

Bill 31
Mr. Graydon

BILL 31

2003

LOCAL AUTHORITIES ELECTION AMENDMENT ACT, 2003

(Assented to , 2003)

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

Amends RSA 2000 cL-21

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

2 Section 1 is amended

- (a) in clause (k) by adding “or” at the end of subclause (i) and striking out “or” at the end of subclause (ii);**
- (b) in clause (y)(i) by striking out “and” and substituting “or”.**

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

- (2) If a declaration is made under section 34(1), those declared elected may hold an organizational meeting before the date of the general election.**
- (3) Despite subsection (1), an organizational meeting held pursuant to subsection (2) terminates the term of office of the members of the elected authority elected at the previous general election.**

4 Section 12 is amended

- (a) in clause (d) by striking out “July” and substituting “June or July or both June and July”;
- (b) in clause (e) by striking out “11 a.m.” and substituting “10 a.m.”;
- (c) in clause (f) by striking out “12 noon and 9 p.m.” and substituting “10 a.m. and 7 p.m.”.

5 Section 16 is repealed and the following is substituted:

Oath, statement

16(1) Every returning officer and agent before performing the duties of that office must take and subscribe to the official oath in the prescribed form.

(2) Every deputy, enumerator and constable before performing the duties of that office must subscribe to a statement in the prescribed form.

6 Section 18 is amended by adding “or a deputy returning officer” after “the returning officer”.

7 Section 19 is renumbered as section 19(1) and the following is added after subsection (1):

(2) The secretary may delegate any powers and duties of the secretary under this Act to the returning officer.

8 Section 20 is amended by striking out “officer” and substituting “officer, a deputy returning officer”.

9 Section 26(1) is amended by striking out “at least 2 weeks” and substituting “at least one week”.

10 Section 27(2) is amended by adding “or a board of trustees under the *School Act*” **after** “a city”.

11 Section 28 is amended

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

(1.1) The person who is filing a nomination under subsection (1) is responsible for ensuring that it meets the requirements of section 27.

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

(3.1) If the returning officer is of the opinion, based on reasonable and probable grounds, that a person who is nominated as a candidate is not eligible to be a candidate, the returning officer may note that on the nomination papers.

(c) by adding the following after subsection (5):

(6) After 12 noon on nomination day, the returning officer shall forward a signed statement showing the name of each nominated candidate and any information about the candidate that the candidate has consented to being disclosed to the relevant Minister’s Deputy Minister.

12 Section 30(1) is amended by striking out “or cash order”.

13 Section 34 is amended

(a) in subsection (2) by striking out “, who is subsequently responsible for their safekeeping”;

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

(2.1) The returning officer or secretary must retain the nomination papers and other material relating to the receipt of

nominations until the term of office to which they relate has expired.

14 Section 35(2) is amended by striking out “at least 2 weeks” and substituting “at least one week”.

15 Section 47 is amended

- (a) in subsection (1)(c) by striking out “is resident” and substituting “the person’s place of residence is located”;**
- (b) in subsection (2) by striking out “elector resides” and substituting “elector’s place of residence is located on election day”.**

16 Section 48(2) and (3) are amended by adding “, school division or regional division” after “district” wherever it occurs.

17 Section 50(2) is amended

- (a) by adding “the day after nominations may be withdrawn under section 32” after “provide the candidate”;**
- (b) by adding “prepared pursuant to subsection (1)” after “list of electors”.**

18 Section 52 is amended by adding “provided by the elected authority, in accordance with the regulations,” after “produced identification”.

19 Section 54 is renumbered as section 54(1) and the following is added after subsection (1):

- (2) If a returning officer on reasonable and probable grounds believes that a person is not eligible to be an elector, the returning**

officer must note in the voting register the reason for the belief and initial it.

20 Section 55 is amended by adding the following after subsection (3):

(4) Notwithstanding subsections (2) and (3), an elector may be accompanied in a voting compartment by a minor if the deputy consents.

21 Section 63 is amended by adding the following after subsection (2):

(2.1) Notwithstanding subsection (2), the deputy supervising at the ballot box may permit an elector to deposit the elector's ballot into the ballot box.

22 Section 70(1), (3), (4) and (5) are amended by striking out "returning officer" and substituting "deputy".

23 Section 71 is amended by adding "and take and subscribe to the official oath in the prescribed form" after "person's appointment as an agent".

24 Section 72(1) is amended

(a) **by adding** "is unable to read or" **after** "If an elector";

(b) **by adding** "to read or" **after** "allow an interpreter".

25 Section 75(2) is amended by striking out "each ward" and substituting "each elected authority".

26 Section 76(a) is amended by striking out "absent from the

local jurisdiction” **and substituting** “unable to attend a voting station”.

27 The following is added after section 77:

Vote by special ballot

77.1(1) An elector who is unable to vote at an advance vote or at the voting station on election day because of

- (a) physical incapacity,
- (b) absence from the local jurisdiction, or
- (c) being a returning officer, deputy returning officer, constable, candidate or agent who may be located on election day at a voting station other than that for the elector’s place of residence

may apply to vote by special ballot.

(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 local jurisdiction at any time between the notice of election day and the closing of voting stations on election day.

(3) On receipt of an application under this section, if the elected authority by resolution before nomination day provides for special ballots, the returning officer or deputy must

- (a) enter in the voting register
 - (i) the elector’s name and the elector’s place of residence, and
 - (ii) the name and number of the voting subdivision for the elector’s place of residence,

and

- (b) cause the appropriate forms to be provided to the applicant.

(4) The returning officer must, on request, make available to any candidate or a candidate's agent in the voting substation the names and addresses of those electors in the voting substation who have applied for and been provided with the appropriate forms under this section.

Voting by special ballot

77.2(1) On receipt of the appropriate forms pursuant to section 77.1(3), the elector must vote by writing, in legible printing in the space provided, the name of the candidates of the elector's choice, but if there is to be a vote on a bylaw or question, the wording must be determined in accordance with section 44 and be supplied as part of the appropriate forms.

(2) After marking the appropriate forms, the voter must

- (a) place them in the ballot envelope,
- (b) seal the ballot envelope,
- (c) place the ballot envelope in the certificate envelope,
- (d) complete and sign Part 1 of the certificate and seal the certificate envelope,
- (e) place the certificate envelope in the outer envelope, and
- (f) seal the outer envelope.

(3) The outer envelope, when sealed, must be forwarded so that it reaches the returning officer not later than the close of the voting station on election day.

(4) On receipt of the outer envelope, the returning officer must 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 voting register under this section, and
- (b) whether Part 1 of the certificate is properly completed.

(5) On determining that the voter is recorded in the voting register and whether Part 1 of the certificate is properly completed, the returning officer must,

- (a) if the returning officer is satisfied that Part 1 of the certificate is properly completed,
 - (i) sign Part 2 of the certificate,
 - (ii) if the elector's name appears on the list of electors for the voting station in which the elector is entitled to vote, enter opposite the name of that person on the list of electors the word "special",
 - (iii) if the elector's name does not appear on the list of electors for the voting station in which the elector is entitled to vote, enter the elector's name on the list of electors and, opposite the name, the word "special",
 - (iv) record in the voting register in the appropriate column the date and time the returning officer 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 "special ballot", and
 - (vi) enter in the voting register, in the appropriate columns, the word "voted" and the reason for using the special ballot, that is, physical incapacity, absence, election officer, candidate or agent,

or

- (b) if the returning officer is not satisfied that Part 1 of the certificate is properly completed,
 - (i) retain the certificate envelope unopened,
 - (ii) treat the ballot in the envelope as a rejected ballot, and
 - (iii) mark the certificate envelope accordingly.

(6) At the close of the voting station on election day, the returning officer must deliver the special ballot box to the

deputy of the voting station of the electors who have voted under this section in the local jurisdiction and advise the deputy of the names of the electors who have so voted, and the deputy must proceed in accordance with section 85 as if the ballot box were from an advance poll.

(7) After completing the count of the ballots, the deputy must record the results on the prescribed form.

Late receipt of special ballot

77.3 If an outer envelope is received by a returning officer after the close of the voting station on election day, the ballot it contains must be considered a rejected ballot and the outer envelope must be retained unopened by the returning officer, who must record on it the reason for its rejection.

28 Section 78 is amended

- (a) **in subsection (1) by striking out** “is unable to read or”;
- (b) **in subsection (3)**
 - (i) **by striking out** “a friend” **and substituting** “a friend or relative who is at least 18 years of age”;
 - (ii) **by striking out** “that friend” **and substituting** “that friend or relative”;
 - (iii) **by striking out** “the friend” **and substituting** “the friend or relative”;
- (c) **in subsection (5) by striking out** “may” **and substituting** “must, if requested by the elector at least 3 months before election day,”;
- (d) **by adding the following after subsection (5):**
 - (5.1) If an elector is physically unable to enter a voting compartment, the deputy may set up a voting compartment for the elector elsewhere in the voting station or at the closest point of access to the voting station that the elector is able to attend.

29 Section 79 is amended

- (a) in subsections (1) and (2) by striking out “a deputy” and substituting “2 deputies”;
- (b) in subsection (3) by striking out “arranged alphabetically according to wards”;
- (c) in subsection (4)
 - (i) in clause (a) by striking out “in writing”;
 - (ii) in clause (b) by striking out “a deputy” and substituting “2 deputies”;
- (d) in subsection (6) by adding “to allow the deposit of ballots in each subsequent residence that is attended for the taking of votes or until opened” after “until opened”.

30 Section 80 is amended

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

Institutional vote eligibility and staff

80(1) The elected authority by resolution or the returning officer, if authorized by resolution of the elected authority, may designate the location of one or more institutional voting stations for an election in addition to voting stations designated under section 37.

- (b) in subsection (3) by striking out “the number of deputies that the returning officer considers necessary” and substituting “at least 2 deputies”.

31 Section 81 is repealed and the following is substituted:

Attendance at an institutional vote

81 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 candidates and agents, if present, and by an official of the institution, if available, shall take the votes of any of those patients and residents who express a desire to vote.

32 Section 82(1)(a) is repealed.

33 Section 83 is amended

- (a) in subsection (2) by striking out “the returning officer” and substituting “a deputy”;**
- (b) in subsection (4) by striking out “that local jurisdiction” and substituting “the local jurisdiction that appointed the elector as an officer”.**

34 Section 91 is amended

- (a) in subsection (1)(f) by striking out “statement referred to in subsection (2)” and substituting “prescribed form referred to in section 90”;**
- (b) by repealing subsection (2).**

35 Section 93 is amended by striking out “register, the list of electors” and substituting “register, the special ballot certificate envelopes.”

36 Section 100 is amended

- (a) in subsection (1) by striking out “for their safekeeping and”;**
- (b) by adding the following after subsection (1):**
 - (1.1) The secretary must retain the ballot account and the nomination papers until the term of office to which they relate has expired.**

37 Section 103(1)(b) is amended by striking out “or cash order.”.

38 Section 144 is amended by adding the following after subsection (2):

(3) A disclaimer delivered to the returning officer before election day may be posted by the returning officer in the voting stations.

39 Section 159(2) is amended by adding the following after clause (b):

(c) respecting identification indicating that a person is an enumerator, a candidate or a campaign worker.

40 Section 160 is amended

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

(a.1) respecting standards for a system described in clause (a) and respecting evidence of compliance with those standards;

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

(1.1) A regulation under subsection (1)(a.1) may adopt or incorporate in whole or in part, or with modifications, standards, codes or other bodies of rules that relate to any matter in respect of which a regulation may be made under subsection (1)(a.1) if the standards, codes or other bodies of rules have been published and copies are available.

Explanatory Notes

1 Amends chapter L-21 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads in part:

1 In this Act,

(k) “elected authority” means

(i) a council under the Municipal Government Act,

(ii) a board of trustees under the School Act, or;

(y) “seniors’ accommodation facility” means

(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;

3 Section 10 presently reads:

10 The members of an elected authority elected at a general election hold office for a term of 3 years and a general election shall be held every 3rd year commencing with the year 1983.

4 Section 12 presently reads in part:

12 The provisions of this Act that apply to municipalities apply to summer villages except that in respect of a summer village

(d) in the case of a general election, nominations for councillors shall be received by the returning officer in July in the year in which an election is to be held at a date and place and between the hours established by council, and sections 25 and 28(1) do not apply,

- (e) *in the case of a by-election, nominations for councillors and school representatives, if any, shall be received by the returning officer between the hours of 11 a.m. and 12 noon at a date and place established by council,*
- (f) *voting hours in an election or in a vote on a bylaw or question shall be between the hours of 12 noon and 9 p.m., and section 46 applies except as to hours,*

5 Section 16 presently reads:

16 Every returning officer, deputy, enumerator and constable before performing the duties of that office shall take and subscribe to the official oath in the prescribed form.

6 Section 18 presently reads:

18 If a person who has been appointed a deputy or constable becomes incapable of carrying out the duties of that office, the returning officer may, in writing, appoint another person to act in the place of that person.

7 Section 19 presently reads:

19 The secretary shall for the purposes of this Act,

- (a) *on the request of the returning officer, provide the returning officer with information and assistance, and*
- (b) *on the vote results being declared by the returning officer, take custody of election materials and provide for their destruction in accordance with this Act.*

8 Section 20 presently reads:

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

9 Section 26(1) presently reads:

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.

10 Section 27(2) presently reads:

(2) Notwithstanding subsection (1), a city may, by a bylaw passed prior to June 30 of a year in which a general election is to be held, specify the minimum number of electors required to sign the nomination of a candidate for an office, but that number must be at least 5 and not more than 25.

11 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.

(2) Notwithstanding subsection (1), an elected authority may, by a bylaw passed prior to June 30 of a year in which an election is to be held, provide that the returning officer

(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.

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

(4) 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, deputy or secretary.

(5) The returning officer or secretary must retain all the filed nomination papers until the term of office to which the papers relate has expired.

12 Section 30(1) presently reads:

30(1) When a bylaw has been passed to provide for a deposit, the returning officer shall require the deposit to be provided in cash, by certified cheque or cash order or by money order.

13 Section 34 presently reads:

34(1) When at the close of nominations the number of persons nominated for any office is the same as the number required to be elected, the returning officer shall declare the persons nominated to be elected to the offices for which they were nominated.

(2) Forthwith after having declared a person elected, the returning officer shall give to the secretary and the relevant Minister's Deputy Minister written notification signed by the returning officer of the names of the persons so elected and of the offices to which they were elected and the returning officer shall deliver the nomination papers

and other material relating to the receipt of nominations to the secretary, who is subsequently responsible for their safekeeping.

(3) The nomination papers and other related material may be inspected by an elector during regular business hours in the presence of the secretary.

14 Section 35 presently reads in part:

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

15 Section 47 presently reads in part:

47(1) A person is eligible to vote in an election held pursuant to this Act if the person

(c) has resided in Alberta for the 6 consecutive months immediately preceding election day and is resident in the area on election day.

(2) Subject to subsection (3) and sections 75, 79 and 81, an elector is eligible to vote only at the voting station for the voting subdivision in which the elector resides.

16 Section 48 presently reads in part:

(2) A person who is a resident of a public school district or of a separate school district under the School Act is deemed to be a resident of the public school district or the separate school district, as the case may be, under this Act.

(3) Notwithstanding subsection (2), a person who owns and lives in the person's residence and whose residence is assessable for public school purposes or for separate school purposes under the School Act is deemed to be a resident of the public school district or the separate school district, as the case may be, under this Act.

17 Section 50 presently reads in part:

(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.

18 Section 52 presently reads:

52 A person to whom an enumerator, a candidate or a campaign worker on behalf of a candidate has produced identification indicating that the person is an enumerator, a candidate or a campaign worker shall not

(a) obstruct or interfere with, or

(b) cause or permit the obstruction or interference with,

the free access of the enumerator, candidate or campaign worker to each residence in a building containing 2 or more residences or to each residence in a mobile home park.

19 Section 54 presently reads:

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

20 Section 55 presently reads:

55(1) Voting shall be by secret ballot.

(2) While an elector is in a voting compartment for the purpose of marking the elector's ballot, no other person may, except as permitted in section 78, enter the voting compartment or be in a position from

which the person can see how the elector marks the elector's ballot.

(3) Except as provided in section 78, it is an offence for an elector to show the elector's ballot to any person so as to allow the elector's vote to be known.

21 Section 63 presently reads:

63(1) After marking a ballot, the elector shall fold the ballot so as

- (a) to conceal the names of the candidates or the bylaw or question, and the marks on the face of the ballot, and*
- (b) to expose the initials of the deputy issuing the ballot at the voting station,*

and immediately after leaving the voting compartment shall, without delay and without showing the front to anyone, deliver the ballot so folded to the deputy who is supervising at the ballot box.

(2) The deputy supervising at the ballot box shall, without unfolding a ballot or in any way disclosing the marks made by the elector on the ballot, verify the initials on the ballot and deposit the ballot at once in the ballot box.

(3) After the elector's ballots are deposited in the ballot box, the elector shall forthwith leave the voting station.

22 Section 70 presently reads in part:

70(1) At any time fixed for a vote on a bylaw or question under this Act, the returning officer, if requested in writing by 2 or more electors, shall appoint, in writing, those persons named in the request as agents to attend at the voting stations on behalf of the persons interested in promoting the passing of the bylaw or voting in the affirmative on

the question and, if so requested by 2 or more electors, shall appoint, in writing, those persons named in the request to attend as agents on behalf of the persons interested in opposing the passage of the bylaw or voting in the negative on the question.

(3) The returning officer shall not permit more than one agent for each side of a bylaw or question to be present at the same time at a voting station or at a counting of the votes.

(4) The returning officer may designate the place or places at a voting station where an agent may observe the conduct of the election.

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

23 Section 71 presently reads:

71 If a person is appointed as an agent under section 70, the person shall

- (a) before being admitted as an agent to the voting station during voting hours, or*
- (b) before being permitted to attend at the voting station for the counting of votes,*

produce to the person in charge of the voting station the person's appointment as an agent.

24 Section 72(1) presently reads:

72(1) If an elector does not understand the English language, the deputy may allow an interpreter to translate the statement as well as any question necessary for the proper purposes of the election put to the elector, and the elector's answers.

25 Section 75(2) presently reads:

(2) If there are wards in a local jurisdiction, the presiding deputy shall maintain separate ballot boxes for each ward.

26 Section 76(a) 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,*

27 Special ballot.

28 Section 78 presently reads in part:

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 the elector's ballot in the usual manner, shall mark the vote

of that elector on the elector's ballot in the manner directed by that elector, and shall immediately deposit the ballot in the ballot box.

(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.

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

- (a) provide the elector with a blind voter template in the prescribed form, and*

(b) *instruct the elector in its use.*

29 Section 79 presently reads:

79(1) An elected authority may by resolution provide for the attendance of a deputy at the residence of an elector, during the hours an advance voting station is open or other times as may be fixed by the resolution, in order to take the votes of an elector who, because of physical incapacity, is unable to attend a voting station or an advance voting station to vote.

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

(3) If the returning officer is satisfied that an elector is unable to attend a voting station or an advance voting station because of physical incapacity, the returning officer shall include that elector's name and address on a list arranged alphabetically according to wards.

(4) When the returning officer has completed the list in accordance with this section, the returning officer shall

(a) advise each applicant in writing that the applicant's application has been accepted or rejected, as the case may be, and in the event of rejection, give reasons for it,

(b) inform each elector whose application has been accepted of the date and the approximate time at which a deputy will attend at the elector's residence, and

(c) appoint sufficient deputies to give full effect to this section.

(5) All attendances by deputies under this section shall be made during the hours fixed by the resolution and no vote shall be taken at any other time.

(6) A ballot box used in an election under this section must be sealed on completion of the voting so that no ballots can be deposited in it without breaking the seal and it shall remain sealed until opened for the counting of ballots at the close of the voting stations on election day.

(7) Every residence where a vote is taken under this section is a voting station and the voting procedures shall as nearly as possible follow the provisions of this Act.

30 Section 80 presently reads in part:

80(1) An elected authority may establish by a bylaw 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.

(3) 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 (2).

31 Section 81 presently reads:

81 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 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) *take the votes of any of those patients and residents who express a desire to vote.*

32 Section 82(1) presently reads:

82(1) Every institution at which a vote is taken is a voting station and the voting procedures shall as nearly as possible follow the provisions of this Act, except that

- (a) *candidates or agents are not entitled to be present at the voting, and*
- (b) *the ballot boxes shall not be opened until the close of the voting stations on election day.*

33 Section 83 presently reads in part:

(2) On the production of the certificate, the deputy or constable may vote at the voting station where the deputy or constable is stationed, instead of the voting station where the deputy or constable would otherwise have been eligible to vote, and the returning officer shall attach the certificate to the voting register.

(4) If an elector is appointed as an officer in a local jurisdiction other than the one in which that elector is eligible to vote, the returning officer of that local jurisdiction shall provide the elector with a certificate making the elector eligible to vote at an advance vote and the elector may vote at an advance voting station for the local jurisdiction of which the

elector is an elector without the necessity of making the statement required by section 77.

34 Section 91 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);*
- (g) the list of electors, if any.*

(2) Immediately on completion of the count of ballots, the presiding deputy shall make a statement in the prescribed form.

35 Section 93 presently reads:

93 The presiding deputy shall then place all the packets containing ballots, the voting register, the list of electors, if any, all statements made on voting day and the 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.

36 Section 100 presently reads:

100(1) As soon as practicable after the election, the returning officer shall deliver to the secretary the sealed ballot boxes, the ballot account and the nomination papers, and the secretary is subsequently responsible for their safekeeping and for their delivery when required.

(2) The nomination papers and ballot account may be inspected by an elector during regular business hours in the presence of the secretary.

37 Section 103(1) presently reads:

103(1) At any time within 19 days after the close of the voting stations on election day, any elector may apply to the Court by notice of motion for a recount, after the elector has

- (a) filed an affidavit with the clerk of the Court alleging reasonable grounds for believing that the returning officer or a deputy or other officer presiding at the voting station, in counting the ballots given at the election, improperly counted or rejected ballots, and*
- (b) deposited with the clerk of the Court \$300 in cash, or by certified cheque or cash order, or by money order, as security for the payment of costs and expenses.*

38 Section 144 presently reads:

144(1) A disclaimer delivered

- (a) before the election, or*
- (b) before the person disclaiming is complained of,*

relieves the person making it from all liability to costs.

(2) A disclaimer delivered or transmitted under this Act operates as a resignation and the vacancy so

created shall be filled in the manner provided by this Act.

39 Section 159(2) presently reads:

(2) The Minister may make regulations

- (a) prescribing forms and their contents for use under this Act;*
- (b) respecting standards for ballot boxes.*

40 Section 160 presently reads:

160(1) Notwithstanding anything in this Act, the Lieutenant Governor in Council may make regulations

- (a) prescribing a system for the conduct and procedure of an election or vote that is not provided for in this Act or that is a modification of a system under this Act;*
- (b) prescribing forms for use in connection with a system prescribed by regulations under this subsection;*
- (c) with respect to a system prescribed by regulations under this subsection, providing for any matter not provided for or insufficiently provided for in this Act;*
- (d) providing that any person who contravenes any provision of the regulations under this subsection is guilty of an offence and liable to imprisonment for a term not exceeding 6 months or to a fine of not more than \$500 or to both fine and imprisonment.*

(2) On the application of an elected authority, the relevant Minister may, by order, on any terms and conditions the relevant Minister may prescribe, authorize the elected authority to pass a bylaw

adopting the system for conducting an election prescribed by regulations under subsection (1).

(3) Subject to regulations under subsections (1) and (2), the provisions of this Act apply to an election held under this section.

(4) The Regulations Act does not apply to orders under subsection (2).