

BILL

No. 38 of 1917.

An Act to provide for Representation in the Legislative Assembly of Alberta's Soldiers and Nurses in the Present War.

(Assented to , 1917.)

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

1. This Act may be cited as *The Alberta Military Representation Act*.

2. In addition to the Members composing the Legislative Assembly, as provided for by chapter 2 of the Statutes of Alberta, 1909, and amendments thereto, being *An Act respecting the Legislative Assembly of Alberta*, there shall be two Members for the province at large, representing the soldiers and nurses from Alberta engaged in the present war in England or at the front in France and Belgium, which said Members shall be selected and elected by the persons and in the manner herein provided for.

3. The following persons shall be entitled to be electors and to vote under the provisions of this Act, and any elector is eligible to be a candidate:

Every person serving in the military forces of Great Britain and her allies in England, France or Belgium, raised for service in the present war, who, at the time of enlistment, was a resident in Alberta or who resided in Alberta for six months immediately preceding the date on which he or she left the province for the purpose of being appointed to or enlisting in or joining such forces.

4. The writ of election for the holding of an election as herein provided shall bear the same date as the writs for a general election under *The Alberta Election Act*.

5. Forthwith upon the receipt of the writ for the holding of an election as herein provided the returning officer shall cause to be published in *The London Times* and in the newspaper called "Canada," in as many issues as he may deem necessary, notice setting out—

- (a) The place where and the time within which he will receive nominations, being not less than four weeks from the first publication of said notice;
- (b) The time within which the polls for taking the votes of the electors will be held in case a poll is granted, being not less than four weeks from the date of nomination;
- (c) The time when and the place where he will add up the number of votes given to the several candidates and proclaim the result of the election, being not less than six weeks from the date of nomination.

6. Any ten electors may nominate a candidate by signing a nomination paper, in form A of the schedule hereto, in the presence of a commissioned officer and causing the same to be filed with the returning officer, after having obtained the written consent of the candidate in the form attached to form A witnessed as aforesaid.

7. In the event of there being more than two candidates nominated the returning officer shall have power to appoint fit and proper persons to be deputy returning officers for the holding of polls and to receive affidavits and ballots at each military camp or base in the United Kingdom where soldiers are engaged in military duty or are being trained for military service in the present war and at each hospital and convalescent home in the United Kingdom where soldiers are found to be located. He shall have like power to appoint deputy returning officers for the holding of polls and to receive affidavits and ballots in France and Belgium at such points as are found to be practicable. The returning officer shall, upon any appointment being made by him under this section, cause public notice thereof to be posted up in a conspicuous place in his office.

8. Before receiving any affidavit or taking any ballots under the provisions of this Act every deputy returning officer shall be sworn to faithfully perform his duties as such officer before the returning officer or any commissioned officer of the said forces.

9. Upon the receipt by the returning officer of the list of nominations of candidates as herein provided he shall cause ballot papers to be prepared as far as possible in a form similar to and in accordance with the directions for printing ballot papers contained in *The Alberta Election Act*. A sufficient supply of the ballot papers and of envelopes for holding the same, with affidavits in form B of the schedule hereto and certificates in form C of the schedule hereto printed thereon, shall be furnished to the deputy returning officers.

10. Every deputy returning officer shall give each person applying therefor and making the affidavit in form B before such officer a ballot paper.

11. The elector on receiving a ballot paper may mark the same for the candidate or the two candidates for whom he desires to vote in the presence of the deputy returning officer from whom he receives it, but in such a manner as not to disclose to the deputy returning officer or any other person how he is voting, and shall fold the ballot paper so that it cannot be read and shall then place the same in the envelope upon which his affidavit appears and on the back of which shall be endorsed a certificate signed by the deputy returning officer in form C of the schedule hereto, and shall securely close the envelope. The envelope containing the ballot paper shall thereupon, in the presence of the elector, be placed in a bag or other suitable receptacle provided by the returning officer and in which the deputy returning officer shall enclose a slip stating the number of envelopes contained in it, and which shall be carefully kept by the deputy returning officer and securely closed and sealed in such manner as to make any tampering with the same evident, and be plainly marked on the outside

thereof with the words "Soldiers' Ballots," and every such bag or receptacle containing ballots in respect of any polling held shall, at the closing of the voting, be forthwith sent by the deputy returning officer by registered post or other safe and expeditious manner to the returning officer at London, England.

12. Every deputy returning officer receiving affidavits and taking votes under the provisions of this Act, on the application of any elector who is unable to read or who is incapacitated by blindness or other physical cause from voting in the manner prescribed in section 11, shall assist such elector by marking his ballot in the manner directed by such elector and placing such ballot in the proper envelope. The deputy returning officer shall require the elector making such application, before voting, to make oath, in form D in the schedule hereto, of his incapacity to vote without assistance.

13. In cases where conditions make it possible the deputy returning officer empowered to hold a poll to receive affidavits and ballots shall give notice of the time and place where he will receive such affidavits and ballots. No person who is entitled to vote and is prevented by his military duties from voting at such time and place shall be precluded from so voting at some other time and place but no vote of any elector shall in any case be taken later than the day fixed by the returning officer for the taking of votes.

14. The returning officer shall keep a record of all such bags or receptacles as are sent out and received by him, and shall carefully keep the bags or receptacles sealed or unopened until the time fixed by him for the adding up of the number of votes given to the several candidates and the proclamation of the result of the election. At the respective time and place so named the returning officer, in the presence of the candidates or their duly appointed agents in writing, shall open the bags or receptacles so received, after exhibiting them sealed and unopened to the candidates or their agents, if present. If the affidavit and certificate upon the envelope appear on their face to have been made in accordance with the provisions of this Act the returning officer shall then open the envelope and shall put the ballot paper, without being opened or examined, into a ballot box provided for the purpose, and after all such ballots have been so deposited the ballot box or boxes shall be opened and the ballots counted and the number of votes cast for each candidate shall be recorded in a statement showing such number and the number of rejected ballots. The returning officer shall forthwith openly proclaim the candidate having the greatest number of ballots as duly elected senior Member for the province at large and the candidate having the second greatest number of ballots as duly elected junior Member for the province at large. In the event of an equal number of ballots being found to exist between any two or more candidates the returning officer shall give the additional or casting vote.

15. The returning officer shall forthwith transmit by telegraph cable to the Clerk of the Executive Council the names of the successful candidates and the number of

ballots cast for each, and shall forward by registered post to the said Clerk a certificate showing the names of the candidates, the number of votes given for each candidate, the number of rejected ballots and the names of the candidates declared elected.

16. The returning officer shall carefully preserve in a sealed parcel or parcels, endorsed so as to indicate the contents, all the ballots counted for the respective candidates, the rejected ballots and the original envelopes in which the ballot papers were placed after being marked by the electors.

17. Every deputy returning officer appointed for the purpose of receiving affidavits and votes under this Act is hereby empowered to administer oaths and receive affidavits for the purposes of this Act, and every affidavit taken or made before any such deputy returning officer shall be as valid and effectual and shall be of like force and effect to all intents and purposes as if the same had been taken within the province before a competent authority.

18. The costs incurred in carrying out the provisions of this Act may be paid by the Lieutenant Governor in Council out of the consolidated revenue fund of the province.

19. For the purpose of carrying into effect the provisions of this Act according to their true intent or supplying any deficiency therein the Lieutenant Governor in Council may make such regulations not inconsistent with the spirit of this Act as may be deemed necessary, advisable or convenient, which shall have the same force and effect as if incorporated herein.

20. This Act shall be deemed to be repealed on the date of the dissolution of the fourth Legislature of the Province of Alberta.

21. The returning officer for the carrying into effect of the provisions of this Act shall be John Alexander Reid, Agent General for Alberta, or, in the event of his death or incapacity, such other person as may be named in the writ by the Lieutenant Governor in Council.

SCHEDULE.

FORM A.

(Section 6.)

NOMINATION PAPER.

We, the undersigned electors of the military forces of Great Britain and her allies, from the Province of Alberta, in England, France or Belgium, hereby nominate (*here insert name, residence and occupation of the person nominated*), as a candidate at the election now about to be held of a Member to represent the province at large in the Legislative Assembly of Alberta.

Witness our hands this..... day of.....
A.D. 191..

.....
.....
.....

(Signatures with residence and occupation.)

Signed by the above subscribing voters before me:

.....
(Signature of Officer.)
.....
(Rank.)

I, the said *(here insert name of candidate)*, nominated
in the foregoing Nomination Paper, hereby consent to such
nomination. My address for service is *(here insert address)*.

.....
(Signature of Candidate.)

.....
(Signature of Officer witnessing.)

.....
(Rank.)

FORM B.

(Section 9.)

AFFIDAVIT.

I, *(here insert full name)*, a *(here insert rank and name of corps)*, make oath (or solemnly affirm) and say as follows:

1. That I am now serving in *(England, France or Belgium, as the case may be)*, in the military forces of Great Britain and her allies raised for service in the present war;

2. That at the time of my enlistment I was a resident in Alberta at *(here insert place of residence)*; or

3. I resided in Alberta at *(here insert place of residence)*, for six months immediately preceding the date on which I left the province for the purpose of being appointed to or enlisting in or joining such forces.

Sworn (or affirmed) before me }
at..... }
this.....day of. }
.....A.D. 191..

.....
Deputy Returning Officer.

FORM C.

(Section 9.)

CERTIFICATE.

I hereby certify that the ballot contained in this envelope was marked in my presence by (*here insert name, rank and corps in which voter is serving or has served*), and according to the best information at my disposal I believe that the statements made in the affidavit hereon are true.

Dated at....., this.....
day of.....A.D. 191..

.....
Deputy Returning Officer.

FORM D.

(Section 12.)

You swear (*or solemnly affirm*) that you are unable to read or understand the ballot paper so as to mark it, (*or*) that you are incapacitated by blindness or other physical cause (*as the case may be*), from voting without assistance.
So help you God.

.....
Deputy Returning Officer.

No. 38.

FIFTH SESSION
THIRD LEGISLATURE
7 GEORGE V
1917

BILL

An Act to provide for the Representation of Alberta's Soldiers and Nurses in the Present War.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. SIFTON.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER.
A.D. 1917