

- 1 This Bill will amend chapter L-27.5 of the Statutes of Alberta, 1983.
- 2 Section 1 presently reads in part:
  - 1 *In this Act,*
    - (p) *“officer” means a returning officer, deputy, or election clerk presiding at a voting station;*
- 3 Improvement district, special area and school representatives elections.
  
- 4 Section 7 presently reads:
  - 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.*
- 5 Section 11(1) presently reads in part:
  - 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*

6 *Section 21 is amended*

(a) *by repealing subsection (1) and substituting the following:*

**21(1)** A person may be nominated as a candidate in any election under this Act if he

(a) is eligible to vote in that election,

(b) has been a resident of the local jurisdiction and the ward, if any, for the 6 consecutive months immediately preceding nomination day, and

(c) is not otherwise ineligible or disqualified.

(b) *by adding the following after subsection (2):*

(3) If the boundaries of a local jurisdiction are altered by the addition of land, a person who has been a resident of the added land for at least the 6 months immediately preceding nomination day is deemed, for the purposes of this Act, to have been a resident, during that time, of the local jurisdiction to which the land was added.

7 *Section 22(1)(c) and (e) are amended by striking out “officer” and substituting “appointed official”.*

8 *Section 34(2) is amended by striking out “secretary written” and substituting “secretary and the relevant Minister’s Deputy Minister written”.*

*(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,*

*(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.*

**6 Section 21 presently reads:**

*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 has been*

*(a) a resident of the local jurisdiction, and*

*(b) if there is a ward, 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.*

**7 Section 22(1) presently reads in part:**

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

*(c) he is a surety for an officer or employee 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;*

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

*(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.*

9 Section 36 is amended by renumbering it as section 36(1) and by adding the following after subsection (1):

(2) If voting subdivisions are not established under subsection (1),

(a) the area, or

(b) the ward, if there are wards,

is considered to be 1 voting subdivision.

10 Section 37(1) is amended by striking out “locations of voting stations and a” and substituting “location of 1 voting station only for each voting subdivision and the”.

11 Section 39(2) is repealed and the following is substituted:

(2) A ballot box shall meet the requirements set out in the regulations.

12 Section 47 is amended

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

(1.1) Subject to subsection (1.2) and sections 75, 79 and 81, an elector is eligible to vote only at the voting station for the voting subdivision in which he resides.

(1.2) If a local authority establishes a voting station at a work site, the local authority may direct that those workers who are electors who wish to vote and who are required to work at the site during the hours for which the voting station is open shall vote at that voting station, notwithstanding that those workers do not reside in the voting subdivision in which that voting station is located.

(b) by repealing subsection (4).

13 Section 48(1)(f) is amended by adding “local jurisdiction,” before “ward”.

**9 Section 36 presently reads:**

*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.*

**10 Section 37(1) presently reads:**

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

**11 Section 39 presently reads:**

*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.*

**12 Section 47 presently reads:**

*47(1) A person is eligible to vote in an election held pursuant to this Act if he*

*(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*

*unless another enactment requires him to be a proprietary elector.*

*(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.*

*(3) The Minister may give directions as to any matter or thing requisite for the proper conduct of an election under subsection (2).*

*(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.*

*(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.*

**13 Section 48(1)(f) presently reads:**

*48(1) For the purposes of this Act, the place of residence is governed by the following rules:*

*(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*

14 Section 67 is amended by renumbering it as section 67(1) and by adding the following after subsection (1):

(2) Notwithstanding subsection (1), the officer presiding at the voting station may authorize a person temporarily to observe the voting procedures from a location within the voting station designated by the officer.

(3) The officer shall not designate a location under subsection (2) that would allow the observer to see how electors mark their ballots.

(4) A person permitted to be present in the voting station pursuant to subsection (2) shall leave the voting station on the request of an officer.

15 Section 69 is amended

(a) in subsection (1) by striking out "If a person, at any time during voting hours," and substituting "If, at any time during voting hours, a person who is at least 18 years old";

(b) by adding the following after subsection (1):

(1.1) Before a person is recognized as an agent he shall make and subscribe before an officer at the voting station a declaration in the prescribed form.

16 Section 70 is amended by adding the following after subsection (1):

(1.1) A person named in a request under subsection (1) shall not be appointed unless he is at least 18 years old.

*ward or voting subdivision he must declare 1 as his residence for the purpose of this Act.*

**14** Section 67 presently reads:

*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.*

**15** Section 69 presently reads:

*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.*

**16** Section 70(1) presently reads:

*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*

17 *Section 73 is amended by adding the following after subsection (2):*

(3) The resolution under subsection (1) shall state the days and the hours when the advance vote will be held.

18 *Section 74 is repealed and the following is substituted:*

**74** Notice of the days, the locations of the voting stations and the hours fixed for an advance vote shall be given in the form prescribed for use under section 35

(a) by publishing the notice at least 1 week before the date set for the advance vote in a newspaper circulating in the area, or

(b) by posting the notice in at least 4 widely separated and conspicuous places in the voting subdivision at least 1 week before the date set for the advance vote

or by both publishing and posting the notice and the notice may be published and posted as many additional times as the returning officer considers desirable.

19 *Section 75(3) is amended by striking out “ballots on” and substituting “ballots at the close of the voting stations on”.*

20 *Section 76(c) is amended*

(a) *by striking out “election officials” and substituting “officers”;*

(b) *by adding “or (3.1)” after “section 83(3)”.*

21 *Section 77 is amended by striking out “Every” and substituting “Subject to section 83(3) or (3.1), every”.*

22 *Section 79(6) is repealed and the following is substituted:*

(6) A ballot box used in an election under this section shall be sealed on completion of the voting so that no ballots can be

*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.*

**17** Section 73 presently reads:

*73(1) An elected authority may by resolution provide for holding an advance vote on any vote to be held in an election.*

*(2) No advance vote shall be held within 24 hours of election day.*

**18** Section 74 presently reads:

*74 Notice of the time and place fixed for an advance vote shall be given as prescribed in section 35.*

**19** Section 75(3) presently reads:

*(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 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.*

**20** Section 76 presently reads:

*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).*

**21** Section 77 presently reads:

*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.*

**22** Section 79 presently reads:

*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*

deposited in it without breaking the seal and it shall remain sealed until opened for the counting of ballots at the close of the voting stations on election day.

23 *Section 81(2) is repealed.*

24 *Section 82(1) is repealed and the following is substituted:*

**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, except that

- (a) candidates or agents are not entitled to be present at the voting, and
- (b) the ballot boxes shall not be opened until the close of the voting stations on election day.

*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.*

**23** Section 81 presently reads:

*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*

*(b) take the votes of any of those patients who express a desire to vote.*

*(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.*

**24** Section 82 presently reads:

*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.*

*(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.*

25 *Section 83 is amended*

(a) *by adding the following after subsection (3):*

(3.1) If an elector is appointed as an officer in a local jurisdiction other than the one in which he is eligible to vote, the returning officer of that local jurisdiction shall provide him with a certificate making him eligible to vote at an advance vote and he may vote at an advance voting station for the local jurisdiction of which he is an elector without the necessity of completing the declaration required by section 77.

(b) *in subsection (4) by striking out “employee who is given a certificate” and substituting “officer”.*

26 *Section 84(2) is repealed and the following is substituted:*

(2) Notwithstanding any other provision of this Act, the by-law referred to in subsection (1) shall prescribe

- (a) the form of the ballot,
- (b) directions for the marking of a ballot by an elector, and
- (c) directions for the voting procedures to be used including the procedures to be followed
  - (i) in the taking of the votes by any of the means provided for in subsection (1),
  - (ii) in the examination of the ballots, by machine or otherwise, to determine which votes should be declared void,
  - (iii) in the counting, by machine or otherwise, of the votes taken by any of the means provided for in subsection (1), and
  - (iv) if a returning officer makes a recount pursuant to section 98, in the recounting, by machine or otherwise, of the votes taken by any of the means provided for in subsection (1),

and the by-law shall as nearly as possible follow the provisions of this Act.

27 *Section 85(1)(a) is repealed and the following is substituted:*

(a) at least 1 and any additional officers that he considers necessary, and

**25** Section 83 presently reads:

*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.*

*(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.*

*(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.*

*(4) Section 58 does not apply to an employee who is given a certificate.*

**26** Section 84 presently reads:

*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.*

*(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*

*(a) in the taking of the votes by any of the means provided in subsection (1), and*

*(b) in the counting, by machine or otherwise, of the votes taken by any of the means provided in subsection (1),*

*and the procedures shall as nearly as possible follow the provisions of this Act.*

*(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).*

**27** Section 85(1) presently reads:

*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.*

28 *Section 88 is amended*

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

(i) the number of ballots not accounted for.

(b) *in subsection (2) by adding the following after clause (i):*

(j) the number of ballots not accounted for.

29 *Section 95(1) is amended by adding “and in the event of an equality of votes section 99 applies” after “elected”.*

30 *Section 97(1) and (2) are repealed and the following is substituted:*

**97(1)** The returning officer may publish unofficial results of the counting of ballots after an election as the results are received from voting stations.

(2) The returning officer shall, at noon on the 4th day after election day, at the office of each local jurisdiction for which an election was held,

(a) announce or cause to be announced, or

(b) post or cause to be posted

a statement of 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.

**28** Section 88 presently reads:

*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".*

**29** Section 95(1) presently reads:

*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.*

**30** Section 97(1) and (2) presently read:

*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.*

*(2) If there is more than 1 voting station, the returning officer shall, at noon on the 4th day after the election day*

- (a) at the local jurisdiction office, in the presence of the candidates or their agents and any other persons present, announce, or*
- (b) at the office of each local jurisdiction for which an election was held, post or cause to be posted,*

*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.*

31 Section 98 is amended

(a) by repealing subsection (1) and substituting the following:

**98(1)** The returning officer may make a recount if

(a) a candidate or, in the case of a vote on a by-law or question, an agent appointed pursuant to section 70(1) shows grounds that the returning officer considers reasonable for alleging that the record of the result of the count of votes at any voting station is inaccurate, or

(b) the returning officer considers that the number of ballots

(i) objected to but counted, or

(ii) rejected and not counted

was sufficient to affect the result of the election if they had not been counted or rejected, as the case may be.

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

(a) 12 hours before the recount, notify

(i) any candidates who may be affected by the recount or, in the case of a vote on a by-law or question, 1 agent in support of the passage of the by-law or voting in the affirmative on the question and 1 agent in opposition to the passage of the by-law or voting in the negative on the question, and

(ii) those officers that he considers necessary to assist in the recount,

(c) in subsection (4) by striking out “by a candidate during the 72-hour period” and substituting “during the 48 hours”;

(d) by adding the following after subsection (4):

(5) The returning officer shall complete the recount

(a) in the case of an election other than a vote on a by-law or question, prior to the time set for the declaration of the results under section 97(2), or

(b) in the case of a vote on a by-law or question, within 96 hours of the close of the voting stations on election day.

(6) A declared vote under section 99 at the original count of ballots shall be counted at the recount of ballots only if the recount confirms the equality of votes among the same candidates as at the original count.

(7) If the recount results in an equality of votes different from the result of the original count and it is necessary to determine which candidate is elected, section 99 applies.

(8) If votes have been taken and counted under section 84, a reference in this section to a voting station shall be deemed to include the place where the votes were counted.

**31** Section 98 presently reads:

*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.*

32 *Section 102 is amended*

(a) *in subsection (1) by striking out “any ballots” and substituting “the contents of a ballot box”;*

(b) *in subsection (2) by striking out “ballots” and substituting “contents of a ballot box”.*

33 *Section 103(1) is amended*

(a) *by striking out “15 days from the time of the public declaration of the result of an election by the returning officer” and substituting “19 days of the close of the voting stations on election day”;*

(b) *in clause (a) by striking out “stating” and substituting “alleging reasonable grounds for believing”.*

34 *Section 126(1) is amended by adding “or district board or a school representative to a board of education under the County Act” after “elected authority”.*

35 *Section 150(3) is repealed and the following is substituted:*

(3) No person shall

(a) during the hours when a voting station is open, canvass or solicit votes in or immediately adjacent to a building where the voting station is located, or

(b) make any communication to an elector in a voting station respecting the election otherwise than through the deputy.

(3.1) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (3) applies only to the store, office or facility comprising the area used as a voting station.

36 *Section 153 is amended by adding the following after subsection (1):*

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

**32** Section 102(1) and (2) presently read:

*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 ballots 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.*

**33** Section 103(1) presently reads:

*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.*

**34** Section 126(1) presently reads:

*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.*

**35** Section 150(3) presently reads:

*(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.*

**36** Section 153 presently reads:

*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.*

37 *Section 160 is amended*

(a) *in subsection (1) by striking out “On the application of an elected authority, the” and substituting “The”;*

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

(2) **The Minister may make regulations**

(a) **prescribing forms and their contents for use under this Act;**

(b) **respecting standards for ballot boxes.**

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

*(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.*

*(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.*

**37** Section 160 presently reads:

*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.*

*(2) The Minister may make regulations prescribing forms for use under this Act.*