

2010 Bill 217

Third Session, 27th Legislature, 59 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 217

**ELECTION STATUTES (ELECTORAL REFORM)
AMENDMENT ACT, 2010**

DR. TAFT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 217
Dr. Taft

BILL 217

2010

ELECTION STATUTES (ELECTORAL REFORM) AMENDMENT ACT, 2010

(Assented to _____, 2010)

WHEREAS an effective system of democracy demands that its citizens are free to exercise their constitutional right to vote without impediment;

WHEREAS voter turnout in the province of Alberta would be enhanced by improving access to advance polls and eliminating certain administrative and procedural barriers;

WHEREAS the confidence of Albertans in our electoral system would be enhanced through stronger rules governing elections and campaign financing; and

WHEREAS there is an immediate need to address these issues before the next general election;

THEREFORE 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(2) is amended

(a) in clause (c)(i) by striking out “within or”;

Explanatory Notes

Part 1 Election Act

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

- 2** Section 1(2) presently reads:

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

(c.1) an Alberta resident who temporarily lives away from his or her residence to

(i) attend an educational institution, or

(ii) pursue work

for a period that is intended to last for 6 months or longer is entitled to vote

(A) in the electoral division where he or she is temporarily living, or

(B) in the electoral division where his or her residence is located;

(c) by adding the following after clause (d):

(e) if a person has no ordinary residence as described in clause (a), (b) or (c), the person's ordinary residence shall be deemed to be the place to which the person most frequently returns to receive food, lodging or other social services.

3 Section 10(3) is amended by striking out "4 months" and substituting "6 months".

4 The following is added after section 12:

Employee leave

12.1(1) An employee who has been appointed or is acting as a returning officer or election clerk is entitled to leave without pay subject to the following conditions:

(a) the employee must have completed a minimum of 26 consecutive weeks of employment with an employer; and

(b) the employee must provide a minimum of 7 days' notice before the leave is to begin.

(2) An employer shall not dismiss or otherwise penalize an employee who has been granted leave under this section.

(2) Subject to section 121, for the purposes of this Act, ordinary residence is determined in accordance with the following rules:

- (a) a person can have only one place of ordinary residence;*
- (b) a person's ordinary residence is the place where the person lives and sleeps and to which, when the person is absent from it, the person intends to return;*
- (c) a student who*
 - (i) is in attendance at an educational institution within or outside Alberta,*
 - (ii) temporarily rents accommodation for the purpose of attending an educational institution, and*
 - (iii) has family members who are ordinarily resident in Alberta and with whom the student ordinarily resides when not in attendance at an educational institution*

is deemed to reside with those family members;
- (d) when a person leaves Alberta with the intention of becoming ordinarily resident outside Alberta, the person's ordinary residence in Alberta ceases.*

3 Section 10(3) presently reads:

(3) The appointment of a returning officer expires 4 months after polling day of the general election in which the returning officer was a returning officer unless it is sooner terminated.

4 Returning officers and election clerks entitled to employment leave without pay.

5 Section 39 is amended by renumbering it as section 39.1 and by adding the following before section 39.1:

Fixed election date

39(1) Nothing in this section affects the powers of the Lieutenant Governor to dissolve the Legislature when the Lieutenant Governor sees fit.

(2) Subject to the powers of the Lieutenant Governor referred to in subsection (1),

- (a) a general election shall be held on June 11, 2012, and
- (b) thereafter, general elections shall be held on the second Monday in June in the 4th calendar year following polling day in the most recent general election.

6 Section 39.1 is amended in clause (d) by striking out “14th day” wherever it occurs and substituting “17th day”.

7 Section 52 is amended by striking out subsection (4) and substituting the following:

(4) If requested by a returning officer, any school that is the property of a school district or school division established under the *School Act* must be made available for use as a polling place if the school is suitable for the purpose.

8 The following is added after section 79:

Scrutineer access to election documents

79.1(1) A scrutineer may examine election documents for the relevant polling station at the polling station or the registration officer’s station at a time determined by the returning officer.

(2) Documents examined under subsection (1) must not be reproduced, nor may they be removed from the polling station or the registration officer’s station, as the case may be.

5 Fixed election date every 4 years.

6 Section 39(d) presently reads:

39 Every election shall be commenced by the passing of an order of the Lieutenant Governor in Council

(d) providing that, where voting is necessary, the 14th day after nomination day shall be the day on which voting is to take place, or if the 14th day is a holiday, then on the next following day not being a holiday, and

7 Section 52(4) presently reads:

(4) A returning officer may utilize as a polling place any public building or any school that is the property of any school district or school division organized under any Act if the building or school is suitable for the purpose.

8 Scrutineers may access election documents at a time determined by returning officer.

9 Section 98 is amended

- (a) by striking out subsection (3) and substituting the following:**

(3) The polling places for advance polling shall be open for 6 consecutive days from 9 a.m. to 8 p.m. commencing the Monday of the full week preceding polling day.

- (b) in subsection (7) by striking out “on the Friday and Saturday”.**

10 The following is added after section 98:

“Anywhere voting” at advance polls

98.1 Notwithstanding section 98, in a general election the Chief Electoral Officer may designate certain advance polling places that allow for advance votes to be cast for any electoral division in Alberta.

11 Section 116 is amended by adding the following after subsection (3):

(3.1) The prescribed forms to vote by Special Ballot shall be delivered to the applicant by

- (a) post,
- (b) where postal service is not available, an alternative method of delivery deemed appropriate by the returning officer, or
- (c) a third party designated by the applicant upon proof of identification being provided to the returning officer.

9 Section 98 presently reads in part:

(3) The polling places for advance polling shall be open from 9 a.m. to 8 p.m. on each of the Thursday, Friday and Saturday of the full week preceding polling day.

(7) Seals placed on a ballot box shall not be removed from the time they are placed on it until the close of the polling places on polling day except as may be necessary at the opening of the polling place for the advance poll on the Friday and Saturday to permit the deposit of ballots.

10 “Anywhere voting” at advance polls.

11 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 including a person sentenced to a term of imprisonment of 10 days or less or for the non payment of fines,*
- (d) being a returning officer, election clerk, administrative assistant, supervisory deputy returning officer, registration officer, deputy returning officer or other staff member working in the office of a returning officer, poll clerk, interpreter, peace officer appointed under the Peace Officer Act, 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.

12 The following is added after section 134:

Restriction on election advertising near polling places

134.1(1) No person may post, display or disseminate any election circular, card, poster, bill or other form of election advertising within 100 metres of a polling place.

(2) Where a person posts or displays election advertising contrary to subsection (1), the returning officer shall cause it to be removed immediately at the expense of the offending campaign and neither the returning officer nor any person acting under the returning officer's instructions is liable for trespass or damage resulting from the removal.

13 Section 144 is amended by striking out subsection (5) and substituting the following:

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

- (a) *in writing,*
- (b) *by telephone,*
- (c) *by fax or electronic mail, 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.*

(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.*

12 Restriction on election advertising within 100 metres of polling places.

13 Section 144(5) presently reads:

(5) The returning officer shall make an application under this section if

- (a) a declaration has been made under section 138(1)(b), or
- (b) the difference between the number of votes cast for the candidate declared elected under section 138 and the candidate with the next largest number of votes is fewer than 25.

Part 2 Election Finances and Contributions Disclosure Act

Amends RSA 2000 cE-2

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

15 Section 1(1)(e) is amended by striking out “any money, real property or goods” and substituting “any money, real property, goods or services, other than volunteer labour,”.

16 Section 6 is amended by striking out subsection (6) and substituting the following:

(6) Each foundation shall file with the Chief Electoral Officer on or before April 1 in each year a report outlining the following information respecting the foundation for the previous calendar year:

- (a) income,

(5) The returning officer shall make an application under this section if a declaration has been made under section 138(1)(b).

Part 2 Election Finances and Contributions Disclosure Act

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

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

1(1) In this Act,

(e) “contribution” means any money, real property or goods or the use of real property or goods that is provided

*(i) to a political party, constituency association or candidate,
or*

*(ii) for the benefit of a political party, constituency association
or candidate with its or the candidate’s consent,*

*without compensation from that political party, constituency
association or candidate;*

16 Section 6(6) presently reads:

(6) Each foundation shall file with the Chief Electoral Officer on or before April 1 in each year a report of the expenditures of that foundation during the previous year.

- (b) cash or asset transfers,
- (c) expenditures, and
- (d) balance of assets held at the beginning and end of the year.

17 Section 10.1 is amended by striking out “3 years” and substituting “5 years”.

18 The following is added after section 44:

Late filing fee – financial statements

44.1(1) This section applies if a financial statement has not been filed within the time period specified in this Act or by order of the Court under section 44.

(2) The financial statement may be filed within the following applicable late filing period on payment to the Chief Electoral Officer of the specified late filing fee:

- (a) in the case of an annual financial statement for a registered party or registered constituency association, on payment of a late filing fee of \$100, the statement may be filed before June 30 of that year or a later date permitted by order of the Court under section 44.
- (b) in the case of a financial statement for an election campaign for a registered candidate or registered party, on payment of a late filing fee of \$500, the statement may be filed within 30 days after the end of the time period for filing or before a later date permitted by a Court under section 44.

Coming into force

19 This Act comes into force on January 1, 2012.

17 Section 10.1 presently reads:

10.1 A registered party, registered constituency association, registered candidate and registered third party shall retain all of the records of that registered party, registered constituency association, registered candidate or registered third party for a period of 3 years following the date on which the financial statements required under this Act for the period to which the records relate are required to be filed.

18 Late filing fee – financial statements.

19 Coming into force.

