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THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 1

SENATORIAL SELECTION ACT

THE PREMIER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 1

BILL 1

1989

SENATORIAL SELECTION ACT

(Assented to _____, 1989)

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Preamble

WHEREAS the Legislative Assembly of Alberta on May 27, 1985 and March 10, 1987 expressed unanimously its resolve to achieve an elected Senate with equal and effective provincial representation; and

WHEREAS in the *1987 Constitutional (Meech Lake) Accord* the First Ministers of Canada agreed, as an interim measure until Senate reform is achieved, that any person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted by the government of the province to which the vacancy relates; and

WHEREAS it is appropriate that persons whose names are submitted to the Queen's Privy Council for appointment to the Senate be determined by the people of Alberta by democratic election;

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

Definitions

1(1) In this Act,

(a) "candidate" means a person

(i) who is nominated as a candidate,

(ii) who is nominated by a registered political party for endorsement as the official candidate of that party, or

(iii) who, on or after the date of issue of a writ for an election, declares himself to be an independent candidate at the election;

(b) “election” means an election under this Act;

(c) “election officer” means an election officer under the *Election Act* or an officer under the *Local Authorities Election Act*, as the case may be;

(d) “electoral division” means an electoral division under the *Electoral Divisions Act*.

(2) For the purposes of this Act, a document that is required to be filed with the Chief Electoral Officer is filed when it is actually received by the Chief Electoral Officer.

(3) Except as provided in this Act, words and phrases used in this Act have the meanings given to them in the *Election Act*.

PART 1 GENERAL

Definitions

2 In this Part,

(a) “polling day” includes “election day” as defined in the *Local Authorities Election Act*;

(b) “polling place” includes “voting station” as defined in the *Local Authorities Election Act*;

(c) “returning officer” means a returning officer under the *Election Act* or the *Local Authorities Election Act*, as the case may be.

Submission to Privy Council

3 Persons declared elected under this Act shall have their names submitted by the Government of Alberta to the Queen’s Privy Council as persons who may be summoned to the Senate of Canada for the purpose of filling vacancies relating to Alberta.

Application of Election Act

4 For the purposes of this Part, sections 52.1, 52.2, 62, 79, 80, 142 to 146 and 148 to 149.1 and Parts 5 to 9, except section 179(2)(c), of the *Election Act* apply to an election under this Act.

Authorization to commence election

5(1) If there are one or more vacancies in the Senate of Canada relating to Alberta, an election may be commenced at any time by the passing of an order of the Lieutenant Governor in Council

(a) setting out whether the election under this Act is to be held

(i) in conjunction with a general election under the *Election Act*,

(ii) separately on a date provided for in the order, or

(iii) in conjunction with a general election under the *Local Authorities Election Act*;

(b) authorizing the issue of a writ of election in the prescribed form and addressed to the Chief Electoral Officer;

(c) setting out the number of persons to be elected;

- (d) appointing nomination day;
- (e) if voting is necessary, appointing the day on which voting is to take place.

(2) Where an election is to be held in conjunction with a general election under the *Election Act*,

- (a) the order shall be made not later than 3 days after the issue of the writ of election under the *Election Act*,
- (b) nomination day shall be the same day as nomination day for the general election under the *Election Act*, and
- (c) if voting is necessary, polling day shall be the same day as the day on which voting is to take place for the general election under the *Election Act*.

(3) Where an election is to be held separately on a date provided for in the order, the order

- (a) shall appoint the 14th day after the date of the writ as nomination day, and
- (b) shall provide that, if voting is necessary, the 14th day after nomination day or if the 14th day is a holiday, then the next following day not being a holiday shall be the day on which voting is to take place.

(4) Where the election is to be held in conjunction with a general election under the *Local Authorities Election Act*, the order

- (a) shall be made not later than the 3rd Monday in September,
- (b) shall appoint the 3rd Monday in October as election day, and
- (c) shall appoint the first Monday in October as nomination day.

Issue of writ

6(1) On receipt of an order under section 5, the Chief Electoral Officer shall

- (a) advise each returning officer that a writ has been issued, and
- (b) transmit a copy of the writ to each returning officer.

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

Persons ineligible to be election officers

7 For the purposes of this Act, a member of the Senate of Canada may not be appointed as an election officer for the purpose of conducting an election.

Eligibility for nomination

8 A person is eligible to be nominated as a candidate in an election

- (a) if, on the day the nomination paper is filed, the person
 - (i) meets the qualifications set out in section 23 of the *Constitution Act, 1867*,
 - (ii) is not a Member of the House of Commons or Senate of Canada, and
 - (iii) is not a Member of the Legislative Assembly.

(b) in the case of an election that is being held in conjunction with a general election under the *Election Act*, if the person is not a candidate at the general election under that Act,

(c) in the case of an election that is being held in conjunction with an election under the *Local Authorities Election Act*, if the person is not a candidate at a general election under that Act,

(d) if the person is not prohibited from being a candidate for an election under the *Election Act* under section 52.1, 52.2, 173 or 175 of that Act,

(e) if the person is not prohibited from being a candidate for an election under this Act under section 52.1, 173 or 175 of the *Election Act*, and

(f) if the person is and has been ordinarily resident in Alberta for at least 6 months immediately preceding polling day.

Nomination of candidates

9(1) At any time following publication of the proclamation and prior to 2 p.m. of the date fixed for the closing of nominations, 1500 or more electors may nominate a person eligible to be a candidate as a candidate by signing a nomination paper in the prescribed form and filing it with the Chief Electoral Officer.

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

(3) A person who

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

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

ceases to be a candidate on the closing of nominations.

Official agents of candidates

10(1) Each person being nominated as a candidate shall appoint an elector to be his official agent on his nomination and shall include the name, address and telephone number of the person so appointed in the appropriate place on the nomination form.

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

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

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

Filing nomination papers

11(1) A nomination paper is not valid and shall not be filed unless

(a) it states an address within Alberta at which documents may be served and notices given respecting the candidate,

(b) it contains the appointment, name, address and telephone number of the official agent immediately followed, subject to clause

(c), by the signature of the person being nominated,

(c) the person being nominated confirms by written communication

- (i) that he is eligible under section 8 for nomination,
- (ii) that he consents to his nomination,
- (iii) the appointment of his official agent, and
- (iv) that he is the officially endorsed candidate of a registered political party or is an independent candidate,

and the confirmation is filed with the nomination paper,

(d) it is accompanied by an affidavit in the prescribed form of each elector who witnessed the signatures of the electors nominating the candidate,

(e) the candidate is a registered candidate under the *Election Finances and Contributions Disclosure Act* for the purposes of an election under this Act,

(f) it is accompanied by a deposit of \$4000, and

(g) it is filed with the Chief Electoral Officer prior to 2 p.m. of the date fixed for the closing of nominations.

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

(3) On the filing of a valid nomination paper, the Chief Electoral Officer shall give a receipt in the prescribed form, which is proof of receipt of the deposit and of the filing of the nomination paper.

Deposit of candidate

12(1) The Chief Electoral Officer shall not accept a deposit tendered under section 11(1)(f) unless it consists of

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

(2) The deposit received under section 11(1)(f) shall be refunded to the candidate if he

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

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

(4) A deposit that is not refunded under this section shall be deposited in the General Revenue Fund.

Material to be provided to candidate

13 The Chief Electoral Officer, on filing a nomination paper, shall provide to the candidate the name, address and telephone number of each returning officer.

Election by
acclamation

14 If the number of candidates nominated by the closing of nominations equals or is less than the number of persons to be elected, the Chief Electoral Officer shall

- (a) immediately declare the candidate or candidates elected, and
- (b) make his return in the prescribed form certifying the election of the candidate or candidates.

Necessity of poll

15(1) An election is necessary if the number of candidates nominated by the closing of nominations exceeds the number of persons to be elected.

(2) If an election is necessary, the returning officer shall, immediately after the closing of nominations, give notice of it in the prescribed form by publishing a notice in one or more newspapers of general circulation

- (a) in the electoral division, in the case of an election held in accordance with Part 2, and
- (b) in the local jurisdiction, in the case of an election held in accordance with Part 3.

(3) The returning officer may post copies of the notice of poll where he considers they will serve to provide information to the public.

Withdrawal of
candidate

16(1) At any time after the filing of his nomination paper but not later than 48 hours before the opening of the polls on polling day, a candidate may withdraw by filing with the Chief Electoral Officer a declaration to that effect signed by the candidate and having his signature witnessed.

(2) If after a candidate withdraws the number of candidates equals or is less than the number of persons to be elected, the Chief Electoral Officer shall proceed in accordance with section 14.

(3) If

- (a) a candidate withdraws after the ballots are printed, and
- (b) there remain more candidates than the number of persons to be elected,

the Chief Electoral Officer shall advise each returning officer of the withdrawal and, if there is sufficient time, the returning officer shall prepare a notice of withdrawal and distribute a copy to each deputy returning officer, who shall post it in a conspicuous location in his polling place.

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

Death of
candidate

17(1) If a candidate dies after being nominated and prior to the closing of the polling places on polling day, the election is cancelled.

(2) Nomination of candidates previously filed remain valid for a period of 6 months following the date the election is cancelled.

Close of nominations

18(1) At 2 p.m. on the date fixed for the closing of nominations, the Chief Electoral Officer shall, at the place fixed for the filing of nominations,

- (a) declare the nominations closed,
- (b) announce the names of all officially nominated candidates,
- (c) announce the name, address and telephone number of each candidate's official agent, and
- (d) announce the polling date and the date, time and place at which the official results of the election will be announced.

(2) On complying with subsection (1), the Chief Electoral Officer shall, as soon as possible,

- (a) make available a list of the candidates to each candidate or his official agent, and
- (b) publish in the prescribed form the names and addresses of the candidates' official agents in one or more newspapers of general circulation
 - (i) in the electoral division, in the case of an election held in accordance with Part 2, and
 - (ii) in the local jurisdiction, in the case of an election held in accordance with Part 3.

Explanatory note on ballot

19 Every ballot used in an election 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.

Printing of ballots

20(1) The Chief Electoral Officer shall have the ballots for use in the election printed.

(2) The printer shall deliver to the Chief Electoral Officer with the printed ballots a completed and executed Affidavit of Printer in the prescribed form.

(3) The Chief Electoral Officer shall provide each returning officer with a sufficient quantity of ballots and shall maintain a record of the number provided and their serial numbers.

(4) Notwithstanding section 79(8) of the *Election Act*, for the purposes of this Act, each ballot shall have printed on its back the year of the election and the words "Senatorial Selection".

Conduct of official count

21(1) Each returning officer shall, within 4 days after the vote has taken place, submit to the Chief Electoral Officer the Statement of Official Results prepared by him.

(2) The Chief Electoral Officer shall add together the results of the official counts as set out in the Statements of Official Results as prepared by the returning officers in order to determine which candidate or candidates received the most votes.

(3) The Chief Electoral Officer shall give written notice to each candidate or his official agent of the place, date and hour of commencement of the addition referred to in subsection (2).

(4) If it appears on the addition of the votes that 2 or more candidates received the same number of votes, and if it is necessary for determining which candidate is elected, the Chief Electoral 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 draw one of the sheets, and the Chief Electoral Officer shall declare the candidate whose name appears on the drawn sheet to have one more vote than the other candidate or candidates, as the case may be.

(5) The drawn sheet shall be sealed in an envelope marked with the words "Declared Vote" and kept separate from the other ballots.

(6) On completing the addition, the Chief Electoral Officer shall provide to each candidate or his official agent a Certificate and Return in the prescribed form indicating the number of votes for each candidate and the name of the candidate or candidates to be declared elected pursuant to section 22.

(7) On complying with subsection (6), the Chief Electoral Officer shall prepare a Declaration of Official Results.

(8) The Chief Electoral Officer shall provide a copy of the Declaration of Official Results to the Provincial Archives after each election.

Announcement of
official results

22(1) The Chief Electoral Officer shall attend at the place, date and time stated in the election proclamation to announce the official results of the election and declare which candidate or candidates are elected.

(2) Where only one person is to be elected, the candidate with the highest number of votes shall be declared elected.

(3) Where more than one person is to be elected, the candidate with the highest number of votes shall be declared elected and the candidate with the next highest number of votes shall be declared elected and so on until the number of candidates to be elected at the election are declared elected.

(4) The Chief Electoral Officer shall retain his Declaration of Official Results for a period of 10 days after announcing the official results of the election to allow for possible appeals or applications for a recount of the votes.

Transmission of
materials to Chief
Electoral Officer

23 Immediately after the official count by the returning officer is completed, the returning officer shall transmit to the Chief Electoral Officer all election materials referred to in section 139 of the *Election Act* in the ballot boxes appropriately sealed and labelled.

Disclaimer

24(1) A candidate who has been declared elected under this Act may request that his name not be submitted to the Queen's Privy Council by filing a disclaimer in the prescribed form with the Chief Electoral Officer at any time after he is declared elected and before his name is submitted by the Government of Alberta to the Queen's Privy Council.

(2) The filing of a disclaimer under subsection (1) does not affect any application for an appeal or recount by another candidate or the right of that other candidate to be declared elected if his application or appeal is successful.

25(1) Notwithstanding section 142 of the *Election Act*, for the purposes of this Act,

(a) an appeal may be commenced within 8 days after the date the Chief Electoral Officer announces the results of the official count and declares one or more candidates elected;

(b) an appeal from a decision of the Chief Electoral Officer may also be made in relation to the addition of the results contained in the Statements of Official Results;

(c) the Chief Electoral Officer shall also be given notice of the time and place appointed for hearing and determining the appeal.

(2) Notwithstanding section 143 of the *Election Act*, for the purposes of this Act,

(a) where a recount of all the votes is required the Chief Electoral Officer shall attend at the time and place appointed for hearing and determining the appeal but the Court shall determine which returning officers or election clerks, if any, are required also to attend;

(b) where the applicant is limited to a decision of a returning officer only the returning officer and the Chief Electoral Officer are required to attend;

(c) the Chief Electoral Officer shall bring all the ballot boxes and documents required for the purposes of disposing of the matter.

(3) Notwithstanding section 144 of the *Election Act*, for the purposes of this Act, the judge shall also hear and determine appeals from the decision of the Chief Electoral Officer.

(4) The judge shall verify and, if necessary, amend the Declaration of Official Results.

(5) Notwithstanding section 145 of the *Election Act*, for the purposes of this Act,

(a) on conclusion of the appeal, the judge shall immediately certify the result to the Chief Electoral Officer, who shall declare elected the candidate or candidates who, taking into account all appeal results, received the largest number of votes;

(b) on conclusion of a recount, the judge shall immediately certify the result to the Chief Electoral Officer, who shall, on the 3rd day thereafter, unless he is served with a notice of appeal within that period, declare elected the candidate or candidates who pursuant to the recount received the largest number of votes;

(c) if, on a recount, an equality of votes exists for 2 or more candidates, the "Declared Vote" drawn pursuant to section 21(4) shall be counted.

(6) Notwithstanding section 146 of the *Election Act*, for the purposes of this Act,

(a) the Chief Electoral Officer shall also be served with a notice of appeal and shall be notified of the date of the hearing,

(b) subsection (5)(c) applies,

(c) on determining the appeal, the result shall be certified to the Chief Electoral Officer, who shall declare elected the candidate or candidates who pursuant to the appeal received the highest number of votes, and

(d) if a decision of the Court of Appeal is successfully appealed to the Supreme Court of Canada, then on receipt by the Chief Electoral Officer of a certified copy of the judgment of that Court, the Chief Electoral Officer shall declare elected the candidate or candidates who pursuant to the appeal received the highest number of votes.

Publication of elected candidates **26** The Chief Electoral Officer shall cause a notice of the name of the candidate or candidates declared elected under this Act to be published in The Alberta Gazette.

Application of Part 7 of Election Act **27** For the purposes of this Act, the reference in section 179(1) of the *Election Act* to “a candidate as the member of the Legislative Assembly for an electoral division” is a reference to “a candidate at an election under the *Senatorial Selection Act*”.

Candidate contributions **28** For the purposes of this Act, the reference in section 206 of the *Election Act* to “section 15(1)(b)(ii) and (4) of the *Election Finances and Contributions Disclosure Act*” is a reference to “section 15.1(1)(b)(ii) and (3) of the *Election Finances and Contributions Disclosure Act*”.

Regulations **29(1)** The Lieutenant Governor in Council may make regulations

- (a) respecting the amounts of honoraria and fees;
- (b) respecting grants that may be payable to the elected authorities under the *Local Authorities Election Act* that conduct an election in accordance with Part 3;
- (c) respecting rates for the payment of expenses;
- (d) respecting required forms;
- (e) respecting oaths to be used.

(2) The Lieutenant Governor in Council may make regulations respecting any matter not provided for or not sufficiently provided for in this Act, but any regulation made under this subsection ceases to have effect after the last day of the next ensuing session of the Legislature.

(3) The Chief Electoral Officer may adopt any form or oath prescribed under the *Election Act* or *Local Authorities Election Act*, as the case may be, and may make such changes as are necessary so that they may be used under this Act.

(4) The forms used under this Act may be combined with a form used under the *Election Act* or the *Local Authorities Election Act*, as the case may be.

PART 2

ELECTION HELD IN CONJUNCTION WITH PROVINCIAL ELECTION OR ON DATE FIXED BY ORDER

Application of this Part **30** Where an election is held in conjunction with a general election under the *Election Act* or separately on a date provided for in an order under section 5, Part 1 and this Part apply to the election under this Act.

Application of
Election Act

31(1) Except as provided in this Part, Parts 3 and 4 of the *Election Act* apply to an election held in conjunction with a general election under the *Election Act* or held separately on a date fixed in an order under section 5.

(2) For the purposes of this Part, sections 36, 37, 51 to 62, 78 to 80, 97, 122 to 128, 137, 137.1, 140 and 142 to 149.1 of the *Election Act* do not apply.

List of electors

32 The list of electors compiled and revised under the *Election Act* shall be the list of electors for an election under this Act.

Appointment of
returning officers

33 The returning officers appointed under the *Election Act* shall be the returning officers for the purposes of an election under this Act.

Publication of
election
proclamation

34(1) The Chief Electoral Officer shall, as soon as possible following the making of the order referred to in section 5, publish by proclamation in the prescribed form in respect of each electoral division

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

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

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

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

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

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

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

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

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

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

(4) If the information as published is or becomes inaccurate for any reason, the Chief Electoral Officer shall

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

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

- Voting procedure **35**(1) The deputy returning officer shall, without inquiring or ascertaining for whom a voter intends to vote, instruct the voter to
- (a) proceed to one of the polling booths and there, with the marker provided, mark his ballot by placing an “X” in the space opposite the name of the candidate or candidates of his choice,
 - (b) refold the ballot so that the initials, the words “Senatorial Selection” and the year of the election on the back of the ballot and the number on the back of the counterfoil can be seen without unfolding it, and
 - (c) hand the folded ballot to the deputy returning officer.
- (2) An elector may not vote for more than the number of persons to be elected.
- (3) The deputy returning officer, without unfolding the ballot, shall in full view of the voter and all present
- (a) ascertain by examining
 - (i) the initials, and
 - (ii) the number on the counterfoil,
 that it is the same ballot that he provided to the voter,
 - (b) remove and tear up the counterfoil, and
 - (c) place the ballot in the ballot box.

Exception to section 108(5) of Election Act **36** Notwithstanding section 108(5)(a) and (d) of the *Election Act*, for the purposes of this Act, the deputy returning officer shall reject and place in a rejected ballot envelope any ballot

- (a) that does not have on its back the words “Senatorial Selection” and the year of the election, or
- (b) on which more votes are cast than the voter is entitled to cast.

Exception to section 115 of Election Act **37** Notwithstanding section 115 of the *Election Act*, for the purposes of this Act, a voter may mark only the name of the candidate or candidates, as the case may be.

Exception to section 136(6) of Election Act **38** Notwithstanding section 136(6) of the *Election Act*, for the purposes of this Act, the Certificate and Return shall not contain the name of the candidate to be declared elected.

PART 3 ELECTION HELD IN CONJUNCTION WITH MUNICIPAL ELECTIONS

Application of this Part **39** Where an election is held in conjunction with a general election under the *Local Authorities Election Act*, Part 1 and this Part apply to an election under this Act.

Application of Local Authorities Election Act **40**(1) Except as provided in this Part, Parts 2 and 3 and sections 152 to 155 of the *Local Authorities Election Act* apply to an election held in conjunction with an election under the *Local Authorities Election Act*.

(2) For the purposes of this Part, sections 39, 41 to 44, 47(2), (2.1) and (3), 49 to 51, 62, 63, 70, 71, 73, 84, 88(2) and 95 to 102 of the *Local Authorities Election Act* do not apply.

(3) Words and phrases used in this Part have the meanings given to them in the *Local Authorities Election Act*.

Councils to hold election

41(1) Where an election is to be held in accordance with this Part, every council, except the council of a summer village, shall conduct the election under this Act.

(2) The council shall conduct the election notwithstanding that a general election under the *Local Authorities Election Act* is not required.

(3) If the council has entered into an agreement with one or more elected authorities in the same area for the conduct of a general election under the *Local Authorities Election Act*, the elected authority that is responsible for the conduct of the election under the agreement shall conduct the election under this Act.

(4) The Chief Electoral Officer is responsible for conducting the election in accordance with this Part in an improvement district, special area or Indian Reserve or municipality located in a national park as defined in the *National Parks Act* (Canada).

(5) If an election under this Act is held in accordance with this Part in 1989, the Chief Electoral Officer is responsible for conducting the election in the Municipal District of Brazeau No. 77.

(6) The Chief Electoral Officer may enter into an agreement with any other elected authority in the area to conduct the election on his behalf and the elected authority is authorized to enter into such an agreement.

Electors list

42(1) A person ineligible to vote under the *Election Act* is ineligible to vote at an election held in accordance with this Part.

(2) The list of electors, if any, for a local jurisdiction compiled and revised under the *Local Authorities Election Act* shall be the list of electors for the election under this Act.

Appointment of officers

43(1) The officers appointed under the *Local Authorities Election Act* for the general election under that Act shall be the officers for the purposes of an election under this Act.

(2) The officers have the duties and the necessary powers under the *Local Authorities Election Act* to conduct an election under this Act, except where inconsistent with this Act.

Voting subdivisions and stations

44 The voting subdivisions and voting stations established for the purposes of the general election under the *Local Authorities Election Act* are the voting subdivisions and voting stations for the purposes of the election under this Act.

Publication of election proclamation

45(1) The returning officer for each local jurisdiction shall as soon as possible following the date of the order referred to in section 5 publish by proclamation in the prescribed form in respect of that local jurisdiction

(a) the place and hours fixed for the nomination of candidates and the date fixed for the closing of nominations.

- (b) the date of election day and the hours at which the polling stations will open and close, if voting is necessary,
- (c) the place, date and time for announcing the results of the official count, that date being the 10th day after election day, and
- (d) the name, address and telephone number of the returning officer.

(2) The proclamation referred to in subsection (1) shall be published by

- (a) posting a copy of it in the office of the returning officer, and
- (b) publishing a copy of it in one or more newspapers of general circulation within the local jurisdiction.

(3) A returning officer may post additional copies of the proclamation at other places in the local jurisdiction where he considers they will be reasonably safe from damage and will serve to provide information to the public.

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

- (a) publish details of the correction in the newspaper in which the proclamation was published under subsection (2), and
- (b) immediately provide to all candidates or their official agents written details of the correction.

Marking of ballots

46(1) 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 by placing an "X" on the right-hand side opposite the name of the candidate of his choice.

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

- (a) to conceal the names of the candidates 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.

(3) 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.

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

References to section 35 of Local Authorities Election Act

47 For the purposes of this Part, a reference in the *Local Authorities Election Act* to section 35 of that Act is a reference to section 15(2) of this Act.

Exception to section 45 of Local Authorities Election Act

48 Notwithstanding section 45 of the *Local Authorities Election Act*, the deputy returning officer shall publish a copy of the bulletin referred to in section 86(1)(c) of the *Election Act*.

- Ballot boxes **49**(1) Notwithstanding section 39 of the *Local Authorities Election Act*, for the purposes of this Act, the Chief Electoral Officer shall provide sufficient ballot boxes to the returning officers.
- (2) The ballot boxes shall meet the specifications for ballot boxes under the *Election Act*.
- Entries in voting register **50** Notwithstanding section 59 of the *Local Authorities Election Act*, for the purposes of this Part, the officer shall place a check mark opposite the name of every elector receiving a ballot at the time he receives it to denote that the elector has received a ballot.
- Advance polls **51**(1) An elected authority who is conducting an election under this Act may by resolution provide for the holding of an advance vote.
- (2) An advance poll may be held only on the Thursday, Friday and Saturday immediately prior to election day.
- Incapacitated elector at home **52** For the purposes of this Part, if an elected authority provides under section 79 of the *Local Authorities Election Act* for the taking of votes of electors who because of physical incapacity are unable to attend a voting station or an advance voting station to vote, the resolution applies in respect of taking a vote at an election under this Act.
- Conduct of official count **53**(1) The returning officer for each local jurisdiction shall provide adequate quarters and facilities for receiving and conducting the official count of the ballots received from all the deputy returning officers in his jurisdiction.
- (2) The returning officer shall give written notice to each candidate or his official agent of the place, date and hour of commencement of the official count.
- (3) No person may be allowed in the room where an official count is being conducted except
- (a) the returning officer and election clerk,
 - (b) deputy returning officers in the discharge of their duties, and
 - (c) the candidates, their official agents or electors appointed in writing by the candidates, or all of them.
- (4) In conducting the official count the returning officer, in the presence of the election clerk, shall open each ballot box and remove the deputy returning officer's ballot of account and the packets of ballots and shall
- (a) check the deputy returning officer's ballot account with the ballots accompanying it,
 - (b) make a note on the register of every objection to a ballot taken by or on behalf of a candidate,
 - (c) decide any questions arising out of an objection regardless of whether a decision was made by the deputy returning officer in the first instance, and
 - (d) complete an official count of the votes.
- (5) The decision of the returning officer under subsection (4)(c) is final, subject only to an appeal or recount under this Act.

- Official count of returning officer **54**(1) On completing the official count the returning officer shall provide to each candidate or his official agent a Certificate and Return in the prescribed form indicating the number of votes counted for each candidate.
- (2) On complying with subsection (1), the returning officer shall prepare the prescribed Statement of Official Results.
- Transmission of election materials **55** Immediately after the official count by the returning officer is completed, the returning officer shall transmit to the Chief Electoral Officer all election materials referred to in section 93 of the *Local Authorities Election Act* in the ballot boxes appropriately sealed and labelled.
- Consequential **56** *The Alberta Corporate Income Tax Act is amended by repealing section 24(2)(a) and (b) and substituting the following:*
- (a) in the case of a registered party, a registered constituency association or a registered candidate who is a candidate under the *Election Act*, for contributions made on or after January 1, 1982,
- (i) 75% of the amount contributed if the aggregate amount of contributions by the corporation does not exceed \$150,
 - (ii) \$112.50 plus 50% of the amount contributed in excess of \$150 if the aggregate amount of contributions by the corporation exceeds \$150 but does not exceed \$825, or
 - (iii) the lesser of
 - (A) \$750, and
 - (B) \$450 plus 33 1/3% of the amount contributed in excess of \$825,
 if the aggregate amount of contributions by the corporation exceeds \$825,
- and
- (b) in the case of a registered party that has nominated a candidate under the *Senatorial Selection Act* or a registered candidate who is a candidate under the *Senatorial Selection Act*, for contributions made on or after January 1, 1989,
- (i) 75% of the amount contributed if the aggregate amount of contributions by the corporation does not exceed \$150,
 - (ii) \$112.50 plus 50% of the amount contributed in excess of \$150 if the aggregate amount of contributions by the corporation exceeds \$150 but does not exceed \$825, or
 - (iii) the lesser of
 - (A) \$750, and
 - (B) \$450 plus 33 1/3% of the amount contributed in excess of \$825,
 if the aggregate amount of contributions by the corporation exceeds \$825,

Consequential

57 *The Alberta Income Tax Act is amended by repealing section 13(2)(a) and (b) and substituting the following:*

(a) in the case of a registered party, a registered constituency association or a registered candidate who is a candidate under the *Election Act*, for contributions made on or after January 1, 1982,

(i) 75% of the amount contributed if the aggregate amount of contributions by the taxpayer does not exceed \$150,

(ii) \$112.50 plus 50% of the amount contributed in excess of \$150 if the aggregate amount of contributions by the taxpayer exceeds \$150 but does not exceed \$825, or

(iii) the lesser of

(A) \$750, and

(B) \$450 plus 33 1/3% of the amount contributed in excess of \$825,

if the aggregate amount of contributions by the taxpayer exceeds \$825,

and

(b) in the case of a registered party that has nominated a candidate under the *Senatorial Selection Act* or a registered candidate who is a candidate under the *Senatorial Selection Act*, for contributions made on or after January 1, 1989,

(i) 75% of the amount contributed if the aggregate amount of contributions by the taxpayer does not exceed \$150,

(ii) \$112.50 plus 50% of the amount contributed in excess of \$150 if the aggregate amount of contributions by the taxpayer exceeds \$150 but does not exceed \$825, or

(iii) the lesser of

(A) \$750, and

(B) \$450 plus 33 1/3% of the amount contributed in excess of \$825,

if the aggregate amount of contributions by the taxpayer exceeds \$825,

Consequential

58 *The Election Act is amended*

(a) in section 4(1)

(i) in clause (a), by adding “and the *Senatorial Selection Act*” after “this Act”;

(ii) in clause (b), by striking out “the Act” and substituting “this Act and the *Senatorial Selection Act*”;

(iii) in clause (c) by adding “and the *Senatorial Selection Act*” after “Act”;

(b) in section 4(3) by striking out “plebiscite, prepare” and substituting “plebiscite under this Act and the *Senatorial Selection Act*, prepare”;

(c) in section 7(1) by adding “and the *Senatorial Selection Act*” after “this Act”;

(d) in section 52(d) by adding “under this Act or the *Senatorial Selection Act*” after “candidate”.

Consequential **59(1)** *The Election Finances and Contributions Disclosure Act* is amended by this section.

(2) *Section 1(1)* is amended

(a) by repealing clause (d) and substituting the following:

(d) “candidate” means

(i) with respect to an election under the *Election Act*, a person

(A) who is a member of the Legislative Assembly,

(B) who is nominated as a candidate for an electoral division in accordance with the *Election Act*,

(C) who is nominated by a constituency association of a registered party in an electoral division for endorsement as the official candidate of that party in the electoral division, or

(D) who, on or after the date of the issue of a writ for an election in an electoral division, declares himself to be an independent candidate at the election in the electoral division;

(ii) with respect to an election under the *Senatorial Selection Act*, a person

(A) who is nominated as a candidate,

(B) who is nominated by a registered political party for endorsement as the official candidate of that party, or

(C) who, on or after the date of issue of a writ for an election, declares himself to be an independent candidate at the election;

(b) by repealing clause (g) and substituting the following:

(g) “election” means

(i) an election of a person as a Member of the Legislative Assembly conducted under the *Election Act*, and

(ii) an election of a person under the *Senatorial Selection Act*;

(c) by repealing clause (j) and substituting the following:

(j) “general election” means a general election as defined in the *Election Act* and includes an election under the *Senatorial Selection Act*;

(d) in clause (l) by adding “or the *Senatorial Selection Act*, as the case may be,” after “Act”.

(3) *Section 3(1) is amended by striking out “and the Election Act” and substituting “, the Election Act and the Senatorial Selection Act”.*

(4) *Section 8(2) is amended*

(a) *in clause (a) by striking out “that the candidate” and substituting “that, in the case of a candidate under the Election Act, the candidate”;*

(b) *by adding the following after clause (a):*

(a.1) *that, in the case of a candidate under the Senatorial Selection Act, the candidate*

(i) *has been nominated as a candidate in accordance with the Senatorial Selection Act,*

(ii) *has been nominated by a named registered party for endorsement as the official candidate of that party and has enclosed with his application a statement to that effect attested by one of the principal officers of the registered party, or*

(iii) *has, after the date of the issue of a writ for an election, declared himself to be an independent candidate at the election;*

(5) *Section 9 is amended*

(a) *in subsection (2) by adding “or the Senatorial Selection Act” after “Election Act” wherever it occurs;*

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

(3.1) *If a constituency association or a person acting for the constituency association accepts contributions in respect of an election under the Senatorial Selection Act, the Chief Electoral Officer may cancel the registration of the constituency association.*

(6) *Section 11 is amended by adding the following after subsection (3):*

(4) *Notwithstanding subsections (2) and (3), funds held by a candidate under the Senatorial Selection Act may not be transferred or paid to a registered constituency association.*

(7) *Section 15(1) is amended by striking out “Contributions” and substituting “For the purposes of an election under the Election Act, contributions”.*

(8) *The following is added after section 15:*

15.1(1) *For the purposes of an election under the Senatorial Selection Act, contributions by any person, corporation, trade union or employee organization to registered parties or registered candidates shall not exceed*

(a) *in any year, \$15 000 to each registered party, and*

(b) *in any campaign period,*

(i) *\$30 000 to each registered party less any amount contributed to the party in that calendar year under clause (a), and*

(ii) \$1500 to any registered candidate.

(2) No contributions may be made to a candidate except during a campaign period.

(3) Any money paid during a campaign period by a candidate out of his own funds for the purposes of his campaign

(a) is a contribution for the purposes of this Act, and

(b) shall be paid into a depository of the candidate on record with the Chief Electoral Officer.

(9) *The following is added after section 16:*

16.1(1) No registered party or registered candidate and no person on its or his behalf shall knowingly accept any contributions in excess of the limits imposed by section 15.1.

(2) If the chief financial officer learns that a contribution was accepted by or on behalf of the registered party or registered candidate for whom he acts in excess of the limits imposed by section 15.1, he shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.

16.2(1) No constituency association or person acting for the constituency association may, in respect of an election under the *Senatorial Selection Act*, accept contributions for the registered party or for the candidate.

(2) If the chief financial officer learns that a contribution was accepted by a registered constituency association or by a person acting for the constituency association, he shall, within 30 days after learning of it, advise the Chief Electoral Officer in writing of the fact and circumstances.

(10) *The following is added after section 22:*

22.1 A person who makes a contribution under this Act must indicate in writing whether the contribution is being made in respect of an election under the *Election Act* or an election under the *Senatorial Selection Act*.

(11) *Section 26 is amended by adding the following after subsection (4):*

(5) A separate return must be filed for contributions made in respect of an election under the *Election Act* and an election under the *Senatorial Selection Act*.

(12) *Section 27 is amended by adding “and the receipts shall indicate whether they have been issued in respect of an election under the Election Act or an election under the Senatorial Selection Act” after “accepted”.*

(13) *Section 29 is amended by adding the following after subsection (2):*

(2.1) Notwithstanding subsection (1)(b), a registered party may not contribute or transfer to a federal political party any funds that were contributed in respect of an election under the *Senatorial Selection Act*.

(14) *The following is added after section 30:*

30.1 Notwithstanding section 30, no registered party or registered candidate may accept funds from a federal political party registered under the *Election Expenses Act* (Canada) in respect of an election under the *Senatorial Selection Act*.

(15) *The following is added after section 31:*

31.1 Notwithstanding section 31, no constituency association may transfer funds or real or personal property to or accept funds or real or personal property from a registered political party or registered candidate in respect of an election under the *Senatorial Selection Act*.

(16) *Section 34 is amended by adding the following after subsection (2):*

(3) The chief financial officer of each registered party shall file separate audited financial statements relating to the *Election Act* and to the *Senatorial Selection Act*.

(17) *Section 35 is amended by adding the following after subsection (6):*

(7) If an election is held under the *Senatorial Selection Act* and the polling day for that election occurs within 3 months after the polling day for the previous election, the time for compliance with subsection (1)(b) in respect of the previous election is extended to the expiration of the 3-month period after the 2nd election.

(8) A chief financial officer referred to in subsection (1) shall file separate financial statements relating to an election under the *Election Act* and an election under the *Senatorial Selection Act*.

Consequential **60** *The Financial Administration Act is amended in section 26(4)(a) by adding “, the Senatorial Selection Act” after “Election Act”.*

Consequential **61** *The Public Health Act is amended in section 48(1)(b) by adding “and the Senatorial Selection Act” after “Act”.*

Expiry **62** *This Act expires December 31, 1994.*