

1991 BILL 235

---

Third Session, 22nd Legislature, 40 Elizabeth II

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 235**

## **NATIVE PEOPLES REPRESENTATION ACT**

---

MR. TAYLOR

---

First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

---

*Bill 235*  
*Mr. Taylor*

## **BILL 235**

1991

### **NATIVE PEOPLES REPRESENTATION ACT**

*(Assented to , 1991)*

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

*1(1) The Election Act is amended by this section.*

*(2) Section 1 is amended by adding the following after clause (k):*

(k.01) "native candidate" means a candidate of native or non-native descent representing, or being nominated to represent a native electoral division in the Legislative Assembly;

(k.02) "native elector" means an elector ordinarily residing anywhere within Alberta who is defined under the *Indian Act (Canada)* as a native covered by Treaties 6, 7 or 8, and who has indicated to the Chief Electoral Officer that he is to be enumerated as a native elector entitled to vote for a native candidate;

(k.03) "native electoral division" means one of the electoral divisions provided for in the *Electoral Divisions Act* covering those areas of the province classified under the *Indian Act (Canada)* and included by Treaty 6, 7 or 8, and in which only a native elector may vote;

*(3) The following is added after section 24:*

**24.1(1)** Notwithstanding section 23(d), a native elector residing anywhere in Alberta may be registered as a voter for a native candidate standing for election in the native electoral division corresponding to the Treaty under which the native

### **Explanatory Notes**

1 This section will amend chapter E-2 of the Statutes of Alberta 1980, to provide for the election of candidates representing native constituencies to be elected by native voters.

elector is included pursuant to the *Indian Act (Canada)*.

(2) A native elector being registered as such shall have his name forwarded by the enumerator to the Chief Electoral Officer who shall cause that native elector's name to appear on the list of electors for the native electoral district for which that person is registered to vote.

(3) A native elector may be registered as an ordinary elector or as a native elector, but not both, and in any event shall not be entitled to vote more than once in any election.

(4) *The following is added after section 26(5):*

(6) A native elector who is not ordinarily resident within the native electoral district in which he is registered may indicate a polling station within the native electoral district where he would prefer to vote within 30 days prior to the polling day, in which case he shall be included in that subdivision of the native electoral division.

(7) A native elector who is unable to vote personally in the native electoral division in which he is registered may indicate that he wishes to vote by mail, in which case his name will be included on the list of non-resident native electors for the native electoral division in which he is registered.

(5) *The following is added after section 40:*

**40.1** Notwithstanding section 40(a), a native elector is eligible to vote in the native electoral division in which he is registered provided he was ordinarily resident in the province on polling day, or alternatively, on the day designated for mailing a vote if that elector opted to vote by mail.

(6) *The following is added after section 95:*

**95.1(1)** A native elector not ordinarily resident in the native electoral division in which he wishes to vote, and who indicates that he wishes to vote by mail, shall be given, at least 10 days before polling day, a ballot and a durable envelope addressed to the returning officer of the native electoral division in which the native elector is registered to vote.

(2) A native voter may either mail his ballot, properly sealed in the envelope provided, through the facilities of Canada Post Corporation and have his ballot postmarked no later than 7 days prior to polling day, or personally deliver his ballot, properly sealed in the envelope provided to an official of the



Chief Electoral Officer at any advance polling place in the province who shall immediately forward the ballot to the returning officer of the native electoral division indicated on the sealed envelope.

(3) To be a valid vote, the completed ballot of a native elector voting by mail must be

(a) received by the returning officer no later than 8:00 p.m. on polling day;

(b) if mailed, postmarked no later than midnight, seven clear days prior to polling day, and indicating that the ballot was posted within the province.

(4) An obscured postmark not identifying the place or date of posting shall be considered a spoiled ballot.

2(1) *The Electoral Divisions Act is amended by this section.*

(2) *The following is added at the end of section 1:*

"plus 3 additional electoral divisions called "native electoral divisions" which are defined as those areas of land described in the *Indian Act (Canada)* as covered by Treaty 6, 7 or 8."

(3) *The following is added after section 2:*

2.1 An electoral division and a native electoral division, or any part of either, may concurrently occupy the same lands, their distinction not being defined in terms of exclusive defined areas of land, but in terms of the eligible candidate and voters each type of electoral division may represent.

3 *This Act comes into force on Proclamation.*

**2 This section will amend chapter E-4.05 of the Statutes of Alberta 1983, and provides for three native electoral divisions which concurrently occupy lands represented by other ordinary electoral divisions.**