

1991 BILL 13

Third Session, 22nd Legislature, 40 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 13

MUNICIPAL STATUTES AMENDMENT ACT, 1991

MR. CLEGG

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 13
Mr. Clegg

BILL 13

1991

MUNICIPAL STATUTES AMENDMENT ACT, 1991

(Assented to , 1991)

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

Improvement Districts Act

1(1) The Improvement Districts Act is amended by this section.

(2) Section 3 is amended by striking out "or" at the end of clause (d), adding "or" at the end of clause (e) and adding the following after clause (e):

- (f) establish industrial improvement areas within industrial improvement districts.*

(3) Section 7 is amended by renumbering it as section 7(1) and by adding the following after subsection (1):

(2) A special tax may be imposed and levied throughout an industrial improvement district, or if the Minister has established industrial improvement areas within the industrial improvement district, a separate special tax may be levied for each industrial improvement area.

Explanatory Notes

Improvement Districts Act

1(1) This section will amend chapter I-1 of the Revised Statutes of Alberta 1980.

(2) Provides for the establishment of industrial improvement areas.

(3) Section 7 presently reads:

7 Notwithstanding the Municipal Taxation Act, in an industrial improvement district, the Minister may, by order, impose and levy, in addition to any other taxes authorized by the Municipal Taxation Act, a special tax on

(a) all or part of the assessment of

(i) buildings, structures, machinery, equipment, appliances, working tanks, storage tanks and other things, including their supporting foundations and footings, that form all or part of a unit, and

(ii) buildings and structures, including their supporting foundations and footings, that are used in connection with a unit,

(4) Section 9(4)(b) is repealed and the following is substituted:

- (b) a mobile unit used chiefly as a farm building or farm residence as defined in the *Municipal Taxation Act*, or***

(5) Section 14 is amended

- (a) by striking out “committee” wherever it occurs and substituting “council”;***
- (b) in subsection (1) by adding “improvement” before “district”.***

(6) Section 36 is amended

- (a) in subsection (1) by adding “an advisory council or” after “delegate to”;***
- (b) in subsection (2)***
 - (i) by adding “an advisory council or” after “delegates to”;***
 - (ii) by adding “advisory council or” after “to that”.***

if the unit is designed for or used in the production or transmission of natural resources or derivatives thereof or in processing or manufacturing,

(b) all or part of the assessment of

(i) pipelines, and

(ii) works and transmission lines,

as defined in the Electric Power and Pipe Line Assessment Act, that are assessable under that Act, and

(c) all or part of the assessment of the buildings and structures, including their supporting foundations and footings, used in connection with pipelines and works and transmission lines referred to in clause (b).

(4) Section 9(4)(b) presently reads:

(4) The owner of a mobile unit is not required to have a licence in respect of

(b) a mobile unit used as a farm building or residence in connection with the raising or production of crops, livestock or poultry or in connection with fur production or beekeeping and situated on farm land outside a city, town, new town, village or summer village, or

(5) Section 14 presently reads:

14(1) The Minister may in any district appoint an advisory committee of one or more persons.

(2) The members of the advisory committee may be paid remuneration and expenses as determined by the Minister.

(6) Section 36 presently reads:

36(1) The Minister may in writing delegate to any person any power, duty or function conferred on the Minister by this Act or any other Act relating to improvement districts other than the power to make regulations.

(2) When, pursuant to subsection (1), the Minister delegates to a person any power, duty or function, any reference in an Act to the Minister in connection with that power, duty or function shall be construed as also referring to that person.

Local Authorities Election Act

2(1) The Local Authorities Election Act is amended by this section.

(2) Section 1 is amended

(a) by adding the following after clause (c):

(c.01) “constable” means a person appointed under this Act as a constable;

(b) in clause (p) by striking out “, deputy, election clerk or constable” and substituting “or deputy”.

(3) Section 10 is amended by renumbering it as section 10(1) and by adding the following after subsection (1):

(2) Notwithstanding subsection (1)(a), an elected authority may provide by a by-law passed prior to June 30 of a year in which a general election is to be held that the election day in the local jurisdiction shall be the Saturday immediately preceding the 3rd Monday in October.

(4) Section 13(1) is amended

(a) in clause (a) by striking out “, election clerks”;

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

(b.1) designate at least 2 deputies to work at each voting station, one of whom shall be designated as the presiding deputy, who is to be in charge of the voting station;

(c) in clause (c) by striking out “, copies of sections 116 and 117”.

Local Authorities Election Act

2(1) This section will amend chapter L-27.5 of the Statutes of Alberta, 1983.

(2) Section 1(p) presently reads:

1 In this Act,

(p) "officer" means a returning officer, deputy, election clerk or constable;

(3) Section 10 presently reads:

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.

(4) Section 13(1) presently reads:

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.

(5) Section 14 is repealed.

(6) Section 15(1) is amended by striking out "The deputy is charged" and substituting "The presiding deputy at the voting station is charged".

(7) Section 16 is amended by striking out "election clerk,".

(8) Section 18 is amended

- (a) in subsection (1) by striking out ", election clerk";*
- (b) by repealing subsection (2).*

(9) Section 20 is repealed and the following is substituted:

20 The returning officer is authorized to administer an oath to a person making an oath that is authorized or required by this Act.

(10) Section 21(1) is amended by adding "on nomination day" after "Act if".

(5) Section 14 presently reads:

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.

(6) Section 15(1) presently reads:

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.

(7) Section 16 presently reads:

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.

(8) Section 18 presently reads:

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.

(9) Section 20 presently reads:

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.

(10) Section 21(1) presently reads:

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,

(11) Section 22 is amended

(a) in subsection (1)

(i) by repealing clauses (b) and (c);

(ii) by repealing clause (e) and substituting the following:

(e) he is an employee of the local jurisdiction for which the election is to be held unless he is on a leave of absence granted under this section;

(b) in subsection (1.2) by striking out "Subsection (1)(b), (c) and (f)" and substituting "Subsection (1)(f)";

(c) in subsection (2) by adding the following after clause (l):

(m) that he is a volunteer chief, officer or member of a fire, ambulance or emergency measures organization established by a local jurisdiction or that he is a volunteer for another purpose who performs duties under the direction of the local jurisdiction.

(d) by adding the following after subsection (2):

(3) An employee of a municipality who wishes to be nominated as a candidate in an election to be held for that municipality may apply to the council for a leave of absence without pay on or after July 1 in the year of a general election or on or after the day the council passes a resolution to hold a by-election but before his last working day prior to nomination day.

(4) Notwithstanding any by-law, resolution or agreement of a municipality, the council shall grant every application it receives under this section.

(5) An employee who has been granted a leave of absence is subject to the same conditions that apply to taking a leave of absence without pay for any other purpose.

(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.

(11) Section 22 presently reads:

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

(a) repealed 1986 c24 s28;

(b) he is an undischarged bankrupt;

(c) he is a surety for an appointed official 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 appointed official 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 \$500 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,

(6) If an employee who has been granted a leave of absence is not elected, he may return to work, in the position he had before the leave commenced, on the 5th day after election day or, if the 5th day is not a working day, on the first working day after the 5th day.

(7) If an employee who has been granted a leave of absence is declared elected, he is deemed to have resigned his position as an employee the day he takes the official oath of office as an elected official.

(8) If an employee who has been granted a leave of absence is declared elected but, after a recount under Part 4, is declared not to be elected, the employee may return to work on the first working day after the declaration is made, and subsections (5) and (6) apply.

(9) Subject to subsection (10), an employee who has been granted a leave of absence and is declared elected continues to be deemed to have resigned his position as an employee if he subsequently forfeits his office or if his election is adjudged invalid.

(10) If, through no fault of the employee, an employee forfeits his office or his election is adjudged invalid, the employee may return to work on the first working day after the office is forfeited or the election is adjudged invalid, and subsections (5) and (6) apply.

(ii) is a dentist and a member of the medical staff or dental staff, or

(iii) is an employee

of a hospital or nursing home in respect of which the election is being held.

(1.1) Subsection (1)(h) and (i) do not apply to a candidate for election to a council.

(1.2) Subsection (1)(b), (c) and (f) to (j) do not apply to a candidate for election as a trustee of a school board.

(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

(12) Section 26 is repealed and the following is substituted:

26(1) The returning officer shall, at least 2 weeks prior to nomination day, give notice of nomination day in the prescribed form by publishing a notice at least once in a newspaper or other publication circulating in the area or by mailing or delivering a notice to every residence in the local jurisdiction.

(2) On complying with subsection (1), the returning officer may publish, mail and deliver additional notices and may give notice by any other method as many times as he considers appropriate.

(13) Section 28 is amended

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

- (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 Public Safety 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 or the Rural Utilities 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.*

(12) Section 26 presently reads:

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,*
 - (b) causing an announcement to be made on at least 3 consecutive days on a radio or television station received in the area, or*
 - (c) posting a notice in at least 4 widely separated and conspicuous places in the area,*
- or by more than 1 of the above methods and as many additional times as he considers desirable.*

(13) Section 28 presently reads:

(1.1) Notwithstanding subsection (1), an elected authority may provide by a by-law passed prior to June 30 of a year in which an election is to be held that the returning officer may receive nominations earlier than 10:00 a.m. on nomination day.

(b) *in subsection (3) by striking out "A person" and substituting "After 12 noon on nomination day, a person".*

(14) Section 33 is amended by renumbering it as section 33(1) and by adding the following after subsection (1):

(2) If a candidate dies after being nominated and a by-law has not been passed under subsection (1), the returning officer shall cause a notice of the death to be posted at a conspicuous location in all the relevant voting stations.

(15) Section 35(2) is repealed and the following is substituted:

(2) If an election is required, the returning officer shall give notice of it in the prescribed form by publishing a notice at least once a week in each of the 2 weeks before election day in a newspaper or other publication circulating in the area or by mailing or delivering a notice to every residence in the local jurisdiction at least 2 weeks before election day.

(3) On complying with subsection (2), the returning officer may publish, mail and deliver additional notices and give notice by any other method as many times as he considers appropriate.

(16) Section 40 is amended

28(1) The returning officer shall receive nominations at the local jurisdiction office between 10 a.m. and 12 noon on nomination day.

(2) Any person may file a nomination described in section 27 with the returning officer.

(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.

(14) Section 33 presently reads:

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,

(a) the election for the position for which the deceased candidate was nominated shall be discontinued, and

(b) the elected authority shall as soon as practicable provide for the holding of a new election for that office.

(15) Section 35(2) presently reads:

(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.

(16) Section 40 presently reads:

- (a) *in subsection (1) by striking out "lock the box and place a seal on it to prevent it being" and substituting "close and seal the box so that it cannot be";*
- (b) *in subsection (2) by striking out "locked" and substituting "closed".*

(17) Section 43(4) is repealed.

(18) Section 45(1) is repealed and the following is substituted:

45(1) Before the opening of the voting station the presiding deputy at the voting station shall cause the printed instructions for the electors to be posted within each voting compartment and at a conspicuous location within the voting station and shall ensure that they remain posted there until the close of the voting station.

(19) Section 46 is amended by adding the following after subsection (1):

(1.1) Notwithstanding subsection (1), an elected authority may provide by a by-law passed prior to June 30 in a year in which an election is to be held that the voting station is to be open before 10:00 a.m.

(20) Section 47(2.1) is repealed.

(21) Section 48(1) is amended

- (a) *by repealing clause (a) and substituting the following:*
 - (a) a person may have only one place of residence for the purposes of this Act;

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.

(17) Section 43(4) presently reads:

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

(18) Section 45(1) presently reads:

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 compartment and he shall ensure that they remain posted until the close of the voting station.

(19) Section 46 presently reads:

46(1) Every voting station shall be kept open continuously on election day from 10 a.m. until 8 p.m.

(2) Promptly at 8 p.m. on election day, the deputy shall declare the voting station closed.

(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.

(20) Section 47(2.1) presently reads:

(2.1) A by-law passed under subsection (2) remains in force until repealed.

(21) Section 48(1) presently reads:

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

(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;

- (a.1) the residence of a person is the place where he lives and sleeps and to which, when he is absent, he intends to return;
- (b) *by repealing clauses (d) to (f).*

(22) Section 52 is amended

- (a) *in subsection (1) by striking out "declaration" wherever it occurs and substituting "statement";*
- (b) *in subsection (2) by striking out "declaration" and substituting "statement";*
- (c) *in subsection (3) by striking out "declare" and substituting "make a statement".*

(23) Section 53 is repealed and the following is substituted:

53 If a candidate or his agent objects to a person who makes a statement, a deputy shall note in the voting register the reason for the objection and the name of the candidate or agent making the objection and shall initial the objection.

(24) Section 54 is repealed.

(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 local jurisdiction, ward or voting subdivision he must declare 1 as his residence for the purpose of this Act.

(22) Section 52 presently reads:

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.

(2) Every declaration shall be made in the presence of an officer at the voting station.

(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.

(23) Section 53 presently reads:

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.

(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.

(24) Section 54 presently reads:

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.

(25) Section 59 is amended by striking out “officer shall” and substituting “deputy shall”.

(26) Section 60 is repealed and the following is substituted:

60 When a deputy issues a ballot to an elector it shall be folded and initialled by the deputy so that the initials are visible without opening the ballot.

(27) Section 61 is amended

(a) by striking out “The deputy” and substituting “A deputy”;

(2) If a person is objected to by a candidate or his agent, the deputy shall record the objection in the voting register, write his initials opposite the objection and record the name of the candidate or agent making the objection.

(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".

(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.

(5) The voting register shall be in the prescribed form.

(25) Section 59 presently reads:

59 The officer shall record on the voting register that an elector has received a ballot for any one or more of the following that are applicable to the election:

- (a) mayor;*
- (b) councillors;*
- (c) public school trustees or representatives;*
- (d) separate school trustees or representatives;*
- (e) by-law or question;*
- (f) hospital board member;*
- (g) nursing home board member;*
- (h) money by-law.*

(26) Section 60 presently reads:

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.

(27) Section 61 presently reads:

61 The deputy may, and on request shall, either personally or through his election clerk, explain to an elector as concisely as

(b) *by striking out “, either personally or through his election clerk”;*

(28) *Section 62 is amended by striking out “the officer presiding at the voting station” and substituting “a deputy”.*

(29) *Section 63 is amended*

(a) *in subsection (1) by striking out “officer” wherever it occurs and substituting “deputy”;*

(b) *in subsection (2) by striking out “officer” and substituting “deputy”.*

(30) *Section 66 is repealed and the following is substituted:*

66 If an elector returns a ballot and states that he is declining to vote, the elector is not entitled to another ballot for that office, and the deputy who is supervising at the ballot box shall deposit the declined ballot in the ballot box.

possible the proper method of voting in accordance with the instructions to electors.

(28) Section 62 presently reads:

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.

(29) Section 63 presently reads:

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.

(30) Section 66 presently reads:

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

(31) Section 67 is amended

- (a) in subsection (1) by striking out “election clerk,”;***
- (b) in subsection (2)***
 - (i) by striking out “the officer presiding” and substituting “a deputy”;***
 - (ii) by striking out “by the officer” and substituting “by the deputy”;***
- (c) in subsection (3) by striking out “The officer” and substituting “A deputy”;***
- (d) in subsection (4) by striking out “an officer” and substituting “a deputy”.***

(32) Section 69 is amended

- (a) in subsection (1)***
 - (i) by striking out “person in charge of a voting station” and substituting “presiding deputy”;***
 - (ii) by striking out “person in charge of the voting station” and substituting “presiding deputy”;***
- (b) in subsection (1.1) by striking out “an officer at the voting station a declaration” and substituting “a deputy at the voting station a statement”.***

(33) Section 70 is amended

- (a) in subsection (1) by adding “in writing” after “officer, if requested”;***

(a) shall record in the voting register that the elector has declined to vote, and

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

(31) Section 67 presently reads:

67(1) 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.

(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.

(32) Section 69 presently reads in part:

69(1) If, at any time during voting hours, a person who is at least 18 years old 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.

(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.

(33) Section 70(1) and (4) presently read:

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

- (b) in subsection (4) by striking out “declaration” and substituting “statement”.*

(34) Section 72 is amended

- (a) in subsection (1) by striking out “oath” and substituting “statement”;*
- (b) in subsection (2) by striking out “take an oath” and substituting “make a statement”.*

(35) Section 75 is amended

- (a) in subsection (2) by striking out “deputy in charge of the voting station” and substituting “presiding deputy”;*
- (b) in subsection (3) by striking out “locked” wherever it occurs and substituting “closed”.*

(36) Section 76(c) is amended by adding “or constables” after “officers”.

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.

(4) Before any agent is appointed, he shall make and subscribe before the returning officer a declaration in the prescribed form.

(34) Section 72 presently reads:

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.

(2) Before acting as an interpreter, the interpreter shall take an oath in the prescribed form.

(35) Section 75(2) and (3) presently read:

(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.

(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 at the close of the voting stations on election day.

(36) 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 officers who have been provided a certificate by the returning officer entitling them to vote under section 83(3) or (3.1).

(37) Section 77 is amended

- (a) by striking out “the deputy in charge of the voting station” and substituting “a deputy”;*
- (b) by striking out “declaration” and substituting “statement”.*

(38) Section 78 is amended

- (a) in subsection (2) by striking out “oath” and substituting “statement”;*
- (b) in subsection (3) by striking out “oath” and substituting “statement”;*
- (c) in subsection (4) by striking out “taken their prescribed oaths” and substituting “made the prescribed statements”.*

(39) Section 79(2) is amended by adding “within the time fixed by the resolution” after “to take his vote”.

(40) Section 80 is amended

- (a) by renumbering it as section 80(1);*
- (b) in subsection (1) by striking out “and election clerks”;*
- (c) by adding the following after subsection (1):*
 - (2) If an elected authority provides for holding an advance vote, the returning officer may appoint the number of deputies he considers necessary to take the votes on the day the advance vote is held of any residents of a senior citizens home or unit as defined in the *Senior Citizens Housing Act* that is located in the local jurisdiction.*

(41) Section 81(1) is amended by striking out “and election clerks”.

(37) Section 77 presently reads:

77 Subject to section 83(3) or (3.1), 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.

(38) Section 78 presently reads in part:

(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.

(39) Section 79(2) presently reads:

(2) When a resolution has been passed under subsection (1), an elector described in subsection (1) may request the returning officer to have a deputy attend at his residence to take his vote.

(40) Section 80 presently reads:

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.

(41) Section 81(1) 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

(42) Section 82(2) is amended by striking out “election day” and substituting “the day on which the vote is to be taken”.

(43) Section 83 is amended

- (a) in subsections (1), (2) and (3) by striking out “, election clerk”;*
- (b) in subsections (3) and (3.1) by striking out “completing the declaration” and substituting “making the statement”.*

(44) Section 85 is amended

- (a) in subsection (1)*

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.

(42) Section 82(2) presently reads:

(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.

(43) Section 83 presently reads in part:

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.

(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.

(44) Section 85 presently reads:

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

- (i) *by striking out “deputy shall” and substituting “presiding deputy shall”;*
 - (ii) *by striking out “open each ballot box and proceed to count the votes” and substituting “ensure that each ballot box is opened and that the votes are counted”;*
- (b) *in subsection (2) by striking out “The deputy” and substituting “A deputy”.*

(45) Section 86 is amended

- (a) *in subsection (1) by striking out “The deputy” and substituting “A deputy”.*
- (b) *in subsection (2) by striking out “the deputy” and substituting “a deputy”.*

(46) Section 87 is amended

- (a) *in subsection (1) by striking out “The deputy” and substituting “A deputy”;*
- (b) *in subsection (2) by striking out “the deputy” and substituting “a deputy”.*

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

(45) Section 86 presently reads in part:

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.

(46) Section 87 presently reads:

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.

(47) Section 88 is repealed and the following is substituted:

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

- (a) the name of the local jurisdiction;
- (b) the name or number of the voting subdivision and voting station;
- (c) the date of the election;
- (d) the name of each candidate and the number of valid ballots marked for each;
- (e) the number of ballots supplied;
- (f) the number of valid ballots;
- (g) the number of valid ballots objected to;
- (h) the number of rejected ballots;
- (i) the number of ballots rejected because no vote was cast by an elector;
- (j) the number of unused ballots;
- (k) the number of spoiled ballots;
- (l) the number of ballots not accounted for.

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

- (a) the name of the local jurisdiction;
- (b) the name or number of the voting subdivision and voting station;
- (c) the date of the election;

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

(47) 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";*
- (i) the number of ballots not accounted for.*

(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;*

- (d) the number of ballots supplied;
- (e) the question or a description of the by-law and the number of valid ballots marked for the by-law or in the affirmative on the question;
- (f) the question or a description of the by-law and the number of valid ballots marked against the by-law or in the negative on the question;
- (g) the number of valid ballots objected to;
- (h) the number of rejected ballots;
- (i) the number of ballots rejected because no vote was cast by an elector;
- (j) the number of unused ballots;
- (k) the number of spoiled ballots;
- (l) the number of ballots not accounted for.

(48) Section 89(1) is amended by striking out “the deputy and the election clerk” and substituting “at least 2 deputies involved in the count”.

(49) Section 90 is amended

- (c) by adding “presiding” after “Every”;*
- (b) by striking out “appointed” and substituting “designated”.*

(50) Section 91 is amended

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

91(1) At the completion of the counting of the ballots the presiding deputy shall make up into separate packets

- (a) the valid ballots;
- (b) the valid ballots objected to together with the notes of objections made to the ballots found in the ballot box;

(i) the number of the unused and spoiled ballots and ballots marked "declined";

(j) the number of ballots not accounted for.

(48) Section 89(1) presently reads:

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.

(49) Section 90 presently reads:

90 Every deputy at the close of the voting station shall certify in words, in the prescribed form, the number of persons who registered to vote at the voting station at which he was appointed to preside.

(50) Section 91 presently reads:

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,

- (c) the rejected ballots, including those on which no vote has been cast by an elector;
- (d) the spoiled ballots;
- (e) the unused ballots;
- (f) the voting register together with the statement referred to in subsection (2).

(b) *in subsection (2) by striking out “deputy shall take an oath” and substituting “presiding deputy shall make a statement”.*

(51) *Section 92 is amended by adding “presiding” before “deputy’s”.*

(52) *Section 93 is amended*

- (a) *by adding “presiding” before “deputy”;*
- (b) *by striking out “oaths and declarations” and substituting “statements”;*
- (c) *by striking out “locked and sealed with the deputy’s seal and” and substituting “closed and sealed with a deputy’s seal so that it cannot be opened without breaking the seal and”.*

(53) *Section 94 is amended by adding “presiding” before “deputy” wherever it occurs.*

(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.

(51) Section 92 presently reads:

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.

(52) Section 93 presently reads:

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.

(53) Section 94 presently reads in part:

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

(54) Section 96(4) is amended by striking out “The returning” and substituting “On complying with subsections (1) to (3), the returning”.

(55) Section 97(4) is amended by striking out “The returning” and substituting “On complying with subsection (2), the returning”.

(56) Section 98 is amended

(a) in subsection (1)(b) by striking out “ballots” and by repealing subclauses (i) and (ii) and substituting the following:

deliver them to a person chosen by the deputy for the purpose, and shall obtain a receipt for them.

(54) Section 96 presently reads:

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.

(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).

(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.

(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.

(55) Section 97(2) and (4) presently read:

(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.

(4) The returning officer shall forward a signed statement showing the number of votes for each candidate and indicate each candidate declared to be elected to the secretary and the relevant Minister's Deputy Minister.

(56) Section 98 presently reads in part:

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

(a) a candidate or an agent of a candidate recognized pursuant to section 69 or, in the case of a vote on a by-law

- (i) valid ballots objected to, or
- (ii) rejected ballots other than those on which no vote has been cast by an elector,
- (b) *in subsection (3)(c) by striking out “lock” and substituting “close”;*
- (c) *in subsection (4) by striking out “48 hours” and substituting “44 hours”.*

(57) Section 118 is amended by renumbering it as section 118(1) and by adding the following after subsection (1):

(2) An elected authority may by by-law passed prior to April 15 in a year in which a general election is held require that candidates prepare and disclose to the public audited statements of all their campaign contributions and campaign expenses.

(3) A by-law passed under subsection (2)

(a) shall define “campaign contributions” and “campaign expenses”, and

(b) may prescribe forms

for purposes of the by-law.

(4) A person who contravenes a by-law passed under this section is guilty of an offence and is liable for a penalty of not more than \$1000, and on conviction the penalty enures to the benefit of the local jurisdiction in respect of which the election was conducted.

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.

(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 during the 48 hours immediately following the closing of the voting stations but may not be made afterwards.

(57) Section 118 presently reads:

118 The following expenses shall be held to be lawfully incurred and the payment of them is not a contravention of this Act:

(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

(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.

(58) Section 127 is amended

- (a) by repealing subsection (2)(b) and substituting the following:*
 - (b) for supposing that an unsuccessful candidate was not eligible for nomination and that the results of the election would have been different had that candidate not run,*
- (b) in subsection (3) by adding "other than a member of council" after "elected authority".*

(59) Section 140 is amended by adding "or" at the end of clause (a), by striking out "or" at the end of clause (b) and by repealing clause (c).

(60) Section 143(b) is amended by adding "other than a member of council," before "whose seat".

(58) Section 127(2) and (3) presently read:

(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.

(59) Section 140 presently reads:

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

(a) the returning officer,

(b) a deputy, or

(c) an election clerk,

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.

(60) Section 143 presently reads:

143 A candidate

(61) Section 148 is amended

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

(3.1) No person shall make or sign a false statement for any purpose related to an election or vote held or to be held under this Act.

(b) in subsection (6)

(i) by adding “, (3.1)” before “or (4)”;

(ii) in clause (b) by striking out “\$500” and substituting “\$10 000”.

(62) Section 149 is amended by striking out “, deputy or election clerk” and substituting “or deputy”.

(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,

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.

(61) Section 148(1) and (6) presently read:

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.

(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.

(62) Section 149 presently reads:

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.

(63) Section 150 is amended

- (a) in subsection (1) by striking out "election clerk,";*
- (b) in subsection (3)(a) by striking out "or immediately adjacent to";*
- (c) in subsection (6) by striking out ", election clerk and" and substituting "or".*

(64) Section 152 is repealed.

(65) Section 154 is repealed.

(66) Section 156 is amended in clauses (a) and (b) by striking out ", election clerk".

(63) Section 150 presently reads in part:

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.

(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.

(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.

(64) Section 152 presently reads:

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.

(65) Section 154 presently reads:

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.

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

(66) Section 156 presently reads:

156 A person who

(67) The following is added after section 161:

161.1 A by-law passed pursuant to this Act remains in force until it is repealed.

(68) The Senatorial Selection Act is amended

(a) in section 29(4)

- (i) by adding “, statement” after “Local Authorities Election Act, a form, oath”;*
- (ii) by adding “, statement” before “or notice is valid for both the general elections”;*

(b) in section 39

- (i) in subsection (1) by striking out “and 35(2),” and substituting “, 35(2), 35(3),”;*
- (ii) in subsection (2) by striking out “, (2.1) and” and substituting “and”;*

(c) in section 40(2) by adding “on that day” after “municipality”;

(d) in section 43(1) by adding “and constables” after “The officers”;

(e) in section 48 by striking out “in addition to posting” and substituting “and”.

(a) procures an appointment as a returning officer, deputy, election clerk or constable by false pretence, deceit or other improper means, or

(b) acts as a returning officer, deputy, election clerk or constable without lawful authority,

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

(67) Replaces sections 43(4) and 47(2.1).

(68) Consequential amendments.

Municipal Government Act

3(1) The Municipal Government Act is amended by this section.

(2) Section 29 is amended

(a) in subsection (1)(a) by adding “never was or” before “ceases”;

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

(1.1) A person is disqualified from remaining a member of a council of a municipality if the person becomes an employee of the municipality.

(3) Section 30(3) is amended by striking out “or” at the end of clause (g), adding “or” at the end of clause (h) and adding the following after clause (h):

(i) in a business, when there is a discussion of or a vote on a by-law under section 241.

Municipal Government Act

3(1) This section will amend chapter M-26 of the Revised Statutes of Alberta 1980.

(2) Section 29(1)(a) presently reads:

29(1) A person who

(a) ceases to be qualified for nomination under the Local Authorities Election Act,

(3) Section 30(3) presently reads:

(3) For the purposes of this section and section 31, a member of council does not have a pecuniary interest by reason only of any interest that he may have

(a) as an elector, taxpayer or utility customer of the municipality,

(b) by reason of his appointment by the council as a director of a company incorporated for the purpose of carrying on business for and on behalf of the municipality or by reason of his being appointed as the representative of the council on any board, commission, committee or other body,

(c) with respect to any allowance, honorarium, remuneration or benefit to which he may be entitled by reason of being a member of the council or by reason of having been appointed by the council to a position described in clause (b),

(d) by reason of his employment by the Government of Canada, the Government of Alberta or a federal or provincial Crown corporation or agency, except with respect to a matter directly affecting the department, corporation or agency of which he is an employee,

(e) by reason of his being a member of a credit union, a co-operative or a non-profit organization formed under an Act of the Legislature or of the Parliament of Canada, or a service club,

(f) by reason of his appointment as the volunteer chief or other volunteer officer of a volunteer fire department, volunteer ambulance service, volunteer emergency measures

(4) Section 32(2)(a)(i) is amended by striking out “or not the person is qualified” and substituting “the person was never qualified to be or has ceased to be qualified”.

(5) The following is added after section 32:

32.1(1) If councillors must abstain from voting because of their pecuniary interest in a matter and the remaining councillors available to vote do not constitute a quorum, the Minister may

- (a) order that the remaining councillors constitute a quorum for the purposes of voting on that matter,

organization or other volunteer organization or service or by reason of remuneration received as a volunteer member of any of those voluntary organizations or services,

(g) by reason of having an interest that is an interest in common with the majority of electors of the municipality or, if the matter affects only part of the municipality, with the majority of electors in that part, or

(h) by reason of an interest that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member.

(4) Section 32(2) presently reads:

(2) If the person does not so resign,

(a) the council may apply by originating notice to a judge of the Court of Queen's Bench for

(i) an order determining whether or not the person is qualified to remain a member of the council, or

(ii) an order declaring the person to be disqualified from being a member of the council,

or

(b) an elector who

(i) files an affidavit showing reasonable grounds for believing that a person never was or has ceased to be qualified as a member of the council, and

(ii) pays into court the sum of \$250 as security for costs

may apply by originating notice to a judge of the Court of Queen's Bench for an order declaring the person to be disqualified from being a member of the council.

(5) Lack of quorum because of pecuniary interests.

- (b) notwithstanding their pecuniary interest in the matter, order that all of the councillors may vote on the matter, or
- (c) direct the municipal secretary to hold a plebiscite on the matter, in which case the Minister may make any directions respecting the date of the plebiscite, the question to be voted on and procedural issues that are needed.

(2) If a plebiscite is held, the council shall comply with the result of the plebiscite.

(3) A councillor who has a pecuniary interest in the matter and votes on the matter

- (a) pursuant to a Minister's order under subsection (1)(b),
or
- (b) for the purpose of complying with the results of a plebiscite under subsection (1)(c)

is not disqualified because of having voted.

(6) *Section 33 is amended by adding "from remaining a member of the council under section 30 or 31" after "is disqualified".*

(7) *Section 106 is amended by adding the following after subsection (2):*

- (3) A by-law or resolution is valid and binding notwithstanding that any or all the persons who sit or vote as members of council
 - (a) were not qualified to be nominated as candidates at the time of their election or have ceased to be qualified to be nominated as candidates subsequent to their election under the *Local Authorities Election Act*,
 - (b) were disqualified or have become disqualified from remaining as members of council,
 - (c) after the by-law or resolution is passed, transmit or deliver a disclaimer under section 143 of the

(6) Section 33 presently reads:

33 A judge who hears an application under section 32 and finds that the person is disqualified may nevertheless dismiss the application if he is of the opinion that the disqualification arose inadvertently or by reason of a bona fide error in judgment.

(7) Section 106 presently reads:

106(1) A by-law is valid and binding, notwithstanding any lack of compliance with a provision of this Act

(a) either in substance or in form,

(b) in the proceedings prior to the passing of the by-law, or

(c) in the manner of passing the by-law,

unless an application to quash it is made within 2 months next after the final passing of the by-law.

(2) Notwithstanding subsection (1), in the case of a by-law requiring assent of the electors, if the by-law has not been submitted to, or has not received assent of the electors, an application to quash the by-law may be made at any time.

Local Authorities Election Act or resign because they were or have become disqualified from being members of council,

- (d) after the by-law or resolution is passed are declared by a judge to be disqualified from being members of council, or
- (e) after the by-law or resolution is passed are adjudged or determined, pursuant to the *Local Authorities Election Act*, to be invalidly elected.

(8) *Section 114(1) is amended by adding “of grants received instead of taxes pursuant to an Act of the Government of Alberta or of Canada and the sharing” after “the sharing”.*

(9) *Section 116 is amended by renumbering it as section 116(1) and by adding the following after subsection (1):*

(2) A council may enter into an agreement with the Canada Post Corporation to establish and operate a post office for the collection, transmission and delivery of mailable matter as authorized by the Canada Post Corporation within a municipality where a post office is not otherwise available.

(10) *Section 132 is amended by adding the following after subsection (1):*

(1.1) If a council desires to acquire land inside the municipality or, with the consent of the affected municipality, outside the municipality, on behalf of a society, association or corporation described in section 217(2) or, with the consent of the Minister, on behalf of a corporation described in section 217(3), because the society, association or corporation is carrying out development or redevelopment within the municipality, the municipality shall first negotiate with the owners and occupiers of that land or other persons interested therein for the acquisition of the land by agreement, and if it cannot acquire the land at an acceptable price by agreement, the municipality may acquire the land by expropriation pursuant to the *Expropriation Act*.

(11) *Section 139.1 is amended*

(8) Section 114(1) presently reads as follows:

114(1) Two or more municipalities may enter into an agreement for the sharing of taxes imposed for municipal purposes by one of the municipalities on a person having assessable and taxable property in that municipality.

(9) Section 116 presently reads:

116 Subject to this Act, a council may pass a by-law authorizing the making of an agreement with the Government of Alberta or the Government of Canada, or its agents, for the maintenance, operation and use of a public work, building or campsite or for the performance of any matter or thing considered by the council and the Government of Alberta or the Government of Canada, or its agents, to be a benefit to both parties.

(10) Section 132(1) presently reads:

132(1) If a council desires to acquire land, either inside or outside the municipality for any purpose authorized by this Act, or required for municipal public use or in connection with a plan of development whether undertaken solely by the municipality or in conjunction with any person or for the purpose of preventing the working of any mine within, on or under any portion of the land inside the municipality or for the purpose of improving any land owned by the municipality, the municipality shall first negotiate with the owners and occupiers of that land or other persons interested therein for the acquisition of the land by agreement and if it cannot acquire the land at an acceptable price by agreement, the municipality may acquire the land by expropriation pursuant to the Expropriation Act.

(11) Section 139.1 presently reads:

- (a) *in subsection (2) by striking out “, and the council may deduct the contributions of the members from the remuneration paid to those members”;*
- (b) *by adding the following after subsection (2):*

(2.1) The contributions payable by a member may be based on and deducted from the remuneration, including allowances, paid to the member.

(12) *Section 217 is amended by renumbering it as section 217(1) and by adding the following after subsection (1):*

(2) A council may acquire, hold and dispose of a membership or shares in

- (a) a society incorporated under the *Societies Act*,
- (b) an association registered under Part 9 of the *Companies Act*, and
- (c) a corporation incorporated under the *Business Corporations Act* that is a charity or is a corporation not incorporated for the purpose of making a profit.

(3) If a corporation is incorporated under the *Business Corporations Act* but it is not a corporation described in subsection (2)(c), a council may, with the consent of the Minister, acquire, hold and dispose of shares in the corporation.

(13) *Section 234 is amended*

- (a) *in subsections (1) and (2)(b), (e) and (g) by adding “and limousine” after “taxi”;*
- (b) *in subsection (2)(a), (c), (f) and (h) by adding “and limousines” after “taxis”;*
- (c) *in subsections (2)(d), (i) and (j), (3)(a), (b), (c) and (d) and subsection (7) by adding “or limousine” after “taxi” wherever it occurs;*
- (d) *by adding the following after subsection (8):*

139.1(1) The council, by by-law, may set up, contract for and maintain a pension or superannuation plan or a benefit fund for the benefit of the members of council and their dependants.

(2) A pension or superannuation plan or a benefit fund under subsection (1) may require those contributions on the part of the members and on the part of the municipality that the council prescribes, and the council may deduct the contributions of the members from the remuneration paid to those members.

(3) A by-law passed under this section shall be deemed not to be a money by-law.

(12) Section 217 presently reads:

217 A council may purchase membership or buy shares in a co-operative association organized under the Co-operative Associations Act or the Rural Utilities Act and may accept patronage dividends from that co-operative.

(13) Section 234 presently reads:

234(1) A council may pass by-laws licensing, regulating and controlling the taxi business.

(2) Without restricting the generality of the foregoing a council may pass by-laws to

(a) establish and specify the rates or fares that may be charged for hire of taxis;

(b) limit the number of taxi licences that may be issued in the municipality having regard to its population or the area to be served in it or by any other means the council considers to be just and equitable;

(9) A council may by by-law regulate limousines under this section or under section 224.

- (c) limit the number of taxis that may be operated in any area or district of the municipality;*
 - (d) limit the number of vehicles that may be used by a person in the taxi business;*
 - (e) licence each taxi separately without regard to its ownership;*
 - (f) require taxis owned or operated by or for the same person to be identified as the by-law requires or to adopt a specified paint or other means of identification on all of them;*
 - (g) limit the number of passengers to be carried in each taxi;*
 - (h) require the equipping of taxis with meters or other devices to record fares;*
 - (i) limit the number of hours that a person may drive a taxi during a 24-hour period;*
 - (j) prohibit any person from driving a taxi unless he is the holder of a taxi driver's licence;*
 - (k) govern the terms of licences issued pursuant to a by-law under this section;*
 - (l) govern the issuance, renewal, revocation or suspension of licences issued pursuant to a by-law under this section.*
- (3) A council may*
- (a) refuse to issue or renew a taxi licence if the taxi does not, in the opinion of the council, comply with the requirements of a by-law made under this section;*
 - (b) revoke or suspend a taxi licence if the taxi does not, in the opinion of the council, comply with the requirements of a by-law passed under this section;*
 - (c) refuse to issue a taxi driver's licence to any person or to renew a taxi driver's licence issued to any person pursuant to a by-law passed under this section*
 - (i) if that person has a driving record which, in the opinion of the council, makes him unfit to operate a public conveyance, or*
 - (ii) if the character, conduct or state of health of that person is such that he is, in the opinion of the council, unfit to drive a public conveyance;*

(d) revoke or suspend a taxi driver's licence issued pursuant to a by-law passed under this section

(i) if the licensee acquires a driving record which, in the opinion of the council, makes him unfit to drive a public conveyance,

(ii) if the character, conduct or state of health of the licensee is such that he is, in the opinion of the council, unfit to drive a public conveyance, or

(iii) if the licensee does not, in the opinion of the council, comply with the requirements of a by-law passed under this section.

(4) A suspension of a licence under this section may be

(a) for a period of time not exceeding the unexpired term of the licence, or

(b) if the suspension is for non-compliance with the requirements of a by-law, until the requirements of the by-law, in the opinion of the council, have been complied with.

(5) A licence may be revoked or suspended for non-compliance with a by-law notwithstanding that the holder of that licence has not been prosecuted for a contravention of that by-law.

(6) Subsections (1) and (2) do not apply with respect to motor vehicles kept for the purpose of being rented without a driver.

(7) A council, by by-law or resolution, may delegate the power to

(a) one or more officials, or

(b) a taxi commission established pursuant to subsection (8),

to make any decision under this section but a person affected thereby may appeal any such decision to the council.

(8) A council, by by-law, may establish a commission to be known as the taxi commission

(a) which shall be composed of the number of resident electors the council selects including, if it seems desirable, any members of council or officials of the municipality who are considered appropriate, and

(b) which may exercise any power or make any decisions which the council may make pursuant to this section as the by-law provides.

(14) Section 281.1 is amended

- (a) in subsection (1) by striking out “city, town, village or summer village, the franchise area shall be reduced by the area so annexed and the council of the city, town, village or summer village” and substituting “municipality, the council of the municipality”;**

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

(1.1) Before the council makes a decision under subsection (1) it shall, within 6 months of the effective date of the annexation, request proposals for the supply of natural gas to the annexed area from

- (a) the existing distributor to the annexed area, and**
- (b) any person who holds a right to supply natural gas to the municipality.**

(1.2) The council's decision under subsection (1) may contravene the terms of any existing agreement for the provision of natural gas to the municipality, but the contravention does not create a cause of action against the council or the municipality.

(1.3) The council shall send a copy of its decision under subsection (1) to the existing distributor, any other person who submitted a proposal under subsection (1.1) and the chief officer.

- (c) in subsection (2) by striking out “city, town, village or summer village” and substituting “municipality”;**

- (d) by repealing subsections (3) to (6) and substituting the following:**

(3) The Public Utilities Board, when deciding whether to grant approval to a contract described in subsection (2), may consider only

- (a) whether the agreement is in accordance with the law;**
- (b) the financial integrity of the distributor and its ability to supply the residents of the annexed area with a secure and reliable source of gas;**

(14) Section 281.1 presently reads:

281.1(1) Notwithstanding section 23, when all or a part of the franchise area of a rural gas utility as defined in the Rural Gas Act is annexed to a city, town, village or summer village, the franchise area shall be reduced by the area so annexed and the council of the city, town, village or summer village shall, within 1 year of the effective date of the annexation, decide whether or not the distributor who is the holder of the franchise area approval may continue to supply natural gas to the residents of the annexed area.

(2) If the council decides that the distributor may continue to supply natural gas to the residents of the annexed area and the distributor agrees to do so, the city, town, village or summer village shall enter into a contract with the distributor and confer a special franchise on the distributor in accordance with section 279.

(3) If

(a) the council decides that the distributor may continue to supply natural gas to the residents of the annexed area but the distributor does not agree to do so within 90 days of the decision of the council, or

(b) the council decides that the distributor may not continue to supply natural gas to the residents of the annexed area

the Public Utilities Board, on application by the council, distributor or any other interested party, may make an order in accordance with subsections (4) and (5).

(4) An order under subsection (3) may be as to all or any of the following:

(a) the payment of compensation to the distributor;

(b) the payment of compensation to all or any of the consumers of the distributor;

(c) the amount of compensation payable under clause (a) or (b) and the time period within which it must be paid;

(d) the municipality or utility that shall pay the compensation referred to in clause (a) or (b);

(e) whether all or part of a Government grant received by the utility for the purposes of capital construction costs should be repaid to the Government;

- (c) the ability of the distributor to construct, operate, maintain and otherwise provide safe and reliable service to the residents of the annexed area;
- (d) if the distributor is a rural gas co-operative association, whether the association has agreed that the residents of the annexed area are to be granted full membership rights and privileges in its association.

(4) The Public Utilities Board, on making a decision under subsection (3), shall notify the chief officer.

(5) Within 60 days of receiving notification of

- (a) the decision of the Public Utilities Board under subsection (3), or
- (b) the decision of the council

not to allow the distributor to continue serving the annexed area, the chief officer shall amend the distributor's franchise area approval by removing the annexed area from the distributor's franchise area.

(6) The person making the successful proposal shall pay to the distributor who, before the council's decision, supplied natural gas to residents in the annexed area compensation for

- (a) the value of any existing plant or equipment that will continue to be used for the supply of natural gas to the residents of the annexed area,
- (b) the value of any existing plant or equipment that must be abandoned as a result of the council's decision,
- (c) the cost of relocating any plant or equipment as a result of the council's decision,
- (d) the cost of conducting legal surveys and of preparing and filing legal survey plans in accordance with the *Land Titles Act* for any existing plant or equipment that

(f) the date on which the distributor may cease providing service to the consumers of the utility in the area;

(g) any other matters that the Board considers necessary with respect to the reduction of the franchise area of the distributor.

(5) Compensation payable under subsection (4)(a) or (b) may include compensation for the following:

(a) the cost of facilities and equipment of the rural gas utility that are located in the annexed area, based on new replacement cost less depreciation;

(b) the cost of relocating any rural gas utility plant and equipment as a result of the annexation;

(c) severance damages based on

(i) a period of time that the Board considers reasonable,

(ii) the number of consumers served and the gas load in the annexed area compared to the total number of consumers and gas load for the rural gas utility,

(iii) the effect on the capital costs per consumer of the rural gas utility,

(iv) the economic effect on the overall operation of the rural gas utility,

(v) liabilities under gas supply contracts entered into by the distributor,

(vi) the loss of future benefits to the distributor, and

(vii) the economic effect on the rural gas utility consumers in the annexed area.

(6) A distributor shall continue to supply natural gas to the residents of the annexed area until

(a) the date on which the council confers a special franchise on the distributor under subsection (2),

(b) the date on which the council decides that the distributor may not continue to supply natural gas to the residents, or

(c) if the Public Utilities Board makes an order under subsection (4)(f), the date referred to in that order.

will continue to be operated by the distributor within the annexed area, and

- (e) any other reasonable costs incurred as a result of the council's decision by the distributor.

(7) In this section and sections 281.2 and 281.3,

- (a) "municipality" means a city, town, village or summer village;
- (b) the definitions in the *Rural Gas Act* apply.

(8) This section and sections 281.2 and 281.3 apply where the council has not made a decision under subsection (1) before the date this subsection comes into force.

(15) The following is added after section 281.1:

281.2(1) The distributor, the council or any other interested party may appeal to the Public Utilities Board by written notice if

- (a) the council does not make a decision within one year of the area's being annexed on who is to supply natural gas to the annexed franchise area,
- (b) the chief officer does not amend the distributor's franchise area approval in accordance with section 281.1(5), or
- (c) the distributor is not paid compensation within 6 months of the council's decision not to allow the distributor to continue to supply natural gas to the annexed franchise area.

(2) On hearing an appeal the Public Utilities Board may

- (a) state the date by which a council shall make a decision under section 281.1(1) on who is to supply natural gas to the annexed area,
- (b) order the date by which the chief officer shall amend the distributor's franchise area approval, and
- (c) order the amount of compensation to be paid by

(15) Further amendments to the rural gas utilities franchise provisions.

whom and to whom, and the date by which it shall be paid.

281.3 The distributor's franchise area approval shall remain in effect and the distributor's rights and obligations under its franchise area approval shall prevail during the period between

- (a) the effective date of the annexation, and
- (b) the date on which the chief officer amends the distributor's franchise area approval.

Municipalities Assessment and Equalization Act

4(1) The Municipalities Assessment and Equalization Act is amended by this section.

(2) Section 23 is amended

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

23(1) Notwithstanding anything in this Act or the regulations, the Board may alter an equalized assessment and may alter the basis on which an equalized assessment is determined.

(1.1) The Board may undertake a review pursuant to subsection (1) on its own motion or on the appeal of a municipality at any time in any year and may alter either or both the equalized assessment and the basis on which it is determined

- (a) after making any inquiries and hearing any evidence it considers appropriate, and
 - (b) if it considers it fair and equitable.
- (b) in subsection (2) by adding "or the basis on which an assessment is determined" after "An assessment".*

Commencement

5 Section 2 comes into force on September 1, 1991.

Municipalities Assessment and Equalization Act

4(1) This section will amend chapter M-32 of the Revised Statutes of Alberta 1980.

(2) Section 23 presently reads:

23(1) Notwithstanding anything in this Act, the Board of its own motion or on the appeal of a municipality may at any time in any year, after making any inquiries and hearing any evidence as may be expedient, alter the equalized assessment.

(2) An assessment so altered comes into effect at the time the Board determines, subject to appeal from the decision of the Board to the Alberta Assessment Appeal Board.

Commencement

5 Coming into force.