

1992 BILL 21

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 21

ELECTION STATUTES AMENDMENT ACT, 1992

MR. BRADLEY

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 21

1992

ELECTION STATUTES AMENDMENT ACT, 1992

(Assented to _____, 1992)

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

Part 1 **Election Act**

1 The Election Act is amended by this Part.

2 Section 1 is amended

(a) by repealing clause (e);

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

(k.01) “mobile poll” means a polling station
established under section 117;

*(c) by repealing clause (t) and substituting the
following:*

(t) “seniors’ lodge” means

(i) a home or unit under the *Senior
Citizens Housing Act*, or

(ii) a facility not referred to in
subclause (i) that provides
seniors’ accommodation for 10 or
more electors at any one location,

other than one providing medical treatment
or care on an in-patient basis;

Explanatory Notes

Part 1 Election Act

1 This Part will amend chapter E-2 of the Revised Statutes of Alberta 1980.

2 Section 1(e), (t) and (x) presently read:

1 In this Act,

(e) "designated educational institution" means

(i) a university under the Universities Act,

(ii) a provincially administered institution under the Department of Advanced Education Act,

(iii) a public college or private college under the Colleges Act in Alberta,

(iv) the Banff Centre for Continuing Education, and

(v) any other educational institution so designated by the Lieutenant Governor in Council;

(t) "Select Standing Committee" means the Select Standing Committee on Legislative Offices;

(x) "treatment centre" means

(t.1) "Special Ballot" means the Special Ballot provided for by section 113;

(d) *by adding the following after clause (v):*

(v.1) "Standing Committee" means the Standing Committee on Legislative Offices;

(e) *in clause (x)(i) by striking out "a home or unit under the Senior Citizens Housing Act".*

3 *Sections 3, 4, 5, 6 and 6.1 are amended by striking out "Select" wherever it occurs.*

4 *Section 18(5) is amended by striking out "resident in an adjacent electoral division" and substituting "from any other electoral divisions as he considers appropriate".*

5 *Section 24(c) is amended*

(a) *by repealing subclause (i) and substituting the following:*

(i) *is in attendance at an educational institution within or outside Alberta,*

(b) *in subclauses (ii) and (iii) by striking out "the designated" and substituting "an".*

6 *Section 25(4)(a) is amended by striking out "a designated" and substituting "an".*

- (i) *a hospital, a sanatorium, a home or unit under the Senior Citizens Housing Act or a facility under the Mental Health Act, or*
- (ii) *any facility not referred to in subclause (i),*
providing medical treatment or care on an in-patient basis;

3 References to the Select Standing Committee are changed to the present name.

4 Section 18(5) presently reads:

(5) If sufficient qualified persons are not available from among those persons resident within an electoral division, the returning officer may appoint as enumerators qualified persons resident in an adjacent electoral division.

5 Section 24(c) presently reads:

24 Subject to section 118, for purposes of this Act, ordinary residence shall be determined in accordance with the following rules:

(c) a student who

- (i) is in attendance at a designated educational institution,*
- (ii) temporarily rents accommodation for the purpose of attending the designated educational institution, and*
- (iii) has family members who are ordinarily resident in Alberta and with whom he ordinarily resides when not in attendance at the designated educational institution*

is deemed to reside with those family members;

6 Section 25(4)(a) presently reads:

(4) An enumerator shall

7 *The following is added after section 25:*

Remote areas

25.1(1) The returning officer of an electoral division may, with the approval of the Chief Electoral Officer, designate any area of the electoral division as a remote area.

(2) An elector ordinarily resident in a designated remote area whose name is included on the list of electors pursuant to this section or section 31 is eligible to vote by Special Ballot.

(3) Notwithstanding section 18(2) or 25, enumeration in a designated remote area shall, subject to

(a) the regulations, and

(b) any directions of the Chief Electoral Officer,

be conducted in a way the returning officer considers appropriate.

(4) A designated remote area is a polling subdivision but no polling places shall be established in it and no deputy returning officer or poll clerk shall be appointed for it.

8 *Section 26(1) is amended*

(a) *in clause (a) by adding “and postal codes” after “addresses”;*

(b) *in clause (b) by adding “and postal codes” after “addresses”.*

- (a) *obtain the required information by visiting each residence in the subdivision except treatment centres, students' residences operated by a designated educational institution and exempted by the Chief Electoral Officer, temporary work camps, penitentiaries, correctional institutions, remand centres, detention centres and any similar institutions, and*

7 Special Ballot voting in remote areas.

8 Section 26(1) presently reads:

26(1) On or before September 30 the enumerator shall prepare for his subdivisions a complete list of names of those persons indicated by the enumeration to be qualified electors, organized

- (a) *for a city electoral division, by geographical arrangement in order of streets, avenues and like designations, and including complete residential addresses, and*

- (b) *for a rural electoral division,*

- (i) *by alphabetical arrangement of surnames, and*

- (ii) *in the case of*

- (A) *a city,*

9 Section 34(a)(i) is amended by striking out “electoral subdivision” and substituting “electoral division”.

10 The following is added after section 40:

Absentee
voters

40.1(1) A person who is otherwise eligible as an elector but who does not meet the residence requirements of section 23(c) and (d) because his ordinary place of residence is outside Alberta for the purpose of carrying out his function as

- (a) a member of the House of Commons of Canada representing an electoral district in Alberta,
- (b) a member of the Senate of Canada representing Alberta, or
- (c) an employee of the Government of Alberta

is, for the purposes of voting, deemed to be and to have been for the required period ordinarily resident in the polling subdivision of the electoral division in which he last resided in Alberta and is eligible to have his name entered on the list of electors for that subdivision and to vote at an election.

(2) A person who

- (a) is the spouse or a dependant of and is ordinarily resident with a person described in subsection (1), and
- (b) is otherwise eligible as an elector,

is, for the purposes of voting, deemed to be and to have been for the required period ordinarily resident in the same subdivision as the person described in subsection (1) and is eligible to have his name entered on the list of electors for that subdivision and to vote at an election.

(B) a town that has residential addresses, or

(C) a hamlet that has a population in excess of 10 000 persons,

that is contained in a rural electoral division, by geographical arrangement in order of streets, avenues and like designations, and including complete residential addresses.

9 An error in reference is corrected.

10 Out of province electors.

(3) An application to have a name entered on the lists of electors must be made under section 31 to the returning officer of the electoral division before the time fixed for concluding revisions to the lists.

11 Section 41(b) is repealed.

12 Section 51 is amended

(a) *in subsection (1) by striking out “not later than the 5th day following the date of the writ of election” and substituting “as soon as possible but not later than the 5th day before nomination day”;*

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

(2) A returning officer shall publish the following information by posting a copy of each in his office and publishing a copy of each in one or more newspapers of general circulation within the electoral division:

- (a) the proclamation referred to in subsection (1);
- (b) a map of the electoral division indicating the numbered polling subdivisions;
- (c) a list of the locations of polling places;
- (d) a statement of the availability of level access to the office of the returning officer and to the advance polling places;
- (e) a list of the qualifications for electors who may use a Special Ballot.

13 Section 53(1) is amended by striking out “4” and substituting “25”.

11 Section 41(b) presently reads:

41 The following persons are not eligible to vote at an election:

(b) judges of federal and provincial courts;

12 Section 51(1) and (2) presently read in part:

51(1) Each returning officer shall, not later than the 5th day following the date of the writ of election, publish by proclamation in the prescribed form

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

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

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

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

13 Section 53(1) presently reads:

53(1) At any time following publication of the proclamation and prior to 2 p.m. of the date fixed for the closing of nominations, any 4 or more electors of an electoral division may nominate for that

14 Section 54 is amended

- (a) in subsection (1) by striking out “and address” and substituting “, address and telephone number”;*
- (b) in subsection (4) by striking out “and address” and substituting “, address and telephone number”.*

15 Section 55(1)(e) is amended by striking out “\$100” and substituting “\$200”.

16 Section 64(a) is amended by striking out “and” at the end of subclause (i) and by adding the following after subclause (ii):

- (iii) a statement of the availability of level access to the office of the returning officer and to the advance polling places, and*
- (iv) a list of qualifications for electors who may use a Special Ballot,*

17 Section 65(4) is amended by striking out “persons resident in an adjacent electoral division who are qualified to be deputy returning officers” and substituting “qualified persons from any other electoral divisions as he considers appropriate”.

18 Section 66(1) is amended by striking out “and” at the end of clause (c), by adding “and” at the end of clause (d) and by adding the following after clause (d):

- (e) perform any other duties required by this Act.*

electoral division a person eligible to be a candidate as a candidate for that electoral division by signing a nomination paper in the prescribed form and filing it with the returning officer for the electoral division for which the candidate is being nominated.

14 Section 54(1) and (4) presently read:

54(1) Each person being nominated as a candidate shall appoint an elector to be his official agent on his nomination and shall include the name and address of the person so appointed in the appropriate place in the nomination form.

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

15 Section 55(1)(e) presently reads:

55(1) A nomination paper is not valid and shall not be filed with the returning officer unless

(e) it is accompanied by a deposit of \$100,

16 Section 64(a) presently reads:

64 Each returning officer shall

(a) publish once within the 7 days immediately preceding polling day, in one or more newspapers of general circulation within the electoral division,

(i) a copy of the map of the electoral division setting out the numbered polling subdivisions, and

(ii) a list of the locations of the polling places,

17 Section 65(4) presently reads:

(4) Notwithstanding subsection (3), if there is not a sufficient number of qualified persons available from among those persons resident in the electoral division, the returning officer may appoint as deputy returning officers persons resident in an adjacent electoral division who are qualified to be deputy returning officers.

18 Section 66(1)(d) presently reads:

66(1) The deputy returning officer for each polling station shall

(d) keep the ballot box sealed.

19 Section 67(4) is amended by striking out “a poll clerk a person resident in an adjacent electoral division who is qualified to be a poll clerk” and substituting “poll clerks qualified persons from any other electoral divisions as he considers appropriate”.

20 Section 70 is amended by adding the following after subsection (2):

(3) No person may be appointed as a supervisory deputy returning officer for an electoral division unless he is an elector resident in the electoral division.

21 Sections 74 and 75 are repealed.

19 Section 67(4) presently reads:

(4) Notwithstanding subsection (3), if there is not a sufficient number of qualified persons available from among those persons resident in the electoral division, the returning officer may appoint as a poll clerk a person resident in an adjacent electoral division who is qualified to be a poll clerk.

20 Residence qualification for supervisory deputy returning officers.

21 Sections are replaced by the Special Ballot procedure established by this Bill. Sections 74 and 75 presently read as follows:

74(1) A deputy returning officer, poll clerk, supervisory deputy returning officer, candidate, official agent or scrutineer

- (a) who may be located on polling day at a polling place in some polling subdivision within the electoral division other than the one in which he is ordinarily resident,*
- (b) whose name appears on the list of electors for the polling subdivision in which he is ordinarily resident, and*
- (c) who desires to vote at the poll where he will be located,*

may apply to the returning officer for that electoral division for a Special Voting Certificate.

(2) The returning officer, if satisfied that the applicant qualifies under subsection (1), shall grant the certificate in the prescribed form.

(3) The returning officer shall number each Special Voting Certificate in consecutive order of issue and shall fully complete and sign it.

(4) On the issue of a certificate the returning officer shall mark opposite the name of the elector to whom the certificate was issued, on the list of electors for the polling subdivision in which he is ordinarily resident, the words "Certificate issued".

75 *A returning officer shall not issue a Special Voting Certificate*

- (a) prior to the close of nominations, or*

22 Section 79(1) is amended by adding “in a type of 8 point capital letters” after clause (b).

23 Section 84(1)(b) is amended by adding “and seniors’ lodges where mobile polls are held” after “treatment centres”.

24 Section 88(1) is amended

- (a) in clause (a) by adding “supervisory deputy returning officer and” after “the”;
- (b) by repealing clause (d) and substituting the following:
 - (d) the Chief Electoral Officer, members of his office staff designated by him and visiting officials from other electoral jurisdictions authorized by him;
- (c) by adding the following after clause (f):
 - (g) the interpreters;
 - (h) the special constables.

25 Section 91(1)(a) is repealed and the following is substituted:

- (a) he produces to the deputy returning officer 2 pieces of identification, which must be
 - (i) any 2 of the following:
 - (A) an Alberta motor vehicle operator’s licence;

(b) *that is not fully completed.*

22 Section 79(1) presently reads:

79(1) On each ballot shall be printed the name of each candidate together with

- (a) the name of the registered political party for which he is the candidate, or*
- (b) the word "Independent" if the candidate is not a candidate for a registered political party.*

23 Section 84(1)(b) presently reads:

84(1) Subject to subsection (3), polling places shall be open for the purpose of voting during the following hours only:

- (b) at treatment centres, during the hours fixed by the returning officer;*

24 Section 88(1)(a) and (d) presently read:

88(1) Only the following persons may remain in a polling place during polling hours:

- (a) the deputy returning officers;*
- (d) the Chief Electoral Officer or a representative of the Chief Electoral Officer;*

25 Section 91(1)(a) presently reads:

91(1) An elector who is otherwise eligible to vote but whose name does not appear on the list of electors for the polling subdivision in which he is ordinarily resident may vote if

- (a) he produces to the deputy returning officer identification in the form of any 1 or more of the following:*
 - (i) an Alberta motor vehicle operator's licence;*

- (B) an Alberta health insurance card;
- (C) a Senior Citizen's Identification Card;
- (D) any piece of identification that is acceptable to the deputy returning officer;

or

- (ii) if none of the pieces of identification named in subclause (i)(A), (B) and (C) are produced, any 2 pieces acceptable to the deputy returning officer,

26 *Section 94(6) is amended by striking out "nor any ballots" and substituting "and no ballots can be".*

27 *Section 98 is repealed.*

28 *Section 108 is amended*

- (a) *in subsection (2) by striking out ", affix his initials and complete the Election Certificate on the last page of the poll book" and substituting "and affix his initials";*
- (b) *in subsection (5)(c), (e), (g) and (i) by striking out "by an incapacitated or absentee voter" wherever it occurs and substituting "by Special Ballot";*
- (c) *in subsection (11)*
 - (i) *by repealing clause (a) and substituting the following:*

- (ii) *an Alberta health insurance card;*
- (iii) *a Senior Citizen's Identification Card;*
- (iv) *any identification that is acceptable to the deputy returning officer,*

and

26 Grammatical error corrected.

27 Section 98 is being replaced by the Special Ballot procedure. Section 98 presently reads as follows:

98 A deputy returning officer, poll clerk, supervisory deputy returning officer, candidate, official agent or scrutineer may vote at the poll where he is located if he files his Special Voting Certificate with the deputy returning officer, and the deputy returning officer or poll clerk shall enter in the poll book the name of the voter and opposite the name in the appropriate column the initials "S.V.C.".

28 Section 108(2), (5) and (11) presently read:

(2) On complying with subsection (1), the deputy returning officer shall count

- (a) the number of electors whose names appear on the list of electors, and*
- (b) the number of voters recorded in the poll book as having voted,*

and shall draw a line immediately under the last name in the poll book, affix his initials and complete the Election Certificate on the last page of the poll book.

(5) In counting the votes the deputy returning officer shall reject and place in a rejected ballot envelope any ballot that

- (a) does not have on its back the name of the electoral*

- (a) the supervisory deputy returning officer and the deputy returning officers;
- (ii) *by repealing clause (d) and substituting the following:*
 - (d) the Chief Electoral Officer, members of his office staff designated by him and visiting officials from other electoral jurisdictions authorized by him;

29 *Section 109 is amended*

- (a) *in clause (a) by striking out “duplicate” and substituting “sufficient numbers”;*

division and year of the election,

- (b) does not indicate a vote for any candidate,*
- (c) in the case of a vote by an incapacitated or absentee voter, does not indicate a vote for any candidate or registered political party, as the case may be,*
- (d) contains votes for more than one candidate,*
- (e) in the case of a vote by an incapacitated or absentee voter, contains votes for more than one candidate or registered political party, as the case may be,*
- (f) is so marked that it is uncertain for which candidate the vote was cast,*
- (g) in the case of a vote by an incapacitated or absentee voter, is so marked that it is uncertain for which candidate or registered political party, as the case may be, the vote was cast,*
- (h) contains a vote for a candidate who has withdrawn,*
- (i) in the case of a vote by an incapacitated or absentee voter, contains a vote for a candidate who has withdrawn or for a registered political party that does not have a candidate for the electoral division, or*
- (j) contains any writing or mark enabling the voter to be readily identified.*

(11) Only the following persons may be present during the unofficial count of ballots and then only if they have taken the prescribed oath of secrecy:

- (a) the deputy returning officers;*
- (b) the poll clerks;*
- (c) the returning officer or election clerk;*
- (d) the Chief Electoral Officer or a representative of the Chief Electoral Officer;*
- (e) the candidates;*
- (f) the official agents of the candidates;*
- (g) one scrutineer per candidate for each ballot box.*

29 Section 109(a), (c) and (d) presently read:

109 The deputy returning officer shall, at the conclusion of the count,

(b) be repealing clauses (c) and (d) and substituting the following:

- (c) provide one copy of the Statement of Poll to each candidate or to his official agent or scrutineer present,*
- (d) administer the poll clerk's oath and take the deputy returning officer's oath in the prescribed forms,*

30 Section 112 is amended by adding "and" at the end of clause (a) and repealing clauses (c) and (d).

31 Section 113 is amended

(a) in subsection (1)

(i) by striking out "or" at the end of clause (b);

(ii) by striking out "may apply to vote in accordance with this section" and adding the following after clause (c):

- (d) being a supervisory deputy returning officer, deputy returning officer, poll clerk, interpreter, special constable, candidate, official agent or scrutineer who may be located on polling day at a polling place in a polling subdivision within the electoral division other than that in which he is ordinarily resident, or*

- (a) *complete a Statement of Poll in duplicate that shall be signed by the deputy returning officer, the poll clerk and any person present who wishes to sign the statement of the poll,*
- (c) *complete a sufficient number of Candidate's Certificates in the prescribed form and provide one to each candidate present or to his official agent or one of his scrutineers present,*
- (d) *administer to the poll clerk the poll clerk's oath in the prescribed form,*

30 Section 112 presently reads:

112 The deputy returning officer shall

- (a) *before leaving the polling place, ensure that all expense claims for the election officers at his poll are properly completed, signed and certified,*
- (b) *ensure that the expense claims are delivered to the returning officer,*
- (c) *take his prescribed oath, and*
- (d) *transmit to the returning officer by registered mail or personally deliver the certificate evidencing that the oath was taken.*

31 Section 113(1), (2) and (3)(b) presently read:

113(1) An elector whose name is included on the list of electors for the polling subdivision in which he ordinarily resides and who is unable to vote at an advance poll or at the poll on polling day on account of

- (a) *physical incapacity,*
- (b) *absence from the electoral division, or*
- (c) *being an inmate, other than an inmate referred to in section 41(d), of a correctional institution under the Corrections Act,*

may apply to vote in accordance with this section.

(2) An application by an elector under this section may be made to the returning officer of the applicant's electoral division at any time following the issue of the writ and prior to the closing of polls on polling day.

- (e) being a resident of a remote area designated under section 25.1,

may apply to vote by Special Ballot.

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

(2) An application for a Special Ballot may be made

- (a) in writing,
- (b) by telephone,
- (c) by telecopier, or
- (d) in person,

by an elector to the returning officer of the elector's electoral division at any time between the issue of the writ and the closing of polls on polling day.

- (c) *in subsection (3)(b) by striking out "a poll book entitled "Incapacitated and Absentee Voters" " and substituting "the Special Ballot Poll Book".*

32 *Section 115 is amended*

- (a) *in subsection (4)(a) by striking out "Incapacitated and Absentee Voters poll book" and substituting "Special Ballot Poll Book";*

- (b) *in subsection (4.1)*

- (i) *by striking out "Incapacitated and Absentee Voters poll book and" and substituting "Special Ballot Poll Book and";*

- (ii) *by repealing clause (a)(iii) and substituting the following:*

- (iii) enter on the list of electors the word "Special" opposite the name of the voter,

- (iii) *in clause (a)(iv) by striking out "Incapacitated and Absentee Voters poll book" and substituting "Special Ballot Poll Book";*

(3) On receipt of an application under this section the returning officer or election clerk shall

(b) enter in a poll book entitled "Incapacitated and Absentee Voters"

(i) the elector's name and address, and

(ii) the name and number of the polling subdivision in which the elector resides

32 Section 115(4)(a), (4.1)(a) and (5) presently read:

(4) On receipt of the outer envelope, the returning officer or election clerk shall remove the certificate envelope and determine

(a) whether the name on the certificate envelope is the same as that of an individual already recorded in the Incapacitated and Absentee Voters poll book under section 113, and

(4.1) On determining that the voter is recorded in the Incapacitated and Absentee Voters poll book and that part 1 of the certificate is completed, the returning officer or election clerk, as the case may be, shall,

(a) if he is satisfied as to the voter's eligibility to vote,

(i) sign part 2 of the certificate,

(ii) strike the voter's name from the list of electors for the polling subdivision in which he is entitled to vote,

(iii) enter on the list of electors the words "Inc.

- (iv) *in clause (a)(v) by striking out "Incapacitated and Absentee Voters" and substituting "Special Ballot";*
- (v) *by repealing clause (a)(vi) and substituting the following:*
 - (vi) *enter in the Special Ballot Poll Book, in the appropriate columns, the word "voted" and the reason for using the Special Ballot, that is, physical incapacity, absence, inmate, election officer, candidate, official agent, scrutineer or remote area, and*
- (c) *in subsection (5) by striking out "Incapacitated and Absentee Voters' " and substituting "Special Ballot".*

33 Sections 117 to 121 are repealed and the following is substituted:

Treatment
centres and
seniors'
lodges

117(1) Each returning officer shall, following receipt of a writ, determine if there are in the electoral division

- (a) any treatment centres having not fewer than 10 in-patients who are electors, and
- (b) any seniors' lodges having not fewer than 10 residents who are electors.

(2) If he determines that there are facilities as described in subsection (1), the returning officer shall, immediately after nomination day,

- (a) determine, in consultation with an official of each seniors' lodge, whether a mobile poll should be held at the lodge,
- (b) in consultation with an official of each seniors' lodge where a poll is to be held and with an official of each treatment centre

Voter" in respect of an incapacitated voter or "Abs. Voter" in respect of an absentee voter or an inmate opposite the name of the voter struck from the list of electors,

- (iv) record in the Incapacitated and Absentee Voters poll book in the appropriate column the date he received the certificate envelope,*
- (v) open the certificate envelope, remove the sealed ballot envelope and place the sealed ballot envelope in a sealed ballot box marked "Incapacitated and Absentee Voters",*
- (vi) enter in the Incapacitated and Absentee Voters poll book in the appropriate column the word "voted", and*
- (vii) retain the certificate envelope and forward it to the Chief Electoral Officer in accordance with section 140,*

or

(5) At the close of the polling place on polling day, the returning officer shall deliver the Incapacitated and Absentee Voters' ballot box to the deputy returning officer and poll clerk of an advance poll in the electoral division, who shall proceed in accordance with section 110 as if the ballot box was from an advance poll.

33 Sections 117 to 121 presently read:

117 Each returning officer shall, following receipt of a writ, determine if there are in his electoral division any treatment centres having not less than 10 electors who are in-patients of the treatment centre and, if so, shall, immediately after nomination day,

- (a) in consultation with the administrator of the treatment centre or a co-ordinator appointed by the treatment centre,*
 - (i) fix the hours on polling day when the poll will be taken at the treatment centre, and*
 - (ii) determine the number of polling stations to be established and the format that each polling station is to take as either being a fixed location or bed-to-bed visitations or both,*

and

- (b) appoint a deputy returning officer and poll clerk for each poll so required.*

118 Electors who are acknowledged by an official of a treatment

- (i) fix the hours on polling day when a mobile poll will operate at the facility, and
- (ii) determine the number of mobile polls to be established within the facility and the format that each mobile poll is to take as either fixed location or bed-to-bed visitations or both,

and

- (c) appoint a deputy returning officer and poll clerk for each mobile poll so required.

Deemed
residence

118 Electors who are acknowledged by an official of a treatment centre or a seniors' lodge where a mobile poll is to be held to be in-patients or residents of that facility on polling day are deemed to be ordinarily resident in the electoral division in which the facility is located if they have not already voted in the election.

Presence at
mobile poll

119(1) Subject to subsection (2), only the following persons may remain at a mobile poll during polling hours:

- (a) the deputy returning officer;
- (b) the poll clerk;
- (c) the returning officer or election clerk;
- (d) an interpreter;
- (e) a member of the staff of the treatment centre or seniors' lodge;
- (f) each candidate or his official agent or scrutineer.

(2) If in the opinion of a member of the staff of a treatment centre it is advisable to do so, the deputy returning officer may limit the persons present at a mobile poll to

- (a) the deputy returning officer,
- (b) the poll clerk,

centre to be in-patients of that centre on polling day shall be deemed to be ordinarily resident in the electoral division in which the treatment centre is located if they have not already voted in the election as incapacitated or absentee voters or in an advance poll.

119(1) Subject to subsection (2), only the following persons may remain at a treatment centre polling station during polling hours:

- (a) the deputy returning officer;*
- (b) the poll clerk;*
- (c) the returning officer or election clerk;*
- (d) a member of the treatment centre staff;*
- (e) each candidate or his official agent or a scrutineer.*

(2) If in the opinion of a member of the treatment centre staff it is considered advisable to do so, the deputy returning officer may limit the persons present at a polling station to

- (a) the deputy returning officer,*
- (b) the poll clerk, and*
- (c) the member of the treatment centre staff.*

120(1) The ballots used at the taking of the poll at a treatment centre shall be the ballots being used for the election in the electoral division in which the treatment centre is situated.

(2) An elector eligible to vote and considered by an official of the treatment centre to be well enough to vote

- (a) shall take the required oath before voting, and*
- (b) may, if necessary, vote in accordance with section 92.*

(3) The treatment centre representative shall, on the close of the taking of the poll at the treatment centre, endorse the poll book by affixing his signature immediately under the last name in the poll book certifying that the persons named in the poll book are in-patients in accordance with section 118.

120.1(1) After the closing of the polling places on polling day the deputy returning officer of each treatment centre poll and his poll clerk shall attend with the ballot box at a place designated by the returning officer and then, in the presence of any of the candidates or their official agents or scrutineers who attend, shall open the ballot box and proceed to count the votes, and sections 108 and 109 apply, with all necessary modifications, to the count.

(2) The returning officer shall advise in writing each candidate or his official agent of the place where the votes from the treatment centre poll will be counted.

Mobile poll
voting
procedure

- (c) an interpreter, and
- (d) a member of the treatment centre staff.

120(1) The ballots used at the taking of the vote at a mobile poll at a treatment centre or seniors' lodge shall be the ballots being used for the election in the electoral division in which the facility is situated.

(2) An elector eligible to vote who is an in-patient of a treatment centre and considered by an official of the treatment centre to be well enough to vote

- (a) shall take the required oath before voting, and
- (b) may, if necessary, vote in accordance with section 92.

(3) An elector eligible to vote who is a resident of a seniors' lodge

- (a) shall, if his name does not appear on the list of electors, take the required oath before voting, and
- (b) may, if necessary, vote in accordance with section 92.

(4) An official of the treatment centre or seniors' lodge shall, on the close of the taking of the poll at the facility, endorse the poll book by affixing his signature immediately under the last name in the poll book certifying that the persons named in the poll book are in-patients or residents in accordance with section 118.

Mobile poll
count

121(1) After the closing of the polling places on polling day the deputy returning officer of each mobile poll and his poll clerk shall attend with the ballot box at a place designated by the returning officer and then, in the presence of any of the candidates or their official agents or scrutineers who attend, shall open the ballot box and proceed to count the votes, and sections 108 and 109 apply, with all necessary modifications, to the count.

(2) The returning officer shall advise in writing each candidate or his official agent of the place where the votes from the mobile poll will be counted.

121 Every treatment centre at which one or more treatment centre polling stations are established is a polling place under this Act, and all relevant provisions of this Act apply with all necessary modifications.

Application of
Act to mobile
polls

121.1 Every treatment centre and every seniors' lodge at which one or more mobile polls are established is a polling place under this Act and all relevant provisions of this Act apply with all necessary modifications.

34 Section 122 is repealed.

35 Section 136 is amended

(a) *in subsection (3) by striking out “and” at the end of clause (c) and by adding the following after clause (c):*

(c.1) inspect all rejected ballots and decide on the validity of each ballot regardless of the previous rejection by the deputy returning officer, and

(b) *in subsection (4) by adding “or (c.1)” after “(3)(c)”;*

(c) *by repealing subsection (5) and substituting the following:*

(5) If, on the addition of votes by the returning officer, no candidate can be declared elected because the same number of votes is counted for 2 or more candidates, the returning officer shall

(a) cast an additional vote by marking a ballot for one of the tied candidates,

(b) include that vote in the official count, and

(c) seal the ballot in an envelope marked with the words “Returning Officer’s Vote” and keep it separate from the other ballots.

36 Section 137(2) is amended by striking out “his” and substituting “a copy of the”.

34 Section 122 conflicts with section 38 of the Legislative Assembly Act. Section 122 presently reads:

122 If a vacancy occurs in the representation of an electoral division, a by-election to fill the vacancy shall be held within 180 days after the occurrence of the vacancy.

35 Section 136(3)(c), (4) and (5) presently read:

(3) In conducting the official count the returning officer in the presence of the election clerk shall open each ballot box, remove the deputy returning officer's Statement of Poll and the envelopes containing the ballots and shall

(c) decide any questions arising out of an objection regardless of whether a decision was made by the deputy returning officer in the first instance, and

(4) The decision of the returning officer under subsection (3)(c) is final, subject only to an appeal or recount under this Act.

(5) If, on the addition of votes by the returning officer, an equality of votes exists for 2 or more candidates, the returning officer shall cast the additional vote by marking a ballot which, after being included in the official count, shall be sealed in an envelope marked with the words "Returning Officer's Vote" and kept separate from the other ballots.

36 Section 137(2) presently reads:

(2) The returning officer shall retain his Statement of Official Results for a period of 10 days after announcing the results of the official count to allow for possible appeals or applications for a

37 Section 139(1) is amended

- (a) in clause (d) by striking out “4 copies of”;
- (b) in clause (f) by striking out “electoral” and substituting “polling”;
- (c) in clause (g) by striking out “electoral” and substituting “polling”.

38 Section 140 is amended

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

Transmission
of election
materials to
Chief
Electoral
Officer

140(1) Within 10 days of announcing the results of the official count, the returning officer shall transmit the documents specified in section 139(1) to the Chief Electoral Officer in accordance with the Chief Electoral Officer’s directions.

- (b) by repealing subsection (4) and substituting the following:

(4) Immediately after preparing the election documents and materials for return, each returning officer shall complete the prescribed affidavit and forward it to the Chief Electoral Officer in accordance with the Chief Electoral Officer’s directions.

39 Section 144(4) is amended by striking out “vote by an incapacitated or absentee voter” and substituting “Special Ballot”.

40 Section 148(a) is amended by striking out “writs, poll books, and copies of the” and substituting “poll books and”.

recount of the votes.

37 Section 139(1)(d), (f) and (g) presently read:

139(1) After the official counting of the votes has been completed, a candidate declared elected and the Statement of Official Results completed,

(d) 4 copies of the election proclamation,

(f) the maps of the electoral subdivisions,

(g) the descriptions of the electoral subdivision boundaries,

38 Section 140(1) and (4) presently read:

140(1) When a poll has been held, the returning officer shall transmit to the Chief Electoral Officer the documents specified in section 139(1) in ballot boxes appropriately sealed and labelled within 10 days of announcing the results of the official count.

(4) Immediately after returning his election documents and materials, each returning officer shall complete the prescribed affidavit and forward it by registered mail to the Chief Electoral Officer.

39 Section 144(4) presently reads:

(4) Notwithstanding subsection (3), the judge shall not open the outer envelope containing a vote by an incapacitated or absentee voter if the envelope was received by the returning officer after the closing of the polling places on polling day.

40 Section 148(a) presently reads:

148 Subject to any other provision of this Act, the Chief Electoral Officer shall retain

(a) the writs, poll books, and copies of the election proclamations transmitted by the returning officers until he has received the equivalent documents after the next

41 *Section 149.1 is repealed and the following is substituted:*

Provincial
Archives

149.1 Notwithstanding sections 148 and 149, after each election, the Chief Electoral Officer shall deposit the writ and the Statement of Official Results for each electoral division with the Provincial Archives of Alberta.

42 *The following is added after section 171:*

Election
Finances &
Contributions
Disclosure Act

171.1 A person who contravenes section 37, 38 or 39 of the *Election Finances and Contributions Disclosure Act* commits a corrupt practice.

43 *Section 174.1 is amended by adding “or 175(1)” after “174(1)”.*

44 *Section 175(1) is amended*

(a) *by adding “the Court shall send a report of its findings to the Chief Electoral Officer and” after “corrupt practice,”;*

(b) *by striking out “under section 174”.*

Part 2 Election Finances and Contributions Disclosure Act

45 *The Election Finances and Contributions Disclosure Act is amended by this Part.*

46 *Section 2(2) and (3) are repealed.*

47 *Section 6(3) is repealed and the following is substituted:*

(3) The Chief Electoral Officer shall not register a political party if, in his opinion,

(a) the name or the abbreviation of the name of the applying party so nearly resembles

subsequent general election,

41 Section 149.1 presently reads:

149.1 Notwithstanding sections 148 and 149, the Chief Electoral Officer shall provide copies of the writ and the Statement of Official Results for each electoral division to the Provincial Archives of Alberta after each election.

42 Certain offences under Election Finances and Contributions Disclosure Act are made corrupt practices.

43 Section 174.1 presently reads:

174.1 On receiving the report of the Court pursuant to section 173(1) or 174(1), the Chief Electoral Officer shall send a copy of the report to the Lieutenant Governor in Council.

44 Section 175(1) presently reads:

175(1) Subject to subsection (2), if a person other than a candidate is found guilty of committing a corrupt practice, that person is, during the 8 years immediately following the date on which the Chief Electoral Officer receives the report of the Court under section 174, subject to the same prohibitions to which a candidate is liable under section 173(2).

Part 2
Election Finances and Contributions Disclosure Act

45 This Part will amend chapter E-3 of the Revised Statutes of Alberta 1980.

46 Section 2(2) and (3) deal with the application of the Act to certain trust funds which have now all been liquidated.

47 Section 6(3) presently reads:

(3) The Chief Electoral Officer shall not register a political party if, in his opinion, the name or the abbreviation of the name of the party so nearly resembles the name or abbreviation of the name of a registered party as to be likely to be confused with that registered party.

the name or abbreviation of the name of a registered party as to be likely to be confused with the name or abbreviation of that registered party, or

- (b) the proposed name or abbreviation is unacceptable to the Chief Electoral Officer for any other reason.

48 *Section 11 is amended*

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

(1.1) The trustee of a trust held pursuant to subsection (1) shall

- (a) deposit the funds in an account maintained by him at a financial institution for that purpose or invest the funds in authorized trustee investments, and
- (b) permit only interest paid on the funds on deposit and income from the investments referred to in clause (a), if any, to be added to the funds on deposit.

- (b) *by repealing subsection (3) and substituting the following:*

(3) If a candidate is not nominated or does not declare himself to be an independent candidate for the next election, he shall, not later than 7 days after the day fixed for nominations, transfer or pay the amount held by him in trust pursuant to subsection (1) to

- (a) the registered party that proposed or supported the candidate's registration at the previous election,
- (b) registered constituency associations of the registered party that proposed or supported the candidate's registration at the previous election, or
- (c) registered candidates of the registered party that proposed or supported the candidate's registration at the previous election,

48 Section 11(1), (2) and (3) presently read:

11(1) Any campaign funds held by a candidate at the end of a campaign period that include contributions received by him for the purpose of his campaign shall be held in trust to be expended for his candidacy at the next election.

(2) Funds held in trust under subsection (1) may, at the option of the candidate, be transferred or paid from time to time to any registered party or registered constituency association.

(3) If a candidate is not nominated or does not declare himself to be an independent candidate for the next election, he shall, not later than 7 days after the day fixed for nominations, transfer or pay the amount held by him in trust pursuant to subsection (1) to

- (a) a registered party,*
- (b) a registered constituency association,*
- (c) a registered candidate,*
- (d) a registered Canadian charitable organization as defined in the Income Tax Act (Canada), or*
- (e) the Crown in right of Alberta*

at the option of the candidate.

at the option of the candidate, or to the Crown in right of Alberta if the funds cannot be transferred in accordance with clause (a), (b) or (c).

49 Section 12 is amended

- (a) in subsection (1)(a) by striking out “2 or”;*
- (b) in subsection (2) by striking out “\$15” and substituting “\$50”.*

50 Section 14(1) is amended by striking out “\$40” and substituting “\$50”.

51 Section 18(3) is amended

- (a) in clause (a) by striking out “\$10” and substituting “\$50”;*
- (b) by adding “and” at the end of clause (a), by repealing clauses (b) and (c) and by substituting the following:*
 - (b) if the individual charge is more than \$50, \$25 shall be allowed for expenses and the balance shall be considered as a contribution to the registered party, registered constituency association or registered candidate, as the case may be.*

49 Section 12(1)(a) and (2) presently read:

12(1) Funds transferred from

(a) a foundation under section 5 or a trust under section 2 or 11, or

(2) Money or property provided by any person, corporation, trade union or employee organization that does not exceed \$15 in aggregate is not a contribution for the purposes of this Act but shall be recorded as to the gross amount by the chief financial officer of the recipient unless the donor specifically requests that the amount be considered a contribution.

50 Section 14(1) presently reads:

14(1) Any anonymous contribution in excess of \$40 received by a political party, constituency association or candidate registered under this Act shall not be used or expended, but

(a) shall be returned to the contributor if the contributor's identity can be established, or

(b) if the contributor's identity cannot be established, shall be paid over to the Chief Electoral Officer.

51 Section 18(3) presently reads:

(3) If an individual charge by the sale of tickets or otherwise is made for a fund-raising function held by or on behalf of a registered party, registered constituency association or registered candidate, then, for the purposes of this Act,

(a) if the individual charge is \$10 or less, it shall not be considered as a contribution unless the person who pays the charge specifically requests that it be so considered, in which case 1/2 shall be allowed for expenses and 1/2 shall be considered as a contribution to the registered party, registered constituency association or registered candidate, as the case may be,

(b) if the individual charge exceeds \$10, but is less than \$50, 1/2 shall be allowed for expenses and 1/2 shall be considered as a contribution to the registered party, registered constituency association or registered

52 Section 19 is amended by striking out “\$40” and substituting “\$50”.

53 Section 26 is amended

(a) in subsection (3) by repealing clauses (a), (b) and (c) and substituting the following:

- (a) the total amount of all contributions received during the campaign period that did not exceed \$375 in the aggregate from any single contributor, and
- (b) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the campaign period exceeded an aggregate of \$375.

(b) in subsection (4) by repealing clauses (a), (b) and (c) and substituting the following:

- (a) the total amount of all contributions received during the year that did not exceed \$375 in the aggregate from any single contributor, and
- (b) the total amount contributed, together with the contributor's name and address, when the contribution of that contributor during the year exceeded an aggregate of \$375.

candidate, as the case may be, or

- (c) if the individual charge is \$50 or more, \$25 shall be allowed for expenses and the balance shall be considered as a contribution to the registered party, registered constituency association or registered candidate, as the case may be.*

52 Section 19 presently reads:

19 When, at a meeting held on behalf of or in relation to the affairs of a registered candidate, registered party or registered constituency association, money is given in response to a general collection of money solicited from the persons in attendance at the meeting, individual amounts given of \$40 or less shall be considered not to be contributions for the purposes of this Act but shall be recorded as to the gross amount by the chief financial officer of the candidate, political party or association, as the case may be.

53 Section 26(3) and (4) presently read:

(3) Every registered party and registered candidate shall file with the Chief Electoral Officer within the period during which a financial statement must be filed relating to a campaign period, a return setting out

- (a) the total amount of all contributions not exceeding \$40 received during the campaign period,*
- (b) the total amount of all contributions received during the campaign period that exceeded \$40 but did not exceed \$375 in the aggregate from any single contributor, and*
- (c) the individual amounts contributed and the name and address of each contributor when the contributions of that contributor during the campaign period exceeded an aggregate of \$375.*

(4) Every registered party and registered constituency association shall file with the Chief Electoral Officer within the period during which an annual financial statement must be filed, a return setting out

- (a) the total amount of all contributions not exceeding \$40 received during the year,*
- (b) the total amount of all contributions received during the year that exceeded \$40 but did not exceed \$375 in the aggregate from any single contributor, and*
- (c) the individual amounts contributed and the name and address of each contributor when the contributions of that contributor during the year exceeded an aggregate of \$375.*

54 Section 35 is amended

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

Filing of
financial
statements for
election
campaigns

35(1) Subject to subsection (5) and section 36(3), within 6 months after polling day the chief financial officer of a registered party shall file with the Chief Electoral Officer a financial statement setting out the income and transfers and the amount of expenses in total of the party for which he acts that relate to an election during the campaign period, including a nil return where applicable.

(1.1) Subject to subsection (6) and section 36(3), within 4 months after polling day the chief financial officer of a registered candidate shall file with the Chief Electoral Officer a financial statement setting out the income and transfers and the amount of expenses in total, including expenses paid on behalf of the candidate by a registered party or a constituency association, during the campaign period or that relate to the campaign period.

- (b) *in subsection (2) by adding “subsection (1.1) applies only” after “that by-election and”;*
- (c) *in subsection (5) by striking out “(1)(a)” and substituting “(1)”;*
- (d) *in subsection (6)*
- (i) *by striking out “(1)(b)” and substituting “(1.1)”;*
- (ii) *by striking out “3” wherever it occurs and substituting “4”;*
- (e) *in subsection (7) by striking out “3” wherever it occurs and substituting “4”.*

55 Section 36(3) is repealed and the following is substituted:

- (3) On hearing the application, the Court may

- (a) dispense with compliance with section 35, or any provision of it, if it considers that the non-compliance is due to circumstances beyond the control of the candidate or the

but, in the case of a registered party, excluding any information included in a return under subsection (3).

54 Section 35(1) and (2) presently read:

35(1) Subject to subsections (5) and (6) and section 36(3), a chief financial officer shall file with the Chief Electoral Officer,

(a) within 6 months after polling day in the case of the chief financial officer of a registered party, or

(b) within 3 months after polling day in the case of the chief financial officer of a registered candidate,

a financial statement setting out the income and transfers and the amount of the expenses in total, including a nil return where applicable, of the party or candidate for which he acts and which relate to an election during the campaign period.

(2) In relation to a by-election, subsection (1) applies only to registered parties that received contributions or made payments or transfers in relation to that by-election and to registered candidates at that by-election.

55 Section 36(3) presently reads:

(3) On hearing the application, the Court may

(a) dispense with compliance with section 35 if it considers that the non-compliance is due to circumstances beyond the control of the candidate or the chief financial officer or both,

chief financial officer, or both, and that it is not reasonably possible to comply with the section,

- (b) extend the time for compliance with section 35, or any provision of it, if it finds mitigating reasons for non-compliance with the section,
- (c) make any order that it considers appropriate to secure compliance with so much of section 35 as it considers reasonable in the circumstances, or
- (d) refuse the application.

56 Section 41 is amended by renumbering it as section 41(1) and by adding the following after subsection (1):

(2) Subsection (1) does not apply to a contravention of section 37, 38 or 39 by a person that constitutes a corrupt practice under section 171.1 of the *Election Act*.

Commencement

57 This Act comes into force on Proclamation.

- (b) *extend the time for compliance with section 35 if it finds mitigating reasons for non-compliance with that section, or*
- (c) *refuse the application.*

56 Section 41 presently reads:

41 A corporation, trade union, employee organization or prohibited corporation that contravenes this Act is guilty of an offence and liable to a fine of not more than \$10 000.

Commencement

57 Coming into force.