

BILL 22

2004

ELECTION STATUTES AMENDMENT ACT, 2004

(Assented to _____, 2004)

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

Part 1 Election Act

Amends RSA 2000 cE-1

1 The *Election Act* is amended by this Part.

2 Section 1(1) is amended

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

(g.1) “declaration” means a statement in writing in the form provided by the Chief Electoral Officer;

(b) in clause (i)

(i) by adding “, administrative assistant” after “election clerk”;

(ii) by adding “, registration officer” after “supervisory deputy returning officer”;

(c) by repealing clause (v) and substituting the following:

(v) “poll book” means a poll book referred to in section 100(1);

(d) by repealing clause (gg);

(e) by adding the following after clause (kk):

(kk.1) “supportive living facility” means

- (i) a lodge accommodation as defined in the *Alberta Housing Act*, or
- (ii) a facility for adults or senior citizens that provides assisted living and accommodation for 10 or more electors at any one location

but does not include a treatment centre;

3 The following is added after section 3:

Oath of office

3.1(1) Before beginning the duties of office, the Chief Electoral Officer shall take an oath to perform the duties of the office faithfully and impartially and, except as provided in this Act, not to disclose any information received by the Office of the Chief Electoral Officer under this or any other Act.

(2) The oath referred to in subsection (1) shall be administered by the Speaker of the Legislative Assembly or the Clerk of the Assembly.

4 Section 4 is amended

(a) in subsection (1)(a)

- (i) **by adding** “, direction” **after** “guidance”;
- (ii) **by adding** “and plebiscites and referendums under any other Act to which this Act applies” **after** “*Senatorial Selection Act*”;

(b) in subsection (3)

- (i) **by adding** “or plebiscite or referendum under any other Act” **before** “, prepare”;
- (ii) **by adding** “or referendum” **before** “, as the case may be,”.

5 Section 5 is amended

(a) in subsection (1)

- (i) by striking out** “may be necessary” **and substituting** “are required”;
- (ii) by striking out** “the Chief Electoral Officer’s duties” **and substituting** “this Act”;

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

(1.1) The Office of the Chief Electoral Officer may operate under the name “Elections Alberta”.

6 Section 7(5) is amended by striking out “for the fiscal year in which the special warrant is signed”.

7 Section 9 is amended

(a) in subsection (1) by adding “, 2 years after a general election,” **after** “may”;

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

(1.1) If a by-election or plebiscite under this Act or an election under the *Senatorial Selection Act* is to be conducted under this Act before returning officers are appointed under subsection (1), returning officers may be appointed for the purpose of the by-election or plebiscite or the election under the *Senatorial Selection Act*.

8 Section 13 is amended

(a) in subsection (1) by adding “, maintain and update on a regular basis” **after** “establish”;

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

(2.1) For the purpose of subsection (2)(b.1), a public body as defined in the *Freedom of Information and Protection of Privacy Act* shall, at the request of the Chief Electoral Officer, provide the personal information held by that public body.

(2.2) A public body providing information under subsection (2.1) may charge a reasonable fee for providing the information, but the fee may not exceed an amount that represents the actual cost of producing a copy of the information.

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

(4.1) The Chief Electoral Officer may assign, in respect of each elector whose information is contained in the register, a unique and permanent identifier number consisting of numbers or letters, or a combination of numbers and letters, to be used to assist in distinguishing an elector from another elector or verifying the information about an elector.

(d) in subsection (5) by striking out “and” at the end of clause (e) and repealing clause (f) and substituting the following:

(f) the unique identifier number assigned under subsection (4.1), and

(g) any other identification number assigned by other persons who provide information under this section to the Chief Electoral Officer to assist in distinguishing a person from another person or verifying the information about a person.

(e) by adding the following after subsection (9):

(10) The Chief Electoral Officer may enter into agreements with any person for the purpose of obtaining or providing mapping, geographic or demographic information, but any information provided by the Chief Electoral Officer under this subsection may relate only to the location of residential buildings and not any other elector information.

(11) Any person requesting access to information for the purpose set out in subsection (9) shall complete and sign a declaration.

9 Section 14(a) is amended by striking out “description”.

10 Section 17 is amended by striking out “and the telephone numbers” and substituting “the telephone numbers and the unique identifier numbers”.

11 Section 18 is repealed and the following is substituted:

Distribution of lists of electors

18(1) The Chief Electoral Officer shall furnish the information referred to in subsection (2) free of charge to each registered political party and to each member of the Legislative Assembly who is not a member of a registered political party,

- (a) 2 years after a general election,
- (b) during the 4th and 5th years after a general election,
- (c) as soon as possible after the register is updated after the Schedule of electoral divisions in the *Electoral Divisions Act* is amended or re-enacted, and
- (d) as soon as possible after the receipt by the Chief Electoral Officer of the Clerk’s warrant delivered pursuant to section 32 of the *Legislative Assembly Act*.

(2) The information to be furnished under subsection (1) is as follows:

- (a) to a registered political party,
 - (i) 2 maps showing the polling subdivisions in each electoral division, and
 - (ii) in accordance with the political party’s request, one printed copy or one copy in electronic form, or both, of the list of electors for each polling subdivision in each electoral division,

and

- (b) to a member of the Legislative Assembly who is not a member of a registered political party,
 - (i) 2 maps showing the polling subdivisions, and
 - (ii) in accordance with the member's request, one printed copy or one copy in electronic form, or both, of the list of electors for each polling subdivision

in the electoral division that the member represents.

(3) The Chief Electoral Officer shall, as soon as possible after a writ has been issued for a general election, furnish free of charge to each registered political party,

- (a) 2 maps showing the polling subdivisions in each electoral division, and
- (b) in accordance with the political party's request, one printed copy or one copy in electronic form, or both, of the list of electors for each polling subdivision in each electoral division.

(4) The Chief Electoral Officer is not required to furnish copies of the maps and lists of electors under subsection (1) or (3) if there has been no change to the boundaries, the maps or the information in the register that is used to compile the lists of electors since the Chief Electoral Officer last furnished copies of the boundaries, maps and lists of electors pursuant to subsection (1) or (3), as the case may be.

(5) The Chief Electoral Officer shall, on request and payment of the cost to produce the information as determined by the Chief Electoral Officer, furnish

- (a) to a registered political party in accordance with the political party's request, one printed copy or one copy in electronic form, or both, of the list of electors for each polling subdivision in each electoral division, and
- (b) to each member of the Legislative Assembly in accordance with the member's request, one printed copy or one copy in electronic form, or both, of the list of

electors for each polling subdivision in the electoral division that the member represents.

(6) The Chief Electoral Officer may require members and registered political parties to pay an amount determined by the Chief Electoral Officer for any copies of the maps requested in addition to those furnished under subsection (1) or (3).

12 Section 19(2) is amended

- (a) **in clause (a) by striking out** “and one copy in electronic form” **and substituting** “or one copy in electronic form, or both, in accordance with the political party’s request,”;
- (b) **in clause (b) by striking out** “and one copy in electronic form” **and substituting** “or one copy in electronic form, or both, in accordance with each member’s request,”.

13 Section 22 is amended

- (a) **in subsection (1) by striking out** “and subdivision boundary descriptions” **and substituting** “showing subdivision boundaries”;
- (b) **in subsection (2) by striking out** “badges” **and substituting** “documents”.

14 Section 25(1) is amended by striking out “electoral district” **and substituting** “electoral division”.

15 Section 26 is repealed and the following is substituted:

Identification documents

26 The returning officer shall provide all necessary forms and materials, including identification documents, to each enumerator in the returning officer’s electoral division.

16 Section 27(2) is amended by striking out “badge” and substituting “identification documents”.

17 Section 29 is repealed and the following is substituted:

Right of access for enumerations

29(1) In this section, “multiple dwelling site” means

- (a) an apartment building, condominium building or other multiple residence building, or
- (b) any site in which more than one residence is contained, including a mobile home park, gated community and any similar site.

(2) A person who is in control of a multiple dwelling site shall permit an enumerator who has produced identification documents prescribed by the Chief Electoral Officer to enumerate between 9:00 a.m. and 9:00 p.m. at each residential unit in the multiple dwelling site.

(3) A person to whom an enumerator has produced identification documents referred to in subsection (2) shall not

- (a) obstruct or interfere with, or
- (b) cause or permit the obstruction or interference with,

the free access of an enumerator to each residential unit in a multiple dwelling site.

18 Section 30 is repealed and the following is substituted:

Conducting an enumeration

30(1) In this section, “assigned residence” means a residence selected by the returning officer in respect of which the information required for the register may be incomplete or incorrect.

(2) Subject to subsection (10), each enumerator shall contact, either in person, by telephone or by mail, as directed by the

returning officer, each assigned residence in the subdivision to determine which persons residing in the assigned residence

- (a) are Canadian citizens,
- (b) are at least 18 years of age,
- (c) have been or will have been ordinarily resident in Alberta for at least 6 months, and
- (d) are ordinarily resident in the electoral division and subdivision for which those persons are to have their names included on the list of electors,

as of a date determined by the Chief Electoral Officer, and shall record on the form provided by the Chief Electoral Officer the information referred to in section 13(5)(a) to (e) with respect to those persons.

(3) The enumerator shall leave at each assigned residence contacted under subsection (2) a notice that elector information relating to the persons living in that residence has been collected.

(4) An enumerator is not to visit or contact treatment centres, students' residences operated by an educational institution and exempted by the Chief Electoral Officer, temporary work camps, penitentiaries, correctional institutions, remand centres, detention centres, emergency shelters or any similar institutions.

(5) When visiting assigned residences, the enumerator shall wear and prominently display the enumerator's identification documents.

(6) Each enumerator, in accordance with the directions of the Chief Electoral Officer, shall visit every assigned residence in the enumerator's subdivision at least once during the enumeration period, and if the enumerator has visited an assigned residence and found no responsible person there, the enumerator shall contact the residence on at least 2 more occasions.

(7) The enumerator may contact the assigned residences in the enumerator's subdivision only between the hours of 9:00 a.m. and 9:00 p.m.

(8) If an enumerator has visited an assigned residence and found no responsible person there, the enumerator shall leave a form provided by the Chief Electoral Officer at the residence so that any qualified elector residing at the residence may be added to the list of electors.

(9) Prior to the date determined by the Chief Electoral Officer, a form left under subsection (8) may be returned as stated in the form.

(10) The Chief Electoral Officer may direct a returning officer for an electoral division that assigned residences be contacted within that electoral division by means other than those referred to in subsection (2).

19 Section 32 is amended

(a) in subsection (1) by striking out "30(1)" and substituting "30(2)";

(b) by repealing subsection (2);

(c) in subsection (3)

(i) in clause (a)

(A) by striking out "30(1)" and substituting "30(2)";

(B) by striking out "applications" and substituting "forms";

(ii) in clause (b) by striking out "badge and completed expense claim" and substituting "documents".

20 Section 33 is amended by striking out "30(1)" and substituting "30(2)".

21 Section 34 is amended

- (a) by striking out “30(1)” and substituting “30(2)”;**
- (b) by striking out “applications received” and substituting “forms returned”.**

22 Section 35 is amended by adding the following after subsection (2):

(3) Any person requesting access to information for the purpose set out in subsection (1) shall complete and sign a declaration.

23 Section 38 is amended

(a) in subsection (1)

(i) in clause (a)

(A) by striking out “30(1)” and substituting “30(2)”;

(B) by striking out “with the boundary description of the subdivision,”;

(ii) in clause (d) by striking out “and”;

(iii) in clause (e)

(A) by striking out “badges” and substituting “documents”;

(B) by adding “, and” after “absences”;

(iv) by adding the following after clause (e):

(f) information to be included in the register of electors prepared in a manner prescribed by the Chief Electoral Officer.

(b) in subsection (2) by striking out “boundary description of” and substituting “boundaries of”.

24 Section 46 is amended

- (a) **by adding** “administrative assistants,” **after** “election clerks,”;
- (b) **by adding** “registration officers,” **after** “supervisory deputy returning officers,”.

25 Section 47(1) is amended by striking out “by a commission”.

26 The following is added after section 47:

Appointment of administrative assistants

47.1(1) Immediately on being notified by the Chief Electoral Officer of the issue of a writ of election, the returning officer shall appoint an elector of the electoral division as administrative assistant.

(2) If an administrative assistant is unable or unwilling to act or neglects the administrative assistant’s duties, the returning officer may appoint another administrative assistant in the administrative assistant’s place.

(3) Each administrative assistant shall, before assuming the administrative assistant’s duties, take the prescribed oath of office, and the appointment and the certificate evidencing that the oath was taken shall be attached to the writ.

(4) An administrative assistant shall assist the returning officer and the election clerk in the performance of their duties.

27 Section 50(1) is amended by striking out “the returning officer shall post one copy of the list of electors transmitted by the Chief Electoral Officer in or near each polling subdivision to which it relates,” **and substituting** “the returning officer shall have available in the returning officer’s office and in any other location

as directed by the Chief Electoral Officer one copy of the list of electors transmitted by the Chief Electoral Officer.”.

28 Section 51 is repealed and the following is substituted:

Access to electors list and revisions

51(1) The list of electors and a separate list of additions to or revisions of the list of electors shall be available in the office of the returning officer to any person wishing to examine them.

(2) The lists referred to in subsection (1) shall be available from the date the Chief Electoral Officer issues a writ of election under section 40 until the end of polling day.

(3) A candidate or the candidate’s official agent may inspect the list of electors and a separate list of additions to or revisions of the list of electors following the commencement of the revision period and may request copies of the additions to the list of electors.

(4) Any person requesting access to the information in the lists for the purposes set out in subsection (1) or (3) shall complete and sign a declaration.

29 Section 52 is amended

(a) in subsection (1) by striking out “fix and”;

(b) by adding the following after subsection (6):

(6.1) Notwithstanding subsection (6), with the prior written approval of the Chief Electoral Officer a polling place or polling station may be in an adjacent electoral division if the returning officer is unable to find a suitable place in the electoral division for the polling place or polling station.

30 Section 54(2) is amended by striking out “The deputy returning officers” and substituting “The supervisory deputy returning officer or deputy returning officer”.

31 Section 55 is amended

(a) in subsection (1) by striking out “publish by proclamation in the prescribed form” **and substituting** “issue a proclamation containing the following:”;

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

(2) A returning officer shall post a copy of the following in the returning officer’s office:

- (a) the proclamation referred to in subsection (1);
- (b) a map of the electoral division including 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.

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

(2.1) A returning officer shall as soon as possible publish the information in the proclamation referred to in subsection (1)(a) to (f) and the information referred to in subsection (2)(b) to (e) in a newspaper having general circulation in the electoral division for which the returning officer is appointed.

(d) in subsection (3) by striking out “proclamation, map and list of locations” **and substituting** “information in the proclamation referred to in subsection (1), the map and the list of locations”;

(e) by repealing subsection (4) and substituting the following:

(4) If any of the information published under subsection (2.1) is or becomes inaccurate for any reason, the returning officer shall

- (a) publish details of the correction in the newspaper in which the information in the proclamation was published under subsection (2.1), and
- (b) immediately provide to all candidates or their official agents written details of the correction.

32 Section 56 is amended by adding the following after clause (c):

- (c.1) is registered under section 9 of the *Election Finances and Contributions Disclosure Act*,

33 Section 60 is amended by adding the following after subsection (1):

- (1.1) No candidate shall act as an official agent.

34 Section 61(1)(e) is amended by striking out “\$200” and substituting “\$500”.

35 Section 62 is amended

- (a) in subsection (1) by striking out “or certified bill of exchange”;
- (b) in subsection (2) by striking out “The” and substituting “One half of the”;
- (c) by adding the following after subsection (2):

(2.1) One half of the deposit received under section 61 shall be refunded to the candidate if the candidate files the required financial statement within the time period referred to in section 43(2) of the *Election Finances and Contributions Disclosure Act*.

36 Section 63(b)(v) is repealed and the following is substituted:

- (v) in accordance with the candidate's request, one printed copy or one copy in electronic form, or both, of the list of electors for each polling subdivision in the electoral division.

37 Section 66 is repealed and the following is substituted:

Death of candidate

66(1) If a candidate in an electoral division dies after being nominated and prior to the closing of the polling places on polling day,

- (a) the election for that electoral division shall be discontinued,
- (b) a new election for the electoral division shall be commenced under section 39 as if the election were a by-election, and
- (c) nominations of candidates previously filed remain valid for the new election.

(2) This Act applies to an election under this section as if it were a by-election.

38 Section 71(3) is repealed and the following is substituted:

(3) A person appointed as a deputy returning officer must be an elector resident in the electoral division.

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

(3) A person appointed as a poll clerk must be an elector resident in the electoral division.

40 Section 76(3) is repealed and the following is substituted:

(3) A person appointed as a supervisory deputy returning officer must be an elector resident in the electoral division.

41 The following is added after section 77:

Registration officer

77.1(1) A returning officer may, if the returning officer considers it necessary, appoint in the prescribed form a qualified person as a registration officer.

(2) Each registration officer shall, before assuming the registration officer's duties, take the prescribed oath of office before the returning officer or election clerk or any person authorized to take oaths in Alberta, and no charge may be made by the person administering the oath.

(3) A person appointed as a registration officer must be an elector resident in the electoral division.

(4) The duties of a registration officer are to assist electors who are not on the list of electors by administering the oath of elector and to assist the supervisory deputy returning officer and the deputy returning officer in the performance of their duties.

Use of election officers

77.2 Any election officer who is appointed to carry out duties in an electoral division may, at the request of his or her supervisor, be required to carry out the duties of any other officer at any polling place in the electoral division if that other election officer is unable to carry out his or her own duties.

42 Section 78 is repealed and the following is substituted:

Interpreters

78(1) An interpreter may be appointed in the prescribed form to translate questions and answers about voting procedures for persons not conversant in the English language.

(2) An interpreter shall be appointed

(a) by a returning officer, or

- (b) by a deputy returning officer where the appointment is for one or more temporary periods during polling day.

43 Section 79 is amended by striking out “and” at the end of clause (a), adding “and” at the end of clause (b) and adding the following after clause (b):

- (c) to be present at the registration officer’s station while an elector is being sworn in under section 95.

44 Section 83 is amended

- (a) in subsection (1) by striking out “8 point” and substituting “10 point”;**
- (b) in subsection (3)**
 - (i) in clause (a) by striking out “8 point” and substituting “10 point”;**
 - (ii) in clause (b) by striking out “10 point” and substituting “12 point”;**
 - (iii) in clause (c) by adding “and, where 2 or more candidates have identical surnames, those candidates’ names shall be listed on the basis of the alphabetical order of their given names” after “surnames”;**

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

(3.1) Notwithstanding subsections (1) and (3), where the name of the registered political party or a candidate does not fit on the ballot, the returning officer shall have the ballots printed, in their entirety, in a font that is up to 2 points smaller than that required by subsections (1) and (3).

(3.2) The Chief Electoral Officer may disallow the use of a nickname if in the opinion of the Chief Electoral Officer it is a nickname by which the candidate is not generally known or that is unacceptable for any other reason.

45 Section 89 is amended by adding the following after subsection (2):

(3) If the deputy returning officer and the poll clerk are not in attendance at the polling place at the time when the polling place is to be open for the purpose of voting, any election officer who is present at the polling place may commence the taking of the poll.

(4) If any election officer is not in attendance at the polling place at the time when the polling place is to be open for the purpose of voting, another election officer shall advise the returning officer of the absence.

46 Section 92 is amended

(a) in subsection (1)

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

(a.1) the registration officers;

(ii) by adding the following after clause (f):

(f.1) one scrutineer per candidate at each registration officer's station;

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

(1.1) Students may briefly visit a polling place in their school for educational purposes with the consent of the supervisory deputy returning officer or a deputy returning officer.

(1.2) Members of the media may briefly visit a polling place after receiving confirmation from the supervisory deputy returning officer or a deputy returning officer that the electors in the polling place all agree to the visit.

47 Section 94 is amended

(a) in subsection (1) by adding “, registration officer” after “supervisory deputy returning officer”;

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

(3) No person shall in any manner

(a) create a disturbance, or

(b) disrupt the proceedings

at a polling place on polling day.

48 Section 95 is amended

(a) in subsections (1) and (2) by adding “registration officer or” before “deputy returning officer” wherever it occurs;

(b) in subsection (3) by adding “or receiving an oath administered by a registration officer” after “administering an oath”.

49 Section 96 is amended

(a) in subsection (1) by striking out “to read or who is incapacitated by a physical cause other than blindness from voting in the usual manner” and substituting “to vote in the usual manner due to a physical incapacity or inability to read the ballot”;

(b) by repealing subsection (2);

(c) in subsection (3)

(i) by striking out “in the case of a blind voter” and substituting “in the case of a voter referred to in subsection (1)”;

(ii) in clause (b) by striking out “if the voter is not accompanied by a friend,” and substituting “if the voter is a blind voter and is not accompanied by a friend or does not wish to be assisted by the deputy returning officer.”;

(d) by repealing subsection (4) and substituting the following:

(4) A voter referred to in subsection (1) and the friend of such a voter, if assisting the voter to vote, shall both take the prescribed oath before voting.

50 Section 98 is amended

(a) in subsection (1) by striking out “and” at the end of clause (b), by adding “and” at the end of clause (c) and by adding the following after clause (c):

(d) electors who believe that they will be unable to vote on polling day,

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

(1.1) Notwithstanding subsection (1), the Chief Electoral Officer may authorize a returning officer to establish more than 4 polling places.

51 Section 100(1) is amended by striking out “the poll clerk shall enter the name and address in the poll book” and substituting “the poll clerk shall strike the elector’s name off the list of electors and enter the name and address in the poll book if it is not already there”.

52 Section 103 is amended by striking out “the word “voted” ” and substituting “a check mark or other annotation indicating that the voter has voted”.

53 Section 104 is amended

(a) in subsection (2)

(i) by adding “administrative assistant,” after “election clerk,”;

(ii) by adding “registration officer,” after “supervisory deputy returning officer,”;

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

(5) An elector who has taken the prescribed oath under section 95 is not required to take an oath under this section.

54 Section 111(11) is amended by adding the following after clause (a):

(a.1) the registration officers;

55 Section 112(b) is amended by striking out “to the returning officer” and substituting “in accordance with the directions of the returning officer”.

56 Section 113 is amended by adding the following after subsection (2):

(3) A returning officer may, if the returning officer considers it necessary, appoint in the prescribed form additional electors to assist in counting the votes from the advance poll.

(4) Each person appointed under subsection (3) shall, before assuming any duties, take the prescribed oath of office before the returning officer, the election clerk or another person authorized to take oaths in Alberta, and no charge may be made by the person administering the oath.

57 Section 114(3) and (4) are repealed.

58 Section 115 is repealed.

59 Section 116 is amended

(a) in subsection (1)(d)

- (i) **by adding** “, registration officer” **after** “supervisory deputy returning officer”;
 - (ii) **by adding** “or other staff member working in the office of a returning officer” **before** “, poll clerk”;
- (b) in subsection (2) by repealing clause (c) and substituting the following:**
- (c) by fax or electronic mail, or
- (c) by adding the following after subsection (3):**
- (4)** The returning officer may delegate to the administrative assistant any functions of the returning officer or election clerk under this section and sections 117 and 118.

60 The following is added after section 116:

Secure Special Ballot

116.1(1) An elector who believes that his or her personal safety may be at risk if the elector appears in person at a poll or if the elector’s name or address appears in a poll book may apply to vote by Secure Special Ballot.

(2) The provisions of this Act relating to the procedure of voting by Special Ballot apply to voting by Secure Special Ballot, but the Chief Electoral Officer may modify the procedure to ensure that the name and address of an applicant under this section remain secure.

61 Section 118 is amended

- (a) in subsection (5)(a)**
 - (i) in subclause (ii) by striking out** “enter opposite the name of that person on the list of electors the word “special”,” **and substituting** “put a line through the voter’s name and enter opposite the name of that person on the list of electors the word “special”,”;

(ii) by repealing subclause (vi) and substituting the following:

- (vi) enter in the Special Ballot Poll Book, in the appropriate columns, a check mark or other annotation indicating that the voter has voted and the reason for using the Special Ballot, that is, physical incapacity, absence, inmate, election officer, candidate, official agent, scrutineer, remote area or another reason prescribed by the Chief Electoral Officer, and

(b) in subsection (6) by striking out “shall deliver the Special Ballot ballot box to the deputy returning officer and poll clerk of an advance poll in the electoral division and advise them of the names of the electors for their respective subdivisions who have so voted” and substituting “shall deliver the Special Ballot ballot box to any deputy returning officer and poll clerk in the electoral division and advise them of the names of the electors who have so voted”;

(c) by adding the following after subsection (6):

(6.1) Any election officer appointed for the electoral division may assist or be asked to assist the deputy returning officer and poll clerk with their duties under subsection (6).

62 Section 123 is amended

(a) in subsections (1), (3) and (4) by striking out “seniors’ lodge” and substituting “supportive living facility”;

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

(5) At the close of the mobile poll, the ballot box

- (a) shall be sealed by the deputy returning officer and poll clerk, and
- (b) may be sealed by any candidate, official agent or scrutineer so desiring,

so that it cannot be opened and no ballots can be deposited without breaking those seals.

(6) Seals placed on a ballot box shall not be removed from the time they are placed on it until the mobile poll is commenced at another location or until the close of polls on polling day.

(7) The deputy returning officer shall, after the seals have been affixed pursuant to subsection (5), take charge of and safely keep the ballot box until the close of polls on polling day, when the ballots shall be counted in accordance with section 111.

63 Section 133 is repealed and the following is substituted:

Right of access for campaigning

133(1) In this section, “multiple dwelling site” means

- (a) an apartment building, condominium building or other multiple residence building, or
- (b) any site in which more than one residence is contained, including a mobile home park, gated community and any similar site.

(2) A person who is in control of a multiple dwelling site shall permit a candidate or campaign worker who has produced identification prescribed by the Chief Electoral Officer to canvass between 9:00 a.m. and 9:00 p.m. at each residential unit in the multiple dwelling site.

(3) A person to whom the candidate or campaign worker has produced identification referred to in subsection (2) shall not

- (a) obstruct or interfere with, or
- (b) cause or permit the obstruction or interference with,

the free access of a candidate or campaign worker to each residential unit in a multiple dwelling site.

64 Section 134 is amended

- (a) in subsection (1) by adding “or electronic” after “printed”;

(b) in subsection (2) by adding “or electronic” after “printed”.

65 Section 137(2) is amended by striking out “and” at the end of clause (b), adding “, and” at the end of clause (c) and adding the following after clause (c):

(d) the Chief Electoral Officer or a designate or both.

66 Section 141 is repealed and the following is substituted:

Handling of documents and register information after official count

141(1) After the official count of the votes has been completed, a candidate has been declared elected and the Statement of Official Results has been completed,

- (a) the lists of electors,
- (b) the various envelopes containing the ballots,
- (c) the poll books,
- (d) the election proclamation,
- (e) the writ,
- (f) the Statement of Official Results,
- (g) the Certificate and Return,
- (h) the forfeited candidate deposits, and
- (i) any other documents requested by the Chief Electoral Officer,

shall be prepared by the returning officer for return to the Chief Electoral Officer in accordance with the Chief Electoral Officer’s directions.

(2) Any information listed in section 13(5) that is collected during the election period shall be entered in the register in accordance with the directions of the Chief Electoral Officer.

(3) The returning officer shall complete the updating of the register under subsection (2) within the time period set out in section 142(1).

(4) A report concerning the election proceedings in the returning officer's electoral division, including the returning officer's recommendations regarding those proceedings as prescribed by the Chief Electoral Officer, shall be prepared within a time period determined by the Chief Electoral Officer.

67 Section 145(4) is amended by striking out “and” at the end of clause (a), adding “, and” at the end of clause (b) and adding the following after clause (b):

(c) the Chief Electoral Officer or a designate or both may

68 Section 149 is renumbered as section 149(1) and the following is added after subsection (1):

(2) The Chief Electoral Officer shall provide a copy of each Certificate and Return respecting the election of a member to serve in the Legislative Assembly to

(a) the Speaker of the Legislative Assembly, and

(b) the Clerk of the Assembly,

and where an appeal has been commenced under section 144 or 148 the Chief Electoral Officer shall notify the Speaker of the Legislative Assembly and the Clerk of the Assembly of those appeals and the results of those appeals.

69 Section 150 is repealed and the following is substituted:

Post-election custody of election documents

150(1) Subject to this Act, the Chief Electoral Officer shall retain the documents and information returned to the Chief Electoral Officer pursuant to section 141(1).

(2) The Chief Electoral Officer shall retain the documents and information for at least

- (a) 3 months after receiving them from the returning officer,
or
- (b) in the case of an appeal, 3 months after the appeal's final
determination,

after which the retained documents and information shall be
destroyed.

70 Section 151 is repealed.

71 Section 156 is repealed.

72 Section 157(1) is amended by striking out “or wears any badge purporting to be an enumerator’s badge” **and substituting** “or displays any identification purporting to be an enumerator’s identification documents”.

73 Section 158 is repealed and the following is substituted:

Interference with right of access

158 A person who contravenes section 29(3) or 133(3) is guilty of an offence and liable to a fine of not more than \$1000.

74 Section 160 is amended by striking out “personal”.

75 Section 161 is amended by striking out “or” **at the end of clause (a) and by adding the following after clause (a):**

- (a.1) knows or ought to know that he or she is ineligible to be appointed or to act as an election officer, or

76 The following is added after section 163:

Consent to prosecute

163.1(1) No prosecution shall be instituted under this Act without the consent of the Chief Electoral Officer.

(2) A prosecution under this Act may be commenced within 2 years of the commission of the alleged offence but not afterwards.

77 Section 168 is amended by striking out “A returning officer, supervisory deputy returning officer, deputy returning officer, enumerator” **and substituting** “An election officer”.

78 Section 169 is amended by striking out “A returning officer, supervisory deputy returning officer, deputy returning officer or poll clerk” **and substituting** “An election officer”.

79 Section 183 is amended

(a) in subsection (1) by striking out “shall not be avoided” **and substituting** “is not to be considered void”;

(b) in subsection (2) by striking out “shall not be avoided” **and substituting** “is not to be considered void”.

80 Section 187 is amended by striking out “\$500” **and substituting** “\$1000”.

81(1) In the following provisions “seniors’ lodges” **is struck out and** “supportive living facilities” **is substituted:**

section 88(1)(b);
section 120(1)(b).

(2) In the following provisions “seniors’ lodge” **is struck out and** “supportive living facility” **is substituted:**

section 120(2)(a) and (b);
section 121;
section 122(1)(e);
section 125.

(3) Section 120(2)(a) is amended by striking out “at the lodge” and substituting “at the facility”.

Part 2
Election Finances and
Contributions Disclosure Act

Amends RSA 2000 cE-2

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

83 Section 1(1)(l) is repealed and the following is substituted:

- (l) “prohibited corporation” means
 - (i) a Provincial corporation as defined in the *Financial Administration Act*, and includes a management body within the meaning of the *Alberta Housing Act* and a regional health authority and a subsidiary health corporation under the *Regional Health Authorities Act*,
 - (ii) a municipality,
 - (iii) a Metis settlement,
 - (iv) a school board under the *School Act*,
 - (v) a public post-secondary institution under the *Post-secondary Learning Act*,
 - (vi) any corporation that does not carry on business in Alberta, or
 - (vii) any corporation designated by the Lieutenant Governor in Council as a prohibited corporation;

84 Section 4(1)(d) is repealed and the following is substituted:

- (d) shall cause a statement setting out the amount of the expenses in total based on the financial statement submitted by each candidate pursuant to section 43 to be published on the website of the Chief Electoral Officer within 30 days after the date on which the financial statement is approved by the Chief Electoral Officer.

85 Section 7 is amended

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

(2.1) The Chief Electoral Officer may refuse to register a political party that proposes to be qualified under section 6(2)(d) if the information provided under that clause is submitted to the Chief Electoral Officer less than 60 days before the start of a campaign period.

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

- (a.1) the proposed name was the name of a registered political party whose registration was cancelled or whose name was changed since the last general election, or

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

(5) Notice under subsection (4) may be sent by fax or electronic mail.

86 Section 8 is amended by adding the following after subsection (4):

(5) Notice under subsection (4) may be sent by fax or electronic mail.

87 Section 9 is amended by adding the following after subsection (4):

(5) Notice under subsection (4) may be sent by fax or electronic mail.

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

(1.1) If after this subsection comes into force a registered party does not endorse a candidate in a general election, the Chief Electoral Officer shall cancel the registration of that party unless that registered party had endorsed a candidate at the most recent election under the *Senatorial Selection Act*.

89 Section 12(3) is repealed and the following is substituted:

- (3) Funds held in trust under subsection (1) may, at the option of the candidate, be transferred or paid from time to time to
- (a) the registered party that proposed or supported the candidate's registration at the previous election,
 - (b) the registered constituency associations of the registered party that proposed or supported the candidate's registration at the previous election,
 - (c) the registered candidates of the registered party that proposed or supported the candidate's registration at the previous election, or
 - (d) the Crown in right of Alberta if the funds cannot be transferred in accordance with clause (a), (b) or (c).

90(1) Section 17(1) is amended

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

- (ii) \$1000 to any registered constituency association, and \$5000 in the aggregate to the registered constituency associations of each registered party,

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

- (ii) \$2000 to any registered candidate, and \$10 000 in the aggregate to the registered candidates of each registered party.

(2) This section applies to contributions made on or after January 1, 2004.

91 Section 23(4) is repealed and the following is substituted:

(4) The price paid by a person at a fund-raising function in excess of the market value at that time for goods or services received is considered to be a contribution to the registered party, registered constituency association or registered candidate, as the case may be.

(5) The price paid in excess of market value at that time for the goods or services received shall be considered a contribution.

92 Section 25 is amended by striking out “\$40” wherever it occurs and substituting “\$50”.

93 Section 27(1) is repealed and the following is substituted:

Contributions from unincorporated groups

27(1) If a contribution to a registered party, registered constituency association or registered candidate is made through an unincorporated association or organization other than a trade union or employee organization, the unincorporated association or organization shall provide to the registered party, registered constituency association or registered candidate the individual sources and amounts making up the contribution.

(1.1) If an unincorporated association or organization fails to comply with subsection (1), the registered party, registered constituency association or registered candidate shall return the contribution to the unincorporated association or organization.

94 Section 29 is amended by adding the following after subsection (2):

(3) A candidate may not be appointed as chief financial officer for a candidate under this section.

95 Section 36 is amended by adding “, electoral district association or registered candidate” **after** “funds from a federal political party”.

96 Section 37 is amended by adding “or electoral district association” **after** “political party”.

97 Section 52 is amended by adding the following after subsection (2):

(3) A prosecution under this Act may be commenced within 2 years of the commission of the alleged offence but not afterwards.

Part 3 Tax Statutes Amendments

Alberta Corporate Tax Act

Amends RSA 2000 cA-15

98 The *Alberta Corporate Tax Act* is amended

(a) in section 24

(i) in subsection (2)(a) by adding “but before January 1, 2004” **after** “1982”;

(ii) in subsection (2)(b) by adding “but before January 1, 2004” **after** “1989”;

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

(2.1) In respect of the aggregate amount of contributions under the *Election Finances and Contributions Disclosure Act* contributed by a corporation during the taxation year to a registered party, registered constituency association or registered candidate, that corporation may reduce the amount of tax that it would be required to pay under this

Part after claiming the deductions under sections 22 and 23
by an amount equal to

- (a) in the case of a registered party, a registered constituency association or a registered candidate who is a candidate under the *Election Act*, for contributions made on or after January 1, 2004 in respect of an election under the *Election Act*,
 - (i) 75% of the amount contributed if the aggregate amount of contributions by the corporation does not exceed \$200,
 - (ii) \$150 plus 50% of the amount contributed in excess of \$200 if the aggregate amount of contributions by the corporation exceeds \$200 but does not exceed \$1100, or
 - (iii) if the aggregate amount of contributions by the corporation exceeds \$1100, the lesser of
 - (A) \$1000, and
 - (B) \$600 plus 33 1/3 % of the amount contributed in excess of \$1100,

and

- (b) in the case of a registered party that has nominated a candidate under the *Senatorial Selection Act* or a registered candidate who is a candidate under the *Senatorial Selection Act*, for contributions made on or after January 1, 2004 in respect of an election under the *Senatorial Selection Act*,
 - (i) 75% of the amount contributed if the aggregate amount of contributions by the corporation does not exceed \$200,
 - (ii) \$150 plus 50% of the amount contributed in excess of \$200 if the aggregate amount of contributions by the corporation exceeds \$200 but does not exceed \$1100, or

(iii) if the aggregate amount of contributions by the corporation exceeds \$1100, the lesser of

(A) \$1000, and

(B) \$600 plus 33 1/3 % of the amount contributed in excess of \$1100.

(iv) in subsections (3) and (4) by adding “or (2.1)” after “subsection (2)”;

(b) by adding the following after section 24:

Transitional

24.1(1) In this section, “qualifying contribution” means a contribution in respect of which the taxpayer would be entitled to a tax credit under section 24(2) or (2.1).

(2) Where a taxpayer has a taxation year that commences in 2003 and ends in 2004 and has made qualifying contributions in that taxation year in both 2003 and 2004, the amount of the credit to which the corporation is entitled under those sections is determined by the formula

$$75\%A + 75\%B + 50\%C + 50\%D + 1/3E + 1/3F$$

where

A is the lesser of

(a) total qualifying contributions made in the taxation year, and

(b) \$150;

B is the lesser of

(a) total qualifying contributions made in the taxation year in 2004 minus A, and

(b) \$50;

C is the lesser of

(a) total qualifying contributions made in the taxation year minus (A+B), and

(b) \$675;

D is the lesser of

(a) total qualifying contributions made in the taxation year in 2004 minus (A+B+C), and

(b) \$225;

E is the lesser of

(a) total qualifying contributions made in the taxation year minus (A+B+C+D), and

(b) \$900;

F is the lesser of

(a) total qualifying contributions made in the taxation year in 2004 minus (A+B+C+D+E), and

(b) \$300.

Alberta Personal Income Tax Act

Amends RSA 2000 cA-30

99 The *Alberta Personal Income Tax Act* is amended in section 24

(a) in subsection (2)(a) by adding “before January 1, 2004” after “made”;

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

(2.1) In respect of the aggregate amount of contributions under the *Election Finances and Contributions Disclosure Act* contributed by an individual during a taxation year to a registered party, registered constituency association or registered candidate, that individual may deduct the lesser of the amount of tax payable and an amount equal to

(a) in the case of a registered party, a registered constituency association or a registered candidate who is a candidate under the *Election Act*, for contributions

made on or after January 1, 2004 in respect of an election under the *Election Act*,

- (i) 75% of the amount contributed if the aggregate amount of contributions by the individual does not exceed \$200,
- (ii) \$150 plus 50% of the amount contributed in excess of \$200 if the aggregate amount of contributions by the individual exceeds \$200 but does not exceed \$1100, or
- (iii) if the aggregate amount of contributions by the individual exceeds \$1100, the lesser of
 - (A) \$1000, and
 - (B) \$600 plus 33 1/3 % of the amount contributed in excess of \$1100,

and

- (b) in the case of a registered party that has nominated a candidate under the *Senatorial Selection Act* or a registered candidate who is a candidate under the *Senatorial Selection Act*, for contributions made on or after January 1, 2004 in respect of an election under the *Senatorial Selection Act*,
 - (i) 75% of the amount contributed if the aggregate amount of contributions by the individual does not exceed \$200,
 - (ii) \$150 plus 50% of the amount contributed in excess of \$200 if the aggregate amount of contributions by the individual exceeds \$200 but does not exceed \$1100, or
 - (iii) if the aggregate amount of contributions by the individual exceeds \$1100, the lesser of
 - (A) \$1000, and
 - (B) \$600 plus 33 1/3 % of the amount contributed in excess of \$1100.

- (c) in subsections (3) and (4) by adding “or (2.1)” after “subsection (2)”.

**Part 4
Coming into Force**

100(1) This Act, except sections 8 to 23 and Parts 2 and 3, comes into force on Proclamation.

(2) Part 3 is deemed to have come into force on January 1, 2004.

Explanatory Notes

**Part 1
Election Act**

1 Amends chapter E-1 of the Revised Statutes of Alberta 2000.

2 Section 1(1) presently reads in part:

1(1) In this Act,

(i) “election officer” means a returning officer, election clerk, supervisory deputy returning officer, deputy returning officer, poll clerk or any other person having a duty to perform under this Act for the faithful performance of which that person is to be sworn;

(v) “poll book” means a list of names of persons who have received ballot paper at an election;

(gg) “seniors’ lodge” means

(i) a lodge accommodation as defined in the Alberta 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;

3 Oath of office.

4 Section 4 presently reads in part:

4(1) The Chief Electoral Officer shall

- (a) provide guidance and supervision respecting the conduct of all elections, enumerations and plebiscites conducted under this Act and the Senatorial Selection Act;*
- (b) enforce on the part of all election officers fairness and impartiality in the conduct of their duties and compliance with this Act and the Senatorial Selection Act;*
- (c) issue to election officers any information and guidance the Chief Electoral Officer considers necessary to ensure the effective carrying out of this Act and the Senatorial Selection Act;*
- (d) perform all duties assigned to the Chief Electoral Officer by this or any other Act.*

(3) The Chief Electoral Officer shall, immediately following each enumeration, general election, election under the Senatorial Selection Act, by-election or plebiscite, prepare and have printed a report including a summary of the Chief Electoral Officer's conduct respecting the enumeration, general election, election under the Senatorial Selection Act, by-election or plebiscite, as the case may be, a breakdown of results, and a summary of costs, and shall transmit the report to the Standing Committee, which shall cause the report to be laid before the Legislative Assembly if it is then sitting or, if it is not then sitting, not more than 15 days after

the commencement of the next sitting of the Assembly.

5 Section 5(1) presently reads:

5(1) There shall be a department of the public service of Alberta called the Office of the Chief Electoral Officer, consisting of the Chief Electoral Officer, a Deputy Chief Electoral Officer and those officers and employees appointed pursuant to the Public Service Act who may be necessary to assist the Chief Electoral Officer in the administration of the Chief Electoral Officer's duties.

6 Section 7(5) presently reads:

(5) When a special warrant is prepared and signed under subsection (3) on the basis of a report referred to in subsection (3)(b)(i), the authority to spend the amount of money specified in the special warrant for the purpose specified in the special warrant is deemed to be a supply vote for the purposes of the Financial Administration Act for the fiscal year in which the special warrant is signed.

7 Section 9 presently reads in part:

9(1) The Lieutenant Governor in Council may appoint a returning officer for each electoral division for the purposes of or in connection with elections, enumerations and plebiscites under this Act and elections under the Senatorial Selection Act.

8 Section 13 presently reads in part:

13(1) The Chief Electoral Officer shall establish a register of electors from which lists of electors for polling subdivisions for each electoral division may be compiled for use at general elections,

by-elections, referendums and plebiscites held under this Act or under an Act to which this Act applies.

(2) The register may be created and revised by any or all of the following:

(a) conducting a door to door enumeration in accordance with Division 3 of all or some of the electoral divisions, or portions of any of them, as determined by the Chief Electoral Officer;

(b) using information provided by the Chief Electoral Officer of Canada that was used for compiling lists of electors for use at a general election, by-election, plebiscite or referendum conducted by the Chief Electoral Officer of Canada;

(b.1) using personal information held by a public body as defined in the Freedom of Information and Protection of Privacy Act if in the opinion of the Chief Electoral Officer the information is necessary for the purposes of creating or revising the register;

(b.2) using personal information listed in public telephone directories;

(c) using any other information obtained by or available to the Chief Electoral Officer.

(4) The register may be created 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 register may only contain the following information about persons ordinarily resident in Alberta who are electors or will 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 telephone number of the person,*
- (d) *the gender of the person,*
- (e) *the day, month and year of birth of the person, and*
- (f) *if a person has not resided in Alberta for 6 months, the date the person became a resident of Alberta.*

(9) Persons or their agents are entitled to have access to information in the register about themselves to determine whether the information is correct.

9 Section 14(a) presently reads:

14 The Chief Electoral Officer shall, from time to time, in consultation with the returning officer for each electoral division,

- (a) *review the boundary description of and the number of electors in each subdivision, and*

10 Section 17 presently reads:

17 Only the first names, middle initials and surnames, the addresses, including postal codes, and the telephone numbers of electors may be contained in the list of electors.

11 Section 18 presently reads:

18(1) The Chief Electoral Officer shall furnish the information referred to in subsection (2) free of charge to each registered political party and to each member of the Legislative Assembly who is not a member of a registered political party,

- (a) 2 years after a general election,*
- (b) during the 4th and 5th years after a general election, and*
- (c) as soon as possible after the register is updated after the Schedule of electoral divisions in the Electoral Divisions Act is amended or re-enacted.*

(2) The information to be furnished under subsection (1) is as follows:

- (a) to a registered political party,*
 - (i) one printed copy and one copy in electronic form of the boundary descriptions of the polling subdivisions in each electoral division,*
 - (ii) 2 maps showing the polling subdivisions in each electoral division, and*
 - (iii) one printed copy and one copy in electronic form of the list of electors for each polling subdivision in each electoral division,*

and

- (b) to a member of the Legislative Assembly who is not a member of a registered political party,*
 - (i) one printed copy and one copy in electronic form of the boundary descriptions of the polling subdivisions,*
 - (ii) 2 maps showing the polling subdivisions, and*

- (iii) *one printed copy and one copy in electronic form of the list of electors for each polling subdivision*

in the electoral division that the member represents.

(3) The Chief Electoral Officer shall, as soon as possible after a writ has been issued for a general election, furnish free of charge to each registered political party,

- (a) one printed copy and one copy in electronic form of the boundary descriptions of the polling subdivisions in each electoral division,*
- (b) 2 maps showing the polling subdivisions in each electoral division, and*
- (c) one printed copy and one copy in electronic form of the list of electors for each polling subdivision in each electoral division.*

(4) The Chief Electoral Officer is not required to furnish copies of the boundary descriptions, maps and lists of electors under subsection (1) or (3) if there has been no change to the boundary descriptions, the maps or the information in the register that is used to compile the lists of electors since the Chief Electoral Officer last furnished copies of the boundary descriptions, maps and lists of electors pursuant to subsection (1) or (3), as the case may be.

(5) The Chief Electoral Officer shall, on request and payment of the cost to produce the information as determined by the Chief Electoral Officer, furnish

- (a) to a registered political party in accordance with the party's request, one printed copy or one copy in electronic form, or both, of the list of electors for each polling subdivision in each electoral division, and*

(b) to a member of the Legislative Assembly in accordance with the member's request, one printed copy or one copy in electronic form, or both, of the list of electors for each polling subdivision in the electoral division that the member represents.

(6) The Chief Electoral Officer may require members and registered political parties to pay an amount determined by the Chief Electoral Officer for any copies of the boundary descriptions and maps requested in addition to those furnished under subsection (1) or (3).

12 Section 19(2) presently reads:

(2) The Chief Electoral Officer shall furnish free of charge

(a) to each registered political party, one printed copy and one copy in electronic form of the post-polling-day list of electors for each polling subdivision in each electoral division, and

(b) to each member of the Legislative Assembly, one printed copy and one copy in electronic form of the post-polling-day list of electors for each polling subdivision in the electoral division that the member represents.

13 Section 22 presently reads:

22(1) In conducting an enumeration, the Chief Electoral Officer shall provide maps and subdivision boundary descriptions for use by the enumerators.

(2) The Chief Electoral Officer shall provide each returning officer with sufficient quantities of all necessary forms and materials, including enumerator identification badges, to enable the efficient conduct of the required enumeration.

14 Section 25(1) presently reads:

25(1) Each returning officer shall in accordance with the directions of the Chief Electoral Officer appoint, as an enumerator for each subdivision in the electoral district, one elector resident in that electoral division.

15 Section 26 presently reads:

26 The returning officer shall supply one identification badge to each enumerator from those provided to the returning officer by the Chief Electoral Officer, and each badge so provided shall bear the words "Province of Alberta Enumerator" on it.

16 Section 27(2) presently reads:

(2) An enumerator replaced under this section shall, on receipt of a written request signed by the returning officer, deliver or give up to the enumerator's successor or any other authorized person the enumerator's badge and any enumeration documents and written information the enumerator has obtained respecting the enumeration.

17 Right of access for enumerations.

18 Section 30 presently reads:

30(1) Each enumerator shall, on visiting each residence in the subdivision,

- (a) determine those persons residing in the residence who, as of a date determined by the Chief Electoral Officer,*

- (i) are Canadian citizens,*
- (ii) are at least 18 years of age,*
- (iii) have been or will have been ordinarily resident in Alberta for at least 6 months as of that date, and*
- (iv) are ordinarily resident in the electoral division and subdivision for which that person is to have the person's name included on the list of electors,*

and

- (b) record on the form provided by the Chief Electoral Officer the information referred to in section 13(5) with respect to those persons and the signature of the person confirming the accuracy of the information provided at the time of the enumeration.*

(2) The enumerator shall leave at the residence of each person eligible to have the person's name included on the list of electors a form confirming the details of that person's inclusion on the list of electors and setting out, where possible, the location of the polling station where the elector is to vote on polling day.

(3) An enumerator is not to visit treatment centres, students' residences operated by an educational institution and exempted by the Chief Electoral Officer, temporary work camps, penitentiaries, correctional institutions, remand centres, detention centres or any similar institutions.

(4) Each form referred to in subsection (2) left at a residence must be signed by the enumerator.

(5) When visiting residences, the enumerator must wear and prominently display the enumerator's identification badge.

(6) Each enumerator, in accordance with the directions of the Chief Electoral Officer, shall visit

every residence in the enumerator's subdivision at least once during the enumeration period and if the enumerator has visited a residence and found no responsible person there, the enumerator shall visit the residence at least twice.

(7) The enumerator may only visit the residences in the enumerator's subdivision between the hours of 9 a.m. and 9 p.m.

(8) If an enumerator has visited a residence at least twice and found no responsible person there, the enumerator shall leave an application in the form provided by the Chief Electoral Officer at the residence so that any qualified elector residing at the residence may be added to the list of electors.

(9) Prior to the date determined by the Chief Electoral Officer, an application left under subsection (8) may be

(a) mailed to the returning officer for the electoral division, or

(b) delivered to the enumerator,

or the enumerator may be contacted to arrange for the collection of the completed application.

19 Section 32 presently reads:

32(1) On or before the date determined by the Chief Electoral Officer, the enumerator shall submit to the returning officer the forms completed under section 30(1).

(2) The enumerator shall, as far as is reasonably possible, ensure that the forms completed under section 30(1) are only in respect of qualified electors enumerated within the enumerator's subdivision.

(3) Within 5 days after the completion of the enumeration, the enumerator shall

- (a) *submit all copies of the forms completed under section 30(1) and any applications received under section 30(9), and*
- (b) *return all enumeration materials, including the enumerator's identification badge and completed expense claim, to the returning officer.*

20 Section 33 presently reads:

33 The returning officer shall satisfy himself or herself as to the proper completion of the forms referred to in section 30(1) prior to authorizing payment of the enumerator's expense claim.

21 Section 34 presently reads:

34 When the returning officer has accepted all the forms completed under section 30(1) and any applications received under section 30(9) for the subdivisions within the returning officer's electoral division, the returning officer shall have published in one or more newspapers of general circulation within the returning officer's electoral division the dates, times and places for consideration of applications for revisions to the information.

22 Section 35 presently reads:

35(1) During the period of revision, the returning officer shall make individual information available for confirmation or correction to the individual concerned until the end of the period of time for revisions to the information.

(2) The returning officer may make the information available only to the person whom the information is about or to an agent of the person.

23 Section 38 presently reads:

38(1) Each returning officer shall, with respect to the returning officer's electoral division, submit to the Chief Electoral Officer not later than the date determined by the Chief Electoral Officer,

- (a) the forms completed under section 30(1) for each polling subdivision, with the boundary description of the subdivision,*
- (b) one copy of a map of the electoral division clearly indicating the sequentially numbered polling subdivisions,*
- (c) all expense claims,*
- (d) all unused enumeration materials, and*
- (e) all enumerator identification badges, with a satisfactory accounting of any absences.*

(2) The Chief Electoral Officer shall review the boundary description of and the number of electors in each subdivision of the Chief Electoral Officer's electoral division and, if the Chief Electoral Officer considers it necessary, shall, in consultation with the returning officer, redefine and, if necessary, renumber the subdivisions in accordance with section 14 for use as polling subdivisions in any election, by-election, referendum or plebiscite.

24 Section 46 presently reads:

46 The following persons shall not be appointed or act as returning officers, election clerks, supervisory deputy returning officers, deputy returning officers or poll clerks:

- (a) persons who are not electors;*
- (b) persons appointed or acting as returning officers under the Canada Elections Act (Canada);*
- (c) members of the Parliament of Canada;*

- (d) *members of the Legislative Assembly;*
- (e) *candidates;*
- (f) *official agents;*
- (g) *judges of federal or provincial courts;*
- (h) *persons who have within the immediately preceding 10 years been convicted of an indictable offence where the penalty that may be imposed for that offence is greater than 2 years' imprisonment.*

25 Section 47(1) presently reads:

47(1) Immediately on being notified by the Chief Electoral Officer of the issue of a writ of election, the returning officer shall, by a commission in the prescribed form, appoint an elector of the electoral division as election clerk.

26 Appointment of administrative assistants.

27 Section 50(1) presently reads:

50(1) Immediately following receipt of a writ, the returning officer shall post one copy of the list of electors transmitted by the Chief Electoral Officer in or near each polling subdivision to which it relates, together with a notice in the prescribed form designating the dates, time and place for consideration of applications for revisions to the list of electors.

28 Section 51 presently reads:

51 Commencing on the Monday of the week of the opening of the advance polls and continuing to and including polling day, the revised lists of electors

shall be available in the office of the returning officer to all persons who apply to examine them or to take extracts from them.

29 Section 52(1) presently reads:

52(1) Each returning officer shall, following receipt of the writ, fix and provide polling places at which the polling stations for each polling subdivision within the returning officer's electoral division will be located.

30 Section 54(2) presently reads:

(2) The deputy returning officers shall place the signs received under subsection (1) at those places that will best direct attention to the polling place.

31 Section 55 presently reads:

55(1) Each returning officer shall, as soon as possible but not later than the 5th day before nomination day, publish by proclamation in the prescribed form

- (a) the place, dates and hours for considering applications for revisions to the lists of electors,*
- (b) the place and hours fixed for the nomination of candidates and the date fixed for the closing of nominations,*
- (c) the place, dates and hours fixed for voting at an advance poll if voting is necessary,*
- (d) the date of polling day and the hours at which the polling places will open and close if voting is necessary,*

- (e) *the place, date and time for announcing the results of the official count, that date being the 10th day after polling day, and*
- (f) *the name, address and telephone number of the returning officer.*

(2) A returning officer shall publish the following information by posting a copy of each in the returning officer's 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.*

(3) A returning officer may post additional copies of the proclamation, map and list of locations at any other places in the electoral division where the returning officer considers they will be

reasonably safe from damage and will serve to provide information to the public.

(4) If the information as published is or becomes inaccurate for any reason, the returning officer shall

- (a) *publish details of the correction in the newspaper in which the proclamation was published under subsection (2), and*
- (b) *immediately provide to all candidates or their official agents written details of the correction.*

(5) If the returning officer is for any reason unable to comply with subsection (4), the returning officer shall immediately notify the Chief Electoral Officer, who shall take whatever action, if any, the Chief Electoral Officer considers appropriate.

32 Section 56 presently reads:

56 A person is eligible to be nominated as a candidate in an election if on the day the person's nomination paper is filed the person

- (a) is a Canadian citizen,*
- (b) is of the full age of 18 years or will be that age on polling day,*
- (c) has been ordinarily resident in Alberta continuously from the day 6 months immediately preceding polling day,*
- (d) is not prohibited from being nominated as a candidate under this Act or the Senatorial Selection Act by reason of section 57, 58, 178 or 181, and*
- (e) is not a member of the Senate or House of Commons of Canada.*

33 Section 60(1) presently reads:

60(1) Each person being nominated as a candidate shall appoint an elector to be the person's official agent on the person's nomination and shall include the name, address and telephone number of the person so appointed in the appropriate place in the nomination form.

34 Section 61(1)(e) presently reads:

61(1) A nomination paper is not valid and shall not be filed with the returning officer unless

(e) *it is accompanied with a deposit of \$200,*

35 Section 62 presently reads in part:

62(1) The returning officer shall not accept a deposit tendered under section 61(1)(e) unless it consists of

- (a) Bank of Canada notes,*
- (b) a certified cheque or certified bill of exchange,*
- (c) a bank or postal money order, or*
- (d) a combination of any of those forms.*

(2) The deposit received under section 61 shall be refunded to the candidate if the candidate

- (a) is elected,*
- (b) obtains a number of votes equal to at least 1/2 of the total number of votes obtained by the candidate elected, or*
- (c) withdraws within 48 hours of the filing of the candidate's nomination paper.*

36 Section 63(b)(v) presently reads:

63 The returning officer, on filing a nomination paper, shall provide to the candidate,

- (b) in every other case,*
 - (v) 2 copies of the list of electors for each polling subdivision in the electoral division.*

37 Death of candidate.

38 Section 71(3) presently reads:

(3) No person may be appointed as a deputy returning officer who is not an elector resident in the electoral division.

39 Section 73(3) presently reads:

(3) No person may be appointed as a poll clerk who is not an elector resident in the electoral division.

40 Section 76(3) presently reads:

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

41 Use of election officers.

42 Section 78 presently reads:

78 A deputy returning officer may appoint in the prescribed form an interpreter at a polling place to translate questions and answers concerning voting procedures for persons not conversant in the English language.

43 Section 79 presently reads:

79 Each candidate may appoint in the prescribed form not more than 4 electors resident in the electoral division as scrutineers

(a) to represent the candidate at each polling station, and

- (b) *to observe the election procedures on the candidate's behalf.*

44 Section 83 presently reads in part:

83(1) On each ballot shall be printed the name of each candidate together with

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

in a type of 8 point capital letters.

(2) Notwithstanding subsection (1)(a), an abbreviated form of the name of the registered political party or recognizable initials representing that party as directed by the leader of the political party under section 7(1)(b) of the Election Finances and Contributions Disclosure Act may be used.

(3) The names of the candidates shall be printed on the ballot as follows:

- (a) *the candidate's*
 - (i) *given name,*
 - (ii) *initials, or*
 - (iii) *nickname*

or any combination of them in a type of 8 point capital letters;

- (b) *the candidate's surname shall appear following the given name, initials or nickname, as the case may be, and be in a type of 10 point capital letters;*

- (c) *the candidates' names shall be listed on the basis of the alphabetical order of their surnames;*
- (d) *no titles, degrees, prefixes or suffixes may be included with a name.*

45 Section 89 presently reads:

89(1) Each deputy returning officer shall attend at the polling place at least 30 minutes prior to the opening of the deputy returning officer's polling station.

(2) During the 30 minutes immediately prior to the opening of the polling place, candidates, official agents and scrutineers are entitled to inspect the ballots and examine all documents, materials and ballot boxes to be used in the taking of the poll.

46 Section 92 presently reads:

92(1) Only the following persons may remain in a polling place during polling hours:

- (a) *the supervisory deputy returning officer and deputy returning officers;*
- (b) *the poll clerks;*
- (c) *the returning officer or election clerk;*
- (d) *the Chief Electoral Officer, members of the Chief Electoral Officer's office staff designated by the Chief Electoral Officer and visiting officials from other electoral jurisdictions authorized by the Chief Electoral Officer;*
- (e) *the official agents of the candidates;*
- (f) *one scrutineer per candidate for each ballot box;*

(g) *the interpreters;*

(h) *the special constables.*

(2) *Nothing in this Act restricts a candidate from briefly visiting a polling place during polling hours.*

47 Section 94 presently reads:

94(1) Every returning officer, supervisory deputy returning officer and deputy returning officer, from the time that officer takes that officer's oath of office until completion of the duties of that office,

(a) *is charged with preserving the peace at polling places,*

(b) *is vested with all the powers of a justice of the peace, and*

(c) *may*

(i) *request the assistance of justices of the peace, peace officers or any persons present to aid that officer in maintaining peace and order at an election;*

(ii) *on the written requisition of any candidate or official agent, appoint special constables as that officer considers necessary;*

(iii) *arrest or cause to be arrested and placed in the custody of a peace officer or other person anyone disturbing the peace or order at an election;*

(iv) *cause an arrested person to be imprisoned on that officer's written order until a time not later than the close of a poll.*

(2) *When requested to do so under subsection (1)(c), a peace officer shall forthwith attend on and assist the person making the request in the performance of the person's powers under that subsection.*

48 Section 95 presently reads:

95(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 the elector is ordinarily resident may vote if

(a) the elector 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) 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,

and

(b) the elector takes and signs the prescribed oath before the deputy returning officer stating that the elector

(i) qualifies as an elector, and

(ii) ordinarily resides in that polling subdivision.

(2) The deputy returning officer before whom an oath is taken under subsection (1) shall indicate on

the oath form the nature of the identification accepted.

(3) The deputy returning officer shall, after administering an oath under subsection (1), cause the elector's name to be included in the list of electors and entered in the poll book with the word "sworn" or "affirmed" written in the appropriate column.

49 Section 96 presently reads:

96(1) The deputy returning officer, at the request of a voter who is unable to read or who is incapacitated by a physical cause other than blindness from voting in the usual manner, shall

(a) assist the voter by marking the voter's ballot in the manner directed by the voter in the presence of the poll clerk, and

(b) place the ballot so marked in the ballot box.

(2) The deputy returning officer shall not act under subsection (1) until the voter has taken the prescribed oath.

(3) The deputy returning officer, in the case of a blind voter, shall

(a) if the voter is accompanied by a friend,

(i) permit the friend to accompany the voter into a polling booth to mark the voter's ballot, and

(ii) accept the marked ballot from the voter or the voter's friend and place it in the ballot box,

or

(b) if the voter is not accompanied by a friend,

- (i) *provide the voter with a Blind Voter Template in the prescribed form, and*
- (ii) *instruct the voter in its use.*

(4) The deputy returning officer shall not permit a blind person to vote under subsection (3)(a) until the blind person and that person's friend have taken their prescribed oaths.

(5) When a ballot has been marked pursuant to this section, the deputy returning officer or poll clerk shall enter in the poll book opposite the name of the voter and in the appropriate column either "voter assistance" or "template", as the case may be.

50 Section 98(1) presently reads:

98(1) The returning officer shall establish at least one and no more than 4 polling places to enable

- (a) electors who are disabled,*
- (b) electors who believe that they will be absent from their ordinary place of residence on polling day, and*
- (c) election officers, candidates, official agents or scrutineers who believe that their official duties on polling day will require their attendance at polling subdivisions other than the one for which their name appears on the list of electors,*

to vote in advance at an election in the electoral division in which those electors ordinarily reside.

51 Section 100(1) presently reads:

100(1) Each elector who presents himself or herself to vote on polling day shall give his or her name and address to the deputy returning officer and if

- (a) *the name of that elector appears on the list of electors for the polling subdivision, or*
- (b) *the elector complies with section 95(1),*

the poll clerk shall enter the name and address in the poll book, and for each name so recorded the poll clerk shall enter a number in consecutive sequence opposite it.

52 Section 103 presently reads:

103 Immediately a voter's ballot is deposited in the ballot box the poll clerk shall enter in the poll book opposite the name of the voter and in the appropriate column the word "voted".

53 Section 104 presently reads:

104(1) A deputy returning officer shall administer the oath in the prescribed form to a person if

- (a) *the deputy returning officer doubts the eligibility of that person to vote, or*
- (b) *the deputy returning officer is requested to do so by a candidate, official agent or scrutineer and the deputy returning officer is of the opinion that the request is made in good faith.*

(2) An election clerk, deputy returning officer, poll clerk, supervisory deputy returning officer, candidate, official agent or scrutineer who presents himself or herself for the purpose of voting at the polling subdivision in which that person ordinarily resides may be required by a candidate, official agent or scrutineer before that person votes to take the prescribed oath before the deputy returning officer or poll clerk located at that polling subdivision.

(3) If a voter

- (a) *has taken an oath for the purpose of voting, the poll clerk shall enter in the poll book opposite the name of that voter in the appropriate column the word "oath", or*
 - (b) *has refused to take an oath that the voter was required to take for the purpose of voting, the poll clerk shall enter in the poll book opposite the name of that voter in the appropriate column the words "refused oath".*
- (4) *A person who refuses to take the oath when required to do so*
- (a) *shall not be provided with a ballot or permitted to vote,*
 - (b) *forfeits the person's right to vote in the election, and*
 - (c) *shall forthwith leave the polling place.*

54 Section 111(11) presently reads:

(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 supervisory deputy returning officer and the deputy returning officers;*
- (b) *the poll clerks;*
- (c) *the returning officer or election clerk;*
- (d) *the Chief Electoral Officer, members of the Chief Electoral Officer's office staff designated by the Chief Electoral Officer and visiting officials from other electoral jurisdictions authorized by the Chief Electoral Officer;*
- (e) *the candidates;*
- (f) *the official agents of the candidates;*

(g) *one scrutineer per candidate for each ballot box.*

55 Section 112(b) presently reads:

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

(b) *immediately communicate the unofficial results to the returning officer,*

56 Section 113 presently reads:

113(1) After the closing of the polling places on polling day, the deputy returning officer of each advance poll and the deputy returning officer's 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 111 and 112 apply, with all necessary modifications, to the count.

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

57 Section 114 presently reads in part:

(3) If the deputy returning officer does not personally return the ballot box to the returning officer, the deputy returning officer shall

(a) *write the name of the person to whom the ballot box is being given on a label in the form prescribed and affix it to the ballot box, and*

(b) *obtain the prescribed receipt for the ballot box.*

(4) A person to whom a ballot box is given shall

- (a) return it to the returning officer as soon as possible, and*
- (b) on returning the ballot box to the returning officer, take the prescribed oath.*

58 Section 115 presently reads:

115 The deputy returning officer shall

- (a) before leaving the polling place, ensure that all expense claims for the election officers at the deputy returning officer's poll are properly completed, signed and certified, and*
- (b) ensure that the expense claims are delivered to the returning officer.*

59 Section 116 presently reads:

116(1) An elector 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,*
- (c) being an inmate, other than an inmate described in section 45(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 the elector is ordinarily resident,*
- (e) being a resident of a remote area designated under section 31, or*

(f) any other circumstances prescribed by the Chief Electoral Officer,

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 electoral division at any time between the issue of the writ and the closing of polls on polling day.

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

(a) enter in the Special Ballot Poll Book

(i) the elector's name and where the elector is ordinarily resident, and

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

and

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

60 Secure Special Ballot.

61 Section 118 presently reads in part:

(5) On determining that the voter is recorded in the Special Ballot 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 the returning officer or election clerk is satisfied as to the voter's eligibility to vote,*
- (i) *sign part 2 of the certificate,*
 - (ii) *if the voter's name appears on the list of electors for the polling subdivision in which the voter is entitled to vote, enter opposite the name of that person on the list of electors the word "special",*
 - (iii) *if the voter's name does not appear on the list of electors for the polling subdivision in which the voter is entitled to vote, enter the voter's name on the list of electors and, opposite the name, the word "special",*
 - (iv) *record in the Special Ballot Poll Book in the appropriate column the date the returning officer or election clerk 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",*
 - (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*
 - (vii) *retain the certificate envelope and forward it to the Chief Electoral Officer in accordance with section 142,*

or

- (b) *if the returning officer or election clerk is not satisfied as to the voter's eligibility to vote,*
- (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 polling place on polling day, the returning officer shall deliver the Special Ballot ballot box to the deputy returning officer and poll clerk of an advance poll in the electoral division and advise them of the names of the electors for their respective subdivisions who have so voted, and the deputy returning officer and poll clerk shall proceed in accordance with section 113 as if the ballot box were from an advance poll.*

(7) *After completing the count of the ballots, the deputy returning officer shall record the results on the prescribed form.*

62 Section 123 presently reads:

123(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 96.

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

(a) shall, if the elector's 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 96.

(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 the official's 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 121.

63 Section 133 presently reads:

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

(a) obstruct or interfere with, or

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

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

64 Section 134 presently reads:

134(1) Every printed advertisement, handbill, placard or poster having a reference to any election shall include on its front in legible form the name and address of the sponsor.

(2) Subsection (1) does not apply to a printed advertisement, handbill, placard or poster bearing only one or more of the following:

(a) the colours and logo of a registered political party;

(b) the name of a registered political party;

(c) the name of a candidate.

65 Section 137(2) presently reads:

(2) No person may be allowed in the room where an official count is being conducted except

- (a) the returning officer and election clerk,*
- (b) deputy returning officers in the discharge of their duties, and*
- (c) the candidates for the electoral division, their official agents or electors of the electoral division appointed in writing by the candidates or all of them.*

66 Section 141 presently reads:

141(1) After the official counting of the votes has been completed, a candidate declared elected and the Statement of Official Results completed,

- (a) the lists of electors,*
- (b) the various envelopes containing the ballots,*
- (c) the poll books,*
- (d) the election proclamation,*
- (e) the map of the electoral division,*
- (f) the maps of the polling subdivisions,*
- (g) the descriptions of the polling subdivision boundaries,*
- (h) the list of the locations of the polling places,*
- (i) the writ,*
- (j) the Statement of Official Results,*
- (k) the Certificate and Return, and*

(1) a report concerning the election proceedings in the returning officer's electoral division, including the returning officer's recommendations regarding those proceedings,

must be prepared by the returning officer for return to the Chief Electoral Officer in accordance with the Chief Electoral Officer's directions.

(2) The lists of electors returned under subsection (1) shall include the names of all voters sworn at the taking of an advance poll and on polling day.

67 Section 145(4) presently reads:

(4) At any recount of votes,

(a) the returning officer and election clerk shall, and

(b) each candidate and each candidate's official agent, or either of them, or in their absence 2 electors of the relevant electoral division designated by the candidate, may

be present.

68 Section 149 presently reads:

149 On receiving a Certificate and Return respecting the election of a member to serve in the Legislative Assembly, the Chief Electoral Officer shall cause notice of the receipt of the Certificate and Return and the name of the candidate elected to be published in The Alberta Gazette.

69 Section 150 presently reads:

150 Subject to this Act, the Chief Electoral Officer shall retain

- (a) *the poll books and election proclamations transmitted by the returning officers until the Chief Electoral Officer has received the equivalent documents after the next subsequent general election,*
- (b) *the lists of electors, maps of the electoral divisions and subdivisions and copies of the boundary descriptions for each polling subdivision transmitted by the returning officers until the Chief Electoral Officer has received new documents prepared at the next subsequent general enumeration, and*
- (c) *all other election documents for at least*
 - (i) *3 months after receipt from the returning officer, or*
 - (ii) *in the case of an appeal, 3 months after the appeal's final determination,*

after which the retained documents shall be destroyed.

70 Section 151 presently reads:

151 Notwithstanding section 150, the lists of electors referred to in section 150(b) may be used to assist in compiling or revising a new list of electors.

71 Section 156 presently reads:

156 A person

- (a) *who knows or ought to have known that the person is ineligible to be appointed or to act as an election officer, and*
- (b) *accepts an appointment or acts as an election officer,*

is guilty of an offence and liable to a fine of not more than \$500.

72 Section 157(1) presently reads:

157(1) A person who is not an enumerator and who represents that the person is an enumerator or wears any badge purporting to be an enumerator's badge is guilty of an offence and liable to a fine of not more than \$1000.

73 Section 158 presently reads:

158 A person who obstructs or interferes with the free access of an

(a) enumerator,

(b) candidate, or

(c) campaign worker on behalf of a candidate

to a residence in a building containing 2 or more residences or to a residence in a mobile home park is, if the enumerator, candidate or campaign worker, as the case may be, produces identification of that person's status as an enumerator, candidate or campaign worker, guilty of an offence and liable to a fine of not more than \$1000.

74 Section 160 presently reads:

160 A person who, before or during an election and for the purpose of affecting the voting for a candidate at that election, makes or publishes any false statement in relation to the personal character or conduct of that candidate or of the withdrawal of that candidate, is guilty of an offence and liable to a fine of not more than \$2000.

75 Section 161 presently reads:

161 A person who

- (a) *procures an appointment as an election officer by false pretence, deceit or other improper means, or*
- (b) *acts as an election officer without lawful authority,*

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

76 Consent to prosecute.

77 Section 168 presently reads:

168 A returning officer, supervisory deputy returning officer, deputy returning officer, enumerator or other person

- (a) *whose duty it is to deliver poll books or lists of electors, or*
- (b) *who has the custody of a certified list of electors,*

who in any way wilfully falsifies the certified list, list of electors or poll book, commits a corrupt practice.

78 Section 169 presently reads:

169 A returning officer, supervisory deputy returning officer, deputy returning officer or poll clerk who intentionally miscounts the ballots or in any other manner falsifies a count commits a corrupt practice.

79 Section 183 presently reads:

183(1) If an election is void due to one or more corrupt practices being committed and a 2nd election is held, the 2nd election is a new election and shall not be avoided by reason of corrupt

practices committed at the former election except for those corrupt practices that were

- (a) the personal acts of the candidate, or*
- (b) the personal acts of the candidate's official agent done with the candidate's knowledge and consent.*

(2) Notwithstanding subsection (1), the new election shall not be avoided for corrupt practices by the candidate at the former election if the corrupt practices were not proved at a trial and so adjudged by the Court so as to make applicable the prohibitions specified in section 178.

80 Section 187 presently reads:

187 The petitioner shall at the time the petitioner files the petition deposit with the clerk the sum of \$500 as security for the respondent's costs of and incidental to the petition and the proceedings under the petition.

81 References to seniors' lodges changed to supportive living facilities.

Part 2 Election Finances and Contributions Disclosure Act

82 Amends chapter E-2 of the Revised Statutes of Alberta 2000.

83 Section 1 presently reads in part:

1(1) In this Act,

- (1) "prohibited corporation" means*

- (i) *any Provincial corporation and any subsidiary, within the meaning of section 2 of the Business Corporations Act, of a Provincial corporation,*
- (ii) *any corporation that does not carry on business in Alberta, or*
- (iii) *any corporation designated by the Lieutenant Governor in Council;*

84 Section 4 presently reads in part:

4(1) The Chief Electoral Officer, in addition to the Chief Electoral Officer's other powers and duties under this Act, the Election Act and the Senatorial Selection Act,

- (a) *may examine all financial statements required to be filed with the Chief Electoral Officer;*
- (b) *may inquire into or conduct periodic investigations of the financial affairs and records of*
 - (i) *registered parties and constituency associations, and*
 - (ii) *registered candidates in relation to election campaigns;*
- (c) *shall prescribe forms necessary for use under this Act and provide for their printing and distribution;*
- (d) *shall cause a statement setting out the amount of the expenses in total based on the financial statement submitted by each candidate pursuant to section 43 to be published in a newspaper circulated in the electoral division of that candidate within 30 days after the date on which the financial statement is approved by the Chief Electoral Officer.*

85 Section 7 presently reads in part:

(2) On receipt of an application for registration of a political party, the Chief Electoral Officer shall examine the application and determine if the political party is entitled to be registered and

(a) if the political party is entitled to be registered, enter it in the register of political parties and so inform the political party, or

(b) if the political party is not entitled to be registered, so inform the political party with written reasons for the determination.

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

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

(4) When there is any change in the information required to be provided by subsection (1)(a) to (i), the registered party shall notify the Chief Electoral Officer in writing within 30 days after the alteration and, subject to section 10, on receipt of the notice the Chief Electoral Officer shall vary the register of political parties accordingly.

86 Provides for notice of changes in information about a registered constituency association to be submitted electronically.

87 Provides for notice of changes in information about a candidate to be submitted electronically.

88 Cancellation of registration of party for failure to endorse candidate.

89 Section 12 presently reads in part:

(3) 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.

90 Section 17 presently reads in part:

17(1) For the purposes of an election under the Election Act, contributions by any person, corporation, trade union or employee organization to registered parties, registered constituency associations or registered candidates shall not exceed

(a) in any year,

(i) \$15 000 to each registered party, and

(ii) \$750 to any registered constituency association, and \$3750 in the aggregate to the constituency associations of each registered party,

and

(b) in any campaign period,

(i) \$30 000 to each registered party less any amount contributed to the party in that calendar year under clause (a)(i), and

- (ii) *\$1500 to any registered candidate, and \$7500 in the aggregate to the registered candidates of each registered party.*

91 Section 23 presently reads in part:

(4) Except as provided in subsection (3), funds raised by a fund-raising function are not contributions for the purposes of this Act.

92 Section 25 presently reads:

25 An annual membership fee paid for membership in a political party or in a constituency association of that party, or in both, is not a contribution for the purposes of this Act if

- (a) the fee or, when a fee is paid to the party and to a constituency association of that party, the total of those fees, does not exceed \$40, and*
- (b) the political party and constituency association each maintain a membership list indicating the amount of the fee or fees paid by each member that is allocated to the political party or constituency association, as the case may be,*

but if the fee or total of those fees exceeds \$40, the amount of the excess shall be considered as a contribution.

93 Section 27 presently reads:

27(1) Any contribution to a registered party, registered constituency association or registered candidate made through any unincorporated association or organization, except a trade union or employee organization, shall be recorded by the unincorporated association or organization as to the

individual sources and amounts making up the contribution.

(2) The amounts making up a contribution under subsection (1) that are attributable to any person, corporation, trade union or employee

organization are contributions of that person, corporation, trade union or employee organization for the purposes of this Act.

94 Section 29 presently reads:

29(1) Every political party, constituency association and candidate shall, before filing its application for registration with the Chief Electoral Officer, appoint a chief financial officer.

(2) When a chief financial officer appointed pursuant to subsection (1) ceases for any reason to hold that office, the political party, constituency association or candidate, as the case may be, shall forthwith appoint another chief financial officer.

95 Section 36 presently reads:

36 No registered party, registered constituency association or registered candidate may accept funds from a federal political party registered under the Canada Elections Act (Canada), except that during a campaign period a registered party may accept from a registered federal political party an amount not exceeding, in the aggregate, \$150 for each registered candidate endorsed by that registered party and those funds are not contributions for the purposes of this Act but must be recorded as to source and deposited in an appropriate depository on record with the Chief Electoral Officer.

96 Section 37 presently reads:

37 Notwithstanding section 36, no registered party or registered candidate may accept funds from a federal political party registered under the Canada Elections Act (Canada) in respect of an election under the Senatorial Selection Act.

97 Section 52 presently reads:

52(1) A prosecution for an offence under this Act may be instituted against a political party, constituency association, trade union or employee organization in the name of the political party, constituency association, trade union or employee organization and for the purposes of prosecution, a political party, constituency association, trade union or employee organization is deemed to be a person.

(2) Any act or thing done or omitted by an officer, official or agent of a political party, constituency association, trade union or employee organization within the scope of the officer's, official's or agent's authority to act on behalf of the political party, constituency association, trade union or employee organization is deemed to be an act or thing done or omitted by the political party, constituency association, trade union or employee organization.

Part 3 Tax Statutes Amendments

Alberta Corporate Tax Act

98 Amends chapter A-15 of the Revised Statutes of Alberta 2000. Section 24(2) presently reads:

(2) In respect of the aggregate amount of contributions under the Election Finances and Contributions Disclosure Act contributed by a corporation during the taxation year to a registered party, registered constituency association or registered candidate, that corporation may reduce the amount of tax that it would be required to pay

under this Part after claiming the deductions under sections 22, 22.2 and 23 by an amount equal to

(a) in the case of a registered party, a registered constituency association or a registered candidate who is a candidate under the Election Act, for contributions made on or after January 1, 1982, in respect of an election under the Election Act,

(i) 75% of the amount contributed if the aggregate amount of contributions by the corporation does not exceed \$150,

(ii) \$112.50 plus 50% of the amount contributed in excess of \$150 if the aggregate amount of contributions by the corporation exceeds \$150 but does not exceed \$825, or

(iii) the lesser of

(A) \$750, and

(B) \$450 plus 33 1/3% of the amount contributed in excess of \$825,

if the aggregate amount of contributions by the corporation exceeds \$825,

and

(b) in the case of a registered party that has nominated a candidate under the Senatorial Selection Act or a registered candidate who is a candidate under the Senatorial Selection Act, for contributions made on or after January 1, 1989, in respect of an election under the Senatorial Selection Act,

(i) 75% of the amount contributed if the aggregate amount of contributions by the corporation does not exceed \$150,

(ii) \$112.50 plus 50% of the amount contributed in excess of \$150 if the

aggregate amount of contributions by the corporation exceeds \$150 but does not exceed \$825, or

(iii) the lesser of

(A) \$750, and

(B) \$450 plus 33 1/3% of the amount contributed in excess of \$825,

if the aggregate amount of contributions by the corporation exceeds \$825,

or the amount of the tax payable after claiming the deductions under sections 22, 22.2 and 23, whichever is the lesser.

Alberta Personal Income Tax Act

99 Amends chapter A-30 of the Revised Statutes of Alberta 2000. Section 24(2) presently reads:

(2) In respect of the aggregate amount of contributions under the Election Finances and Contributions Disclosure Act contributed by an individual during a taxation year to a registered party, registered constituency association or registered candidate, that individual may deduct the lesser of the amount of tax payable and an amount equal to

(a) in the case of a registered party, a registered constituency association or a registered candidate who is a candidate under the Election Act, for contributions made in respect of an election under the Election Act,

(i) 75% of the amount contributed if the aggregate amount of contributions by the individual does not exceed \$150,

(ii) \$112.50 plus 50% of the amount contributed in excess of \$150 if the

aggregate amount of contributions by the individual exceeds \$150 but does not exceed \$825, or

(iii) the lesser of

(A) \$750, and

(B) \$450 plus 33 1/3% of the amount contributed in excess of \$825,

if the aggregate amount of contributions by the individual exceeds \$825,

and

(b) in the case of a registered party that has nominated a candidate under the Senatorial Selection Act or a registered candidate who is a candidate under the Senatorial Selection Act, for contributions in respect of an election under the Senatorial Selection Act,

(i) 75% of the amount contributed if the aggregate amount of contributions by the individual does not exceed \$150,

(ii) \$112.50 plus 50% of the amount contributed in excess of \$150 if the aggregate amount of contributions by the individual exceeds \$150 but does not exceed \$825, or

(iii) the lesser of

(A) \$750, and

(B) \$450 plus 33 1/3% of the amount contributed in excess of \$825,

if the aggregate amount of contributions by the individual exceeds \$825.

Part 4
Coming into Force

100 Coming into force.