

BILL

No. 59 of 1923.

An Act to amend The Alberta Election Act.

(Assented to _____, 1923.)

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

1. *The Alberta Election Act*, being chapter 4 of the Revised Statutes of Alberta, 1922, is hereby repealed.

2. *The Alberta Election Act*, being chapter 3 of the Statutes of Alberta, 1909, and amendments thereto and *The Equal Suffrage Statutory Law Amendment Act*, being chapter 5 of the Statutes of Alberta, 1916, are hereby re-enacted and shall be deemed to have been in full force and effect from the eighteenth day of January, one thousand nine hundred and twenty-three.

3. *The Alberta Election Act*, being chapter 3 of the Statutes of Alberta, 1909, and amendments thereto, is amended as follows:

- (a) Section 93, subsection (3): By striking out the words "three days" where they occur in said subsection, and substituting therefor the words "two days."
- (b) Section 163: By repealing said section, and substituting therefor the following:
 - "(1) In all polling places in cities and in polls in city constituencies, described as 'suburban' on the Proclamation, and except in an advance polling place, the poll shall be opened at nine o'clock in the forenoon and shall be kept open until eight o'clock in the afternoon of the same day, and the votes shall be given by ballot.
 - "(2) In all polling places outside of those mentioned in subsection (1) hereof and other than in an advance polling place, the poll shall be opened at nine o'clock in the forenoon and shall be kept open until five o'clock in the afternoon of the same day, and the votes shall be given by ballot."
- (c) By inserting immediately after section 163 of the said Act the following:

“**163a.**—(1) For the purpose of enabling electors who have reason to believe that they will be necessarily absent from their places of residence on the day fixed for the election to vote at any election held in the electoral division in which such electors reside, the returning officer shall establish a special polling place to be known as an ‘Advance Poll,’ in a central location in the city, town or other place mentioned in schedule A hereto, in which advance poll votes may be given by such electors resident in any portion of the electoral division of which each such place forms the whole or a part.

“(2) An advance poll shall be open and shall only be open between the hours of two and five and seven and ten o’clock in the afternoon of the Thursday, Friday and Saturday of the week preceding that of the election.

“(3) Except as in this section provided, an advance poll shall be conducted and all things done in respect thereof in the same manner as is provided by this Act for the conduct of an election in the electoral division in which such advance poll is located.

“(4) The returning officer shall publish the place, dates and time fixed for the holding of an advance poll on the Proclamation called for by section 121 of this Act.

“(5) A qualified elector who deems it necessary to vote at an advance poll shall apply in person to the enumerator for the poll in which he is entitled to vote for an ‘Advance Poll Voting Certificate,’ which may be in the following form:

“‘CERTIFICATE TO VOTE AT ADVANCE POLL.

“‘This is to certify that (*name, address and occupation as in voters’ list*) is a qualified voter of polling division No. . . . in the Electoral Division of but on account of his having reason to believe that he will be necessarily absent on the day fixed for the election, he is entitled to vote at the advance poll.

“‘Dated at this day of, 19

“‘*Enumerator, Poll No.*’

“Such certificate shall be given by the enumerator if the applicant’s name appears on the list of voters for the poll, and upon the granting of such certificate the enumerator shall mark opposite the name of such elector on the voters’ list the

words 'Advance poll' and the election officers at ordinary polling stations shall deem such person to have already voted:

"Provided that if an elector who has obtained an Advance Poll Certificate does not vote at the advance poll, he shall be entitled to vote on polling day at the poll at which his name appears upon the list of voters. Before so voting, such elector shall surrender his Advance Poll Certificate to the deputy returning officer, who shall then and there cancel such certificate and the entry concerning the same on the official voters' list and such elector shall then be entitled to vote as if such certificate had never been issued.

"(6) An elector presenting a certificate and applying to vote at an advance poll, before being permitted to do so shall be required by the returning officer in charge of the poll and in addition to any other oath which may be required of voters under this Act, to make and sign the following declaration, which shall be attached to the certificate and kept by the deputy returning officer with the other records of the poll:

"DECLARATION OF AN ELECTOR VOTING AT AN
ADVANCE POLL.

"I, (*name, address and occupation as on certificate*) do hereby declare that my name, residence and occupation are correctly set out herein; that I personally applied for and obtained the Advance Poll Certificate now presented, and bearing my name; and that I believe that it will be necessary for me to be absent from the place where I am entitled to vote at this election on election day.

.....
"Name of Elector.

"Witness.
"Deputy Returning Officer."

"(7) Any person who corruptly—

"(a) for the purpose of obtaining from an enumerator an Advance Poll Certificate makes to such officer any false statement; or

"(b) forges or fabricates any such certificate or any name thereon, or not being the person named therein presents any such certificate to any deputy returning officer or poll clerk at any poll; or

"(c) makes before any deputy returning officer a false declaration as to any statement contained therein; or

"(d) after having obtained an Advance Poll Certificate votes or attempts to vote at

any other than the advance poll, except upon presentation on election day of such certificate as provided for herein; or

“(e) in any other manner contravenes any provisions of this section—

is guilty of an offence against this Act and shall be liable on summary conviction to a penalty of not more than one hundred dollars.

“(8) The poll clerk at an advance poll shall record in the poll book supplied for the recording of all such votes in a column headed ‘Remarks’ after the name of each person who votes a notation that he has signed the declaration referred to in subsection (6) hereof.

“(9) At the close of an advance poll on each day, the deputy returning officer and the poll clerk and also any candidate or agent of a candidate present who desires to do so, shall affix his seal to the ballot box in such a manner that the same cannot be opened or any ballot be deposited in it without breaking such seals.

“(10) The deputy returning officer shall at all times after the opening of the advance poll take every precaution to prevent any person whatsoever, other than the poll clerk during the polling to have access thereto and no seals placed upon a ballot box shall be removed between the opening of the advance poll and the time fixed for the closing of the polls on election day, except only at the opening of the advance poll on the second and third days’ polling, and then only such seals shall be removed as may be necessary to permit the insertion of ballots in the ballot box.

“(11) On the day fixed by the Writ for holding the poll for the election, at the hour fixed for the closing of the poll, the deputy returning officer and his poll clerk shall attend with the ballot box at the place where the advance poll was held and then and not sooner in the presence of the candidates and the agents who are present, shall open the ballot box, count the votes and take all other proceedings provided by this Act for deputy returning officers in connection with the conduct of an election after the closing of the poll.”

(d) Section 185: By repealing said section.

(e) Section 237: By striking out the words “one year” where they occur in said section, and substituting therefor the words “three months.”

4. This Act shall come into force on the day on which it is assented to.

SCHEDULE A.

Section 3, Clause (c).

ELECTORAL DIVISIONS AND PORTIONS OF ELECTORAL
DIVISIONS REFERRED TO.

The City of Calgary in the Electoral Division of Calgary.
The City of Edmonton in the Electoral Division of
Edmonton.
The City of Lethbridge in the Electoral Division of
Lethbridge.
The City of Medicine Hat in the Electoral Division of
Medicine Hat.

No. 59.

THIRD SESSION
FIFTH LEGISLATURE
13 GEORGE V
1923

BILL

An Act to amend The Alberta
Election Act.

Received and read the

First time

Second time

Third time

MR. DAVIDSON.

EDMONTON:
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1923