

1997 BILL 10

First Session, 24th Legislature, 46 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 10

LOCAL AUTHORITIES ELECTION
AMENDMENT ACT, 1997

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 10

1997

LOCAL AUTHORITIES ELECTION AMENDMENT ACT, 1997

(Assented to _____, 1997)

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

Amends SA
1983 cL-27.5

1 The *Local Authorities Election Act* is amended by this Act.

2 Section 1 is amended

- (a) by repealing clause (f);
- (b) in clause (g) by adding the following after subclause (iii):
 - (iv) a regional health authority;
- (c) in clause (n) by striking out “a district as defined in the *Hospitals Act*” and substituting “a health region under the *Regional Health Authorities Act*”;
- (d) by adding the following after clause (p):
 - (p.1) “regional health authority” means a regional health authority established under the *Regional Health Authorities Act*;
- (e) in clause (r) by repealing subclause (ii) and substituting the following:
 - (ii) in the case of a regional health authority, the Minister of Health, or
- (f) by adding the following after clause (t):
 - (t.1) “seniors’ accommodation facility” means

Explanatory Notes

1 Amends chapter L-27.5 of the Statutes of Alberta, 1983.

2 Section 1 presently reads in part:

1 In this Act,

(f) "district board" means a district board as defined in the Hospitals Act;

(g) "elected authority" means

(i) a council under the Municipal Government Act, or

(ii) repealed 1995 c24 s99(15),

(iii) a board of trustees under the School Act;

(l) "general election" means an election held for all the members of an elected authority to fill vacancies caused by the effluxion of time;

(m) "judge" means a judge of the Court;

(n) "local jurisdiction" means a municipality, a district as defined in the Hospitals Act or a district or division as defined in the School Act, as the case may be;

(r) "relevant Minister" means,

(i) in the case of a municipality, the Minister of Municipal Affairs,

(i) lodge accommodation as defined in the *Alberta Housing Act*, and

(ii) a facility for seniors that provides accommodation at a location for 10 or more persons who are 65 years of age or older;

(g) in clause (z) by repealing subclause (iii) and substituting the following:

(iii) a ward of a health region under the *Regional Health Authorities Act*, or

3 The following is added after section 2:

Joint elections

2.01(1) An elected authority may by resolution enter into an agreement for the conduct of an election with one or more elected authorities of local jurisdictions that do not have contiguous boundaries but do have areas in common.

(2) An agreement under subsection (1)

(a) must state which elected authority and which returning officer is responsible for the conduct of the election in which area or part of an area,

(b) must require each elected authority to appoint a returning officer, and

(c) may, subject to subsections (3) and (4), provide for all other matters necessary for the conduct of the election.

(3) A person may be a returning officer for more than one elected authority.

(4) The elected authority that is responsible for the conduct of the election must ensure that the procedures prescribed under this Act for holding an election are complied with, including the retention and destruction of election materials, but each elected authority is responsible for the establishment of a deposit requirement, if any.

(5) The elected authority that is responsible for the conduct of the election under an agreement described in subsection (1) has all the rights, powers and duties respecting the conduct of the election of those elected authorities that have entered into the agreement.

- (ii) in the case of a district as defined in the Hospitals Act, the Minister of Health, or*
- (iii) in the case of a district or division as defined in the School Act, the Minister of Education;*
- (z) "ward" means*
 - (i) a ward or electoral division under the Municipal Government Act,*
 - (ii) repealed 1995 c24 s99(15),*
 - (iii) a ward under the Hospitals Act, or*
 - (iv) a ward or an electoral subdivision under the School Act.*

3 Joint elections.

4 Section 11(2) is repealed.

5 Section 13(2) is amended by striking out “and if there is no deputy appointed he shall perform the deputy’s duties”.

6 Section 26(1) is repealed and the following is substituted:

Notice of
nomination
day

26(1) The returning officer shall give notice of nomination day in the prescribed form by publishing a notice at least once a week in each of the 2 weeks before nomination 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 nomination day.

7 Section 27(1.2) is repealed.

8 Section 28 is amended

(a) by repealing subsection (1.1) and substituting the following:

(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

4 Section 11(2) presently reads:

(2) Notwithstanding section 31(1), if the number of persons nominated for any office in a summer village is less than the number required to be elected, the nomination meeting

(a) shall stand adjourned to a time and place as determined and announced by the returning officer prior to the adjournment for the purpose of receiving further nominations for the office in respect of which the required number of nominations has not been received, and

(b) shall continue to be adjourned in the same manner from meeting to meeting until the required number of candidates has been nominated or 3 meetings have been adjourned.

5 Section 13(2) presently reads:

(2) The returning officer has all the duties and powers of a deputy and if there is no deputy appointed he shall perform the deputy's duties.

6 Section 26(1) presently reads:

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.

7 Section 27(1.2) presently reads:

(1.2) Notwithstanding subsection (1.1), for the purposes of the general election in 1992, a by-law passed under subsection (1) is valid if it is passed prior to July 31, 1992.

8 Section 28 presently reads:

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

(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.

- (a) may receive nominations earlier than 10 a.m., and
 - (b) may establish locations, in addition to the local jurisdiction office, where a deputy may receive nominations.
- (b) in subsection (2) by adding “or deputy” after “returning officer”;**
- (c) in subsection (3) by striking out “officer” and substituting “officer, deputy”;**
- (d) by adding the following after subsection (3):**
- (4) The returning officer or secretary must retain all the filed nomination papers until the term of office to which the papers relate has expired.

9 Section 30(2) is amended

- (a) by striking out “to him” and substituting “to the candidate”;**
- (b) in clause (b) by adding “to the office” after “elected”.**

10 Section 31 is amended

- (a) by repealing subsection (1)(b) and substituting the following:**
 - (b) shall continue to remain open and be adjourned in the same manner from day to day until 12 noon of the day that the required number of nominations has been received or a period of 6 days, including nomination day but not including Saturday, Sunday and holidays, as defined in the *Interpretation Act*, has elapsed.
- (b) by adding the following after subsection (1):**
 - (1.1)** Notwithstanding subsection (1), if a by-law under section 28(1.1)(a) is in force in the local jurisdiction, the time for receipt of nominations must comply with the by-law.
 - (1.2)** Notwithstanding subsection (1)(b), in the case of a summer village the period of 6 days includes Saturday and Sunday.

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

(3) After 12 noon on nomination day, 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.

9 Section 30(2) presently reads in part:

(2) The candidate's deposit shall be returned to him

(b) if he obtains a number of votes at least equal to ½ of the total number of votes cast for the candidate elected with the least number of votes, or

10 Section 31 presently reads:

31(1) If the number of persons nominated for any office is less than the number required to be elected, the time for receipt of nominations

(a) shall stand adjourned to the next day at the same place at the hour of 10 a.m. and shall remain open until 12 noon for the purpose of receiving further nominations for the office, and

(b) shall continue to be adjourned in the same manner from day to day until the required number of nominations has been received or a period of 6 days, including nomination day, has elapsed.

(2) If sufficient nominations to fill all vacancies are not received, the secretary shall immediately notify the relevant Minister, who may recommend a change in the status of the local jurisdiction or any other action he considers necessary.

11 Section 38(2) is amended by striking out “black lead pencil or other”.

12 Section 44 is repealed and the following is substituted:

Form of ballot

44(1) If there is to be a vote on a by-law or question, the elected authority by resolution

(a) must determine the wording to be used on the ballot, and

(b) may determine the form of the ballot.

(2) If the elected authority does not determine the form of the ballot under subsection (1), the returning officer must do so.

13 Section 48(1) is amended by adding the following after clause (b):

(b.1) subject to clause (c), a student who

(i) attends an educational institution within or outside Alberta,

(ii) temporarily rents accommodation for the purpose of attending an educational institution, and

(iii) has family members who are resident in Alberta and with whom the student ordinarily resides when not attending an educational institution

is deemed to reside with those family members;

14 The following is added after section 48:

11 Section 38(2) presently reads:

(2) In each voting compartment there shall be provided for the use of the electors in the marking of ballots a table, desk or shelf with hard surface and a black lead pencil or other suitable marking instrument that shall be kept operational during the hours of voting.

12 Section 44 presently reads:

44 The ballot for a vote on a by-law or question shall be in the form determined by resolution of the elected authority.

13 Section 48(1) presently reads in part:

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

(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;

14 Permanent electors register.

Permanent
electors
register

48.1(1) Subject to this section, a municipality may, by by-law,

- (a) direct the secretary to prepare a permanent electors register of residents in the municipality who are entitled to vote in elections,
- (b) prescribe procedures and forms governing the enumeration of electors and any other methods of compiling and revising a permanent electors registry, and
- (c) provide for the use of the permanent electors register to create a list of electors who are entitled to vote in an election.

(2) If a by-law is enacted under subsection (1), the municipality may enter into an agreement with the Chief Electoral Officer under the *Election Act*

- (a) to receive from the Chief Electoral Officer information that will assist the secretary of the municipality in compiling or revising the permanent electors register, and
- (b) to provide to the Chief Electoral Officer information that will assist the Chief Electoral Officer in preparing or revising information for the purpose of compiling or revising the register of electors under the *Election Act*.

(3) In addition to the procedures, forms and methods prescribed by by-law under subsection (1), with respect to compiling and revising a permanent electors register, the secretary may use any other information obtained by or available to the secretary.

(4) The permanent electors register may be compiled or revised manually or by means of any computer-based system and may be kept in printed form or may be stored in any computer-based system or any other information storage device that is capable of reproducing any required information in legible printed form within a reasonable time.

(5) The permanent electors register may contain only the following information about persons ordinarily resident in the municipality who are electors or may be eligible to be electors:

- (a) the residential address, including the postal code of the residence of the person, and the mailing address,

including the postal code, if the mailing address is different from the residential address,

- (b) the surname, given name and middle initial of the person,
- (c) the residential telephone number of the person,
- (d) the gender of the person,
- (e) the day, month and year of birth of the person,
- (f) if a person has not resided in Alberta for 6 months, the date the person became a resident of Alberta, and
- (g) whether the person is a public school resident or a separate school resident.

(6) The information referred to in subsection (5)(d) and (e) obtained under this Act may be used only to verify the identification of an elector when compiling or revising the permanent electors register.

(7) Persons or their agents are entitled to have access to information in the permanent electors register about themselves or the persons for whom they are agents to determine whether the information is correct.

15 Section 49 is amended

- (a) by renumbering it as section 49(1);**
- (b) in subsection (1)(b) by adding “and provide for the use of information from a permanent electors register, if any” after “electors”;**
- (c) by adding the following after subsection (1):**
 - (2) When a candidate files a nomination paper the returning officer shall, on the request of the candidate, provide the candidate with a copy of the list of electors, if any.
 - (3) The list of electors may be used only by
 - (a) candidates for the purposes of campaigning for election, and
 - (b) officers for the purposes of carrying out their duties under this Act.

15 Section 49 presently reads:

49 The elected authority if it so desires may, by by-law,

(a) direct the secretary or returning officer to prepare a list of electors who are entitled to vote in an election, and

(b) prescribe procedures and forms governing the enumeration of electors.

16 Section 52 is amended

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

Elector
eligibility

52(1) Every person who attends at a voting station for the purpose of voting shall be permitted to vote

(a) if the person's name appears on the list of electors, if any, or

(b) if the person makes a statement, in the prescribed form, that the person is eligible to vote as an elector.

- (b) in subsection (3) by adding "and the person's name is not on the list of electors, if any," after "statement".**

17 Section 57 is amended

- (a) in subsection (1) by adding "in an election" before "an elector";**

- (b) in subsection (3) by striking out "An" and substituting "In an election an".**

18 Section 59(h) is repealed.

19 Section 69(3) is amended

- (a) by adding "and" at the end of clause (a) and repealing clause (b);**

- (b) in clauses (a) and (c) by striking out "his agent" and substituting "the candidate's agent".**

16 Section 52 presently reads:

52(1) Every person who presents himself at a voting station for the purpose of voting shall make a statement, in the prescribed form, that he is eligible to vote as an elector and that person on subscribing to the statement shall be permitted to vote.

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

(3) If a person described in subsection (1) refuses to make a statement he may not vote for that office or on the by-law or question.

17 Section 57 presently reads:

57(1) Subject to subsection (2), an elector may vote once for each of the persons he chooses to vote for.

(2) An elector may not vote for more than the number of persons to be elected to the office.

(3) An elector may vote once on each by-law or question.

18 Section 59(h) presently reads:

59 The deputy 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:

(h) money by-law.

19 Section 69(3) presently reads:

(3) A candidate personally may

(a) undertake the duties that his agent may undertake,

(b) assist his agent in the performance of his duties, and

(c) attend any place that his agent is authorized by this Act to attend.

20 Section 73(3) is repealed and the following is substituted:

(3) If a resolution is enacted under subsection (1), the returning officer must determine the days and hours when the advance vote is to be held.

21 Section 75(3) is repealed and the following is substituted:

(3) A vote held at an advance voting station must be conducted in the same manner as a vote on election day except that

- (a) a fresh ballot box must be used on each day of the advance vote, and
- (b) on the completion of each day of the advance vote, the ballot box used that day must be sealed so that no ballots can be deposited in it without breaking the seal, and the ballot box must remain like that and be stored in a secure place until it is opened for the counting of ballots at the close of the voting stations on election day.

22 Section 76 is amended by striking out “or” at the end of clause (b) and by adding the following after clause (c):

- (d) who are seniors who live in a seniors’ accommodation facility where an institutional voting station is established, or
- (e) who for religious reasons are not able to vote on election day.

23 Section 78 is amended

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

(4.1) If an elector who is blind is not accompanied by a friend into a voting compartment under subsection (3), the deputy may

20 Section 73(3) presently reads:

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

21 Section 75(3) presently reads:

(3) Except as otherwise provided, a vote held at an advance voting station shall be conducted in the same manner as a vote on election day except that, on the ballot box being closed at the opening of the first day of the advance vote, it shall be kept closed 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.

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

23 Section 78 presently reads:

78(1) The deputy, at the request of an elector who is unable to read or is incapacitated by blindness or another physical condition from marking his ballot in the usual manner, shall mark the vote of that elector on his ballot in the manner directed by that elector, and shall immediately deposit the ballot in the ballot box.

- (a) provide the elector with a blind voter template in the prescribed form, and
- (b) instruct the elector in its use.

(b) by repealing subsection (6) and substituting the following:

(6) When a ballot has been marked pursuant to this section, the deputy shall enter in the voting register opposite the name of the voter and in the appropriate column either “voter assistance” or “template”.

24 Section 80 is amended

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

Institutional
vote eligibility
and staff

80(1) An elected authority may establish by a by-law passed

- (a) prior to June 30 of a year in which a general election is to be held, or
- (b) 4 weeks prior to an election, other than a general election,

where institutional voting stations, if any, are to be established for the election.

(1.1) An elector who on election day

- (a) is confined to a hospital, auxiliary hospital or nursing home in the local jurisdiction, or
- (b) is a resident in the local jurisdiction in a seniors' accommodation facility,

that is established as an institutional voting station for the election is eligible to vote at that institutional voting station.

(1.2) The returning officer may appoint the number of deputies that the returning officer considers necessary to take the votes of the electors referred to in subsection (1.1).

(2) The deputy shall not act under subsection (1) until the elector has made the prescribed statement.

(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 statement, 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 made the prescribed statements.

(5) No candidate or agent shall be present in the voting compartment at the marking of a ballot under this section.

(6) The deputy shall record in the voting register that the ballot of the incapacitated elector is marked by another person and the reason why it is so marked.

24 Section 80 presently reads:

80(1) 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 the local jurisdiction in lodge accommodation as defined in the Alberta Housing Act, 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 he considers necessary to take the votes of those persons.

(2) If an elected authority provides for the holding of 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 lodge accommodation that is located in the local jurisdiction.

(b) in subsection (2) by striking out “lodge accommodation that is” and substituting “seniors’ accommodation facilities that are”.

25 Section 81(1) is amended

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

(a) attend, with a ballot box, on those patients confined to a hospital, auxiliary hospital or nursing home and those residents in a seniors’ accommodation facility whom the administrator or other person having charge of the hospital, home or facility certifies to the deputy to be bona fide patients or residents in the hospital, home or facility, and

(b) in clause (b) by adding “and residents” after “patients”.

26 Section 91(1) is amended by adding the following after clause (f):

(g) the list of electors, if any.

27 Section 92 is amended by striking out “with the presiding deputy’s seal”.

25 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 institutions shall be taken, and the deputies, 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.*

26 Section 91(1) presently reads:

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;*
- (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).*

27 Section 92 presently reads:

92 Each packet of ballots shall be sealed with the presiding 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*

28 Section 93 is amended by adding “the list of electors, if any,” **after** “register.”.

29 Section 121(1) is amended by striking out “penalty of not more than \$1000, which” **and substituting** “fine of not more than \$5000 or to imprisonment for not more than 2 years or to both a fine and imprisonment and the fine”.

30 Section 127(4)(a) is amended by striking out “\$200” **and substituting** “\$300”.

31 Section 128(2) is amended by striking out “his occupation,”.

(d) the voting subdivision name or number.

28 Section 93 presently reads:

93 The presiding deputy shall then place all the packets containing ballots, the voting register, all statements made on voting day and list of electors, if any, in the ballot box and the ballot box shall be closed and sealed with a deputy's seal so that it cannot be opened without breaking the seal and marked on the outside with the voting station name or number.

29 Section 121 presently reads:

121(1) A person adjudged guilty of bribery or undue influence is liable to a penalty of not more than \$1000, which shall be paid to the local jurisdiction on behalf of which the election was conducted.

(2) The judge shall direct that, in default of payment of the penalty within the time fixed by him, the person adjudged guilty of bribery or undue influence be imprisoned for the period the judge directs, not exceeding 30 days, or until the penalty is sooner paid.

(3) If the person adjudged guilty of bribery or undue influence fails to pay the penalty within the time fixed by the judge, the judge shall issue a warrant for his arrest and imprisonment.

30 Section 127(4) presently reads:

(4) The recognizance to be allowed as sufficient by the judge shall be entered into before the judge or before a commissioner for oaths by

(a) the person raising the issue, in the sum of \$200, and

(b) 2 sureties on affidavits of justification, each in the sum of \$100,

and shall be conditioned to prosecute the motion with effect to pay to the respondent any costs that may be adjudged to him against the person raising the issue.

31 Section 128(2) presently reads:

(2) The person raising the issue shall in his notice of motion set forth his name in full, his occupation, his place of residence and the interest, as a candidate, elector or otherwise, that he has in the election and shall also state specifically under distinct heads

(a) all the grounds of objection to the validity of the election complained against,

32 Section 148(6) is repealed and the following is substituted:

(6) A person who contravenes subsection (1), (2), (3), (3.1) or (4) is guilty of an offence and liable to a fine of not more than \$10 000 or to imprisonment for not more than 6 months or to both a fine and imprisonment.

33 Section 149 is amended by striking out “\$500” and substituting “\$5000 or to imprisonment for not more than 2 years or to both a fine and imprisonment”.

34 Section 150(8) is amended

(a) by striking out “\$500” and substituting “\$5000”;

(b) by striking out “6 months” and substituting “2 years”.

35 Section 153 is amended in subsection (1) by striking out “\$100” and substituting “\$500”.

- (b) if the person raising the issue claims that he or any other person or persons should have been declared elected, the grounds in favour of the validity of the election of the person raising the issue or of the other person or persons,*
- (c) the grounds of forfeiture or disqualification of the respondent,*
- (d) if the person raising the issue claims that the result of the voting on the by-law should be reversed, the grounds in support of that contention, and*
- (e) if the person raising the issue makes any other claim, the grounds in support of that claim.*

32 Section 148(6) presently reads:

- (6) A person who contravenes subsection (1), (2), (3), (3.1) 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 \$10 000, or to both a fine and imprisonment.*

33 Section 149 presently reads:

- 149 A returning officer or deputy 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.*

34 Section 150(8) presently reads:

- (8) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$500 or to imprisonment for a term not exceeding 6 months, or to both a fine and imprisonment.*

35 Section 153(1) presently reads:

- 153(1) Subject to subsection (2), a person who, on election day,*

Interference
with posted
documents

36 Section 155 is repealed and the following is substituted:

155 A person who, without authorization, takes down, covers up, mutilates, defaces or alters any notice or other document required to be posted under this Act is guilty of an offence and liable

- (a) if the person is an officer, to a fine of not more than \$1000, and
- (b) in any other case, to a fine of not more than \$200.

37 Section 157 is amended by adding “and liable to a fine of not more than \$5000 or to imprisonment for not more than 2 years or to both a fine and imprisonment” after “offence”.

Offence re use
of information

38 The following is added after section 159:

159.1 Any person who

- (a) uses any information obtained from the permanent electors register for a purpose other than that referred to in section 48.1 or 49,
- (b) uses any information provided to, or obtained by, a secretary under section 48.1 other than for the purpose of compiling or revising the permanent electors register or preparing a list of electors under section 49(1),
- (c) contravenes section 49(3), or
- (d) uses any information obtained while carrying out an enumeration pursuant to a by-law under section 49 other than for the purposes of the enumeration,

(a) displays inside or on the outside of a building used for a voting station, or

(b) distributes within a building used for a voting station,

an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper except those posted by the deputy in accordance with this Act is guilty of an offence and liable to a fine of not more than \$100.

36 Section 155 presently reads:

155 A person who, without authorization, takes down, covers up, mutilates, defaces or alters any notice or other document required to be posted under this Act is guilty of an offence and liable to a fine of not more than \$500.

37 Section 157 presently reads:

157 An employer who directly or indirectly

(a) refuses to allow, or

(b) by intimidation, undue influence or in any other manner interferes with the allowance of,

an employee to have a period of absence for voting provided for under section 58 is guilty of an offence.

38 Offence re use of information

is guilty of an offence and liable to a fine of not more than \$100 000 or to imprisonment for not more than one year, or to both a fine and imprisonment.

39 The *Election Act* is amended

(a) by adding the following after section 11(7):

(7.1) The Chief Electoral Officer may enter into an agreement with a municipality

- (a) to receive from the municipality information that will assist the Chief Electoral Officer in revising the register, and
- (b) to provide to the municipality's secretary, as defined in the *Local Authorities Election Act*, information that will assist the secretary in compiling or revising information for the purpose of compiling or revising the municipality's permanent electors register under the *Local Authorities Election Act*.

(b) in section 159.1(a) by striking out "11(1) or (7)" and substituting "11(1), (7) or (7.1)".

39 Consequential amendments to the Election Act.