

# BILL

No. 21 of 1924.

An Act respecting the Election of Members of the  
Legislative Assembly.

(Assented to \_\_\_\_\_, 1924.)

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

## SHORT TITLE

1. This Act shall be cited as "*The Alberta Election Act.*"

## INTERPRETATION.

2. In this Act, unless the context otherwise requires,—

- (a) "Advance poll" shall mean a poll held as by section 59 of this Act provided;
- (b) "Assembly" or "Legislative Assembly" shall mean the Legislative Assembly of Alberta;
- (c) "Candidate at an election" or "Candidate" shall mean and include a person elected to serve in the Assembly or a person who is nominated as a candidate at an election or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for such election or after the dissolution of the Assembly or the occurrence of a vacancy in consequence of which the writ has been issued;
- (d) "City constituency" shall mean any of the electoral divisions of Edmonton, Calgary or Lethbridge, set forth in schedule 1 to chapter 3 of the Revised Statutes of Alberta, being *The Legislative Assembly Act*;
- (e) "Corrupt practices" or "Corrupt practice" shall mean and include bribery and acts or an act declared to be corrupt practices or a corrupt practice by this or any other Act of the Legislature of Alberta or recognized as such by the common law of Parliament;
- (f) "Court" shall mean the District Court of the judicial district within which the electoral district is wholly or mainly situated and "Judge" shall mean the Judge of the said Court;

- (g) "Election" shall mean an election of a member to serve in the Assembly;
- (h) "Election Court" shall mean a court constituted under *The Controverted Elections Act* for the trial of a petition or in case of an appeal therefrom the Court for the hearing of the appeal;
- (i) "Elector" or "voter" shall mean any person entitled to vote at an election under the provisions of this Act;
- (j) "Electoral Division" shall mean a place or territorial area in Alberta entitled to return one or more members to serve in the Assembly;
- (k) "Election officer" shall mean the returning officer, election clerk, deputy returning officer, poll clerk or other person having any duty to perform pursuant to this Act to the faithful performance of which duty he may be sworn;
- (l) "Enumeration," "Enumerated" and all words of similar import shall include all proceedings had or taken in connection with lists of voters to be made or revised by enumerators pursuant to the provisions of this Act;
- (m) "Form" shall mean a form in the schedule of this Act;
- (n) "Hours of the day" when mentioned in this Act shall be calculated upon Mountain Time;
- (o) "Indian" shall mean and include all persons of Indian blood who belong or are reputed to belong to any band or irregular band of Indians; and the words "band" and "irregular band" as used in this clause shall have the meaning given to them respectively by *The Indian Act* of the Dominion;
- (p) "Member" shall mean a member of the Assembly;
- (q) "Oath" shall include affirmation and statutory declaration;
- (r) "Official agent" shall mean the agent appointed as such by a candidate under the provisions of this Act;
- (s) "Poll book" shall mean the book or sheet or sheets containing the names of persons who have received ballots at an election;
- (t) "Polling day" shall mean the day fixed for voting at an election;
- (u) "Polling subdivision" shall mean the portion of an electoral division for which a poll is held;
- (v) "Polling place" shall mean the place where votes are recorded at an election;

- (w) "Suburban poll" shall mean and include any poll in a city constituency designated as such in a proclamation by the returning officer for the purpose of having it remain open the same hours as polls in a city;
- (x) "Voting" or "to vote" shall mean voting or to vote at the election of a member to serve in the Assembly;
- (y) "Voters' list" or "List of voters" shall include any list made and revised, or certified copy of list revised under the provisions of this Act of persons entitled to vote at an election;
- (z) "Writ" shall mean the document addressed by the Clerk of the Executive Council to the returning officer requiring the holding of an election.

#### COMMENCEMENT OF ELECTION PROCEEDINGS.

**3.** Every election shall be commenced by the passing of an order of the Lieutenant Governor in Council—

- (a) authorizing the issue of a writ of election in form 1, directed and addressed to a resident of each electoral division respectively for which an election shall take place, who shall be named therein as returning officer of such electoral division;
- (b) fixing the date of the said writ or writs, which date shall be the same for all writs for a general election;
- (c) appointing a day not more than thirty nor less than twenty days from the date of the writ for nomination of candidates;
- (d) providing that where a poll is granted, the tenth day after nomination day shall be the day on which polling shall take place, or if such tenth day is a Sunday or statutory holiday then on the next following day, not being a Sunday or holiday;
- (e) directing that the writ shall be returnable as by *The Alberta Election Act* provided.

(2) Upon receipt of the said order the Clerk of the Executive Council shall issue the writ or writs in accordance with the provisions set out in the Order in Council and shall cause each writ to be transmitted by mail to the returning officer named therein.

**4.** If the person to whom the writ is addressed dies or refuses to act or is absent or incapacitated or unable from any cause to act, the Lieutenant Governor in Council may appoint some other person to be returning officer.

**5.** If a writ has been issued to a person whose appointment is afterwards superseded or to a person in whose stead a returning officer has been appointed under the provisions of the next preceding section, a new writ may be issued or

the new returning officer may act under the writ already issued as if the same had been addressed to him, and the validity of the proceedings had or taken under the first appointment shall not be affected by the new appointment; but the new returning officer may appoint a new election clerk or clerks as hereinafter provided and new deputy returning officers, if he thinks fit, in the place of the persons, if any, appointed to such offices by the person previously named as returning officer.

**6.** None of the persons hereinafter mentioned shall be appointed nor shall act as returning officer, deputy returning officer, election clerk or poll clerk:

- (a) Members of the Executive Council;
- (b) Members of the Parliament of Canada, or of the Assembly;
- (c) Ministers, Priests, Ecclesiastics under any form or profession of religious faith or worship;
- (d) Judges of Dominion or Provincial Courts;
- (e) Persons who have at any time been found guilty by a competent tribunal of corrupt practices or who have been convicted by any competent tribunal of any offence or dereliction of duty in violation of this Act or of any other Act previously in force in this Province relating to elections;
- (f) Persons convicted of any indictable offence.

(2) If any of such persons acts as returning officer, deputy returning officer, election clerk or poll clerk, he shall be guilty of a violation of this Act and shall incur a penalty of two hundred dollars.

**7.** None of the persons hereinafter mentioned shall be obliged to act as returning officer, deputy returning officer, election clerk or poll clerk:

- (a) Physicians and surgeons;
- (b) Persons sixty years of age or upwards;
- (c) Persons who have within the five years immediately preceding the date of the writ served as returning officer at any election to the Assembly.

**8.** Every person not disqualified by this Act who refuses to perform the duty of returning officer after having received the writ of election shall incur a penalty of two hundred dollars unless having a right to claim the exemption conferred by the next preceding section he has claimed exemption by letter setting forth the grounds of such exemption forwarded to the Clerk of the Executive Council within two days next after the receipt of the writ of election.

**9.** As soon as possible after transmitting the writ to a returning officer, the Clerk of the Executive Council shall furnish said officer with election forms and material of the nature, number or quantity set out in form 2.

*Returning Officer.*

**10.** The returning officer shall forthwith on receiving the writ of election indorse thereon the date of its receipt and take and subscribe the oath of office in form 3, which said oath may be sworn before a justice of the peace, a commissioner for oaths or a notary public, who shall administer same without charge.

**11.** A returning officer after having taken the oath of office shall have the power to administer any oath or affidavit required by this Act with respect to any election, except such as is required to be administered to the returning officer.

PROCLAMATIONS.

**12.** Upon the receipt of the writ of election the returning officer shall at least eight days before the day fixed in the writ for the nomination of candidates publish by proclamation in form 4 under his hand in the English language—

- (a) the place and time fixed for the nomination of candidates, which said place shall be the court house, city hall, or town hall or some other public or private building in the most central or the most convenient place for the majority of the voters of the electoral division and which said time shall be from twelve o'clock noon until two o'clock in the afternoon of the day fixed for that purpose;
- (b) the day on which the poll for taking the votes of the voters is to be held in case a poll is necessary and the hours at which the polls shall open and close;
- (c) the numbers and fully described boundaries of the polling subdivisions of the electoral division and the places at which the several polls shall be held;
- (d) what polls, if any, in city constituencies shall be "Suburban" polls;
- (e) the polling place and the days and the hours fixed for taking votes of voters at an advance poll in the city, town or other place where *The Alberta Election Act* provides for such poll;
- (f) the place where and the time when on the tenth day, not being a Sunday or holiday, after the day fixed for polling he will add up the number of votes given to the several candidates; or if such

tenth day is a Sunday or statutory holiday then on the next following day not being a Sunday or statutory holiday;

(g) a copy of section 139 hereof.

(2) The proclamation shall be posted up in at least two conspicuous places in each polling subdivision in the electoral division at least eight days before nomination day, neither the last day allowed for posting up nor the nomination day being reckoned:

Provided that in a city, town or village the proclamation shall be posted up at the city or town hall or other public place where the meetings of the municipal council are held and in at least one other public place in each polling subdivision.

(3) The returning officer may make or cause to be made upon the proclamation so posted, corrections of obvious errors and omissions at any time not less than forty-eight hours before the time fixed therein for the nomination of candidates.

(4) Where from any unforeseen cause the proclamation could not be posted up so as to leave the required time between the posting up and the nomination day the returning officer shall with his return make to the Clerk of the Executive Council a report of the cause which occasioned the delay in such posting.

#### *Election Clerks.*

**13.** After taking the oath of office and before posting the proclamations the returning officer shall appoint by commission under his hand in form 5, an election clerk who shall be an elector of the electoral division.

(2) The returning officer may at any time during the election in the same manner appoint another election clerk if the one so appointed dies or refuses or neglects or is unable to perform his duties.

(3) The returning officer may in the same manner upon first obtaining the consent in writing of the Clerk of the Executive Council to each such appointment, appoint one or more additional election clerks.

(4) An election clerk shall assist the returning officer in the performance of his duties and if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another, the election clerk first appointed shall act in his stead as returning officer.

(5) An election clerk shall before entering upon his duties take and subscribe the oath of office in form 6. The appointment and oath of an election clerk shall be either endorsed on or attached to the writ.

(6) A person appointed election clerk who refuses to accept the office or who having accepted it refuses or neglects to take and subscribe the oath or to perform the duties of election clerk shall incur a penalty not exceeding forty dollars.

(7) An election clerk whose duty it becomes to act in the place of the returning officer shall be subject to the same penalties as the returning officer for his neglect or refusal to perform the duties and to fulfil all the obligations of that office in like manner as if he had been appointed returning officer and shall not be required to possess any other qualification nor to take the returning officer's oath of office.

(8) An election clerk shall have power to administer any oath or affidavit required by this Act with respect to an election except such as is required to be administered to a returning officer or to an election clerk.

*List of Voters for a General Election.*

**14.** A list of voters of the several electoral divisions of Alberta for use in a general election shall be made and revised at the time and in the manner hereinafter provided—

- (1) For the purpose of making and revising voters' lists hereunder the electoral divisions for which lists are to be made or revised shall be the electoral divisions set out in the schedule to *The Legislative Assembly Act*.
- (2) Upon the receipt by the returning officer of each of the electoral divisions of the Province of the writ for the election he shall subdivide the electoral division into as many polling subdivisions as he deems necessary for the convenience of the voters, taking care to include every part of the electoral division in some polling subdivision.
- (3) Upon making such subdivision the returning officer shall conjointly with the election clerk or one of the election clerks of the electoral division appoint, in form 7, under their hands a competent and reliable person to be enumerator for each such polling subdivision.
- (4) Every enumerator shall before acting as such, take the oath of office in form 8, which may be sworn before the returning officer, an election clerk, a justice of the peace, a commissioner for oaths or a notary public who shall administer said oath free of charge.

- (5) Each enumerator shall immediately upon his having taken the oath of office complete a list in form 9, of the persons qualified as voters to vote at the election then pending for the polling subdivision, and he shall make three plainly written copies thereof with the names of the voters alphabetically arranged according to the first letter of their surnames, giving the occupation and residence of each voter.

**PERSONS WHOSE NAMES SHALL NOT BE PLACED ON THE LIST.**

**15.** The names of the following persons shall not be placed on the list of voters by the enumerator:

- (1) The Judges of the Supreme Court and the District Court;
- (2) Persons disqualified from voting under the provisions of this or any other Act relating to corrupt practices;
- (3) Persons who at any time during the period fixed for the preparation or revision of the list of voters or on the polling day at any election are in gaol or prison undergoing punishment for criminal offences, or who are patients in a lunatic asylum;
- (4) Indians;
- (5) Persons who are employed or have their offices or business stands, or who take their meals at places within the boundaries of a polling subdivision, shall not have their names placed or retained at revision on the voters' list of that subdivision if they have their true, fixed, permanent homes or lodging places in another polling subdivision.

**PERSONS WHOSE NAMES SHALL BE PLACED ON THE LIST.**

**16.** The persons entitled to have their names placed on the list of voters by the enumerator shall be those mentioned in the following three clauses;

- (a) Every person whether male or female shall be qualified to have his or her name placed on the list of voters who is a British subject of the full age of twenty-one years and has resided in Alberta for at least twelve months and in the electoral division for which the list is being made for at least two months immediately preceding the date of the writ of election;
- (b) Any person otherwise qualified who is a resident of the electoral division and has been a resident in Alberta for at least twelve months immediately prior to the said date, but who has not been a resi-



dent of the electoral division for two months immediately prior to the said date, shall be entitled to have his or her name placed on the list of voters for the electoral division and polling subdivision of and within which he or she was last a resident for two continuous months during the said period of twelve months. Such person shall not be entitled to a certificate to vote at any other poll.

- (c) Any person otherwise qualified who becomes a naturalized British subject or who attains the full age of twenty-one years or who has been a resident in Alberta for at least twelve months and in the electoral division for at least two months immediately preceding and including the date fixed for the revision of the list, shall be entitled to have his or her name placed on the list of voters by the enumerator on the day of the revision of the said list.

**17.** Any person otherwise qualified who becomes a naturalized British subject, or who attains the full age of twenty-one years or who has been a resident in Alberta for at least twelve months and in the electoral division for at least two months immediately preceding and including the date fixed for the polling day, shall be entitled to have his or her name placed on the list of voters by the deputy returning officer on polling day as hereinafter provided.

**18.** Each person shall be entitled to have his or her name placed on the list of voters for the polling subdivision where he or she has or had his or her true, fixed, permanent home or lodging place respectively for such two months and such home or lodging place shall be given as his or her address on the said list.

#### RULES AS TO RESIDENCE OF VOTERS.

**19.** For the purpose of enumeration of voters under this Act the place of residence shall be governed by the following rules in so far as they are applicable:

- (1) The residence of a person shall be his true, fixed, permanent home or lodging place to which whenever he is absent he has the intention of returning;
- (2) A person shall not lose his residence by leaving his home for temporary purposes;
- (3) If a person leaves the Province with the intention of making his residence elsewhere, he will lose his residence in Alberta;
- (4) The place where a person's family resides shall be deemed to be his place of residence unless he takes up

or continues his abode at some other place with the intention of remaining there, in which case he shall be deemed to be a resident of such other place;

- (5) The residence of a single person shall be the place where he occupies a room as a regular lodger or to which he habitually returns not having any other permanent lodging place.

*Posting and Correction of Lists.*

**20.** Each enumerator shall complete, date at his place of residence and sign the copies of the voters' list as aforesaid on the last week day before nomination day; two of the said copies for each polling subdivision he shall forthwith post up in two of the most public places within the polling subdivision and the other he shall retain for revision.

- (a) One of the places where a copy of the list is to be so posted up shall be the post office nearest to the place appointed as polling place for the polling subdivision if available for the purpose, otherwise in a conspicuous place outside and adjoining the main entrance to such polling place.
- (b) The enumerator shall attach to each of the two copies posted up by him, a notice in form 10, signed by him, designating a place within the polling subdivision where voters may find him between the hours of ten o'clock in the forenoon and four in the afternoon during the first two of the three consecutive week days next before the polling day:

Provided, however, that where for the greater convenience of voters the polling place for a polling subdivision not included within the limits of a city or town but adjacent thereto has been fixed in the city or town which it adjoins, the enumerator may designate a place at or near the polling place as the place where he may be found during said two days.

**21.** If an enumerator at any time after posting up the voters' list and the time fixed for the closing of the revision of the list is fully satisfied from representations made to him by any credible person and by independent inquiry that the name of any qualified voter has been omitted from the voters' list of the polling subdivision to which such voter belongs, he shall add such name to the copy of the list in his possession below his own signature and shall attest such addition by his initials.

- (a) If the enumerator in like manner is fully satisfied that there is on the list the name of any person who is not qualified as a voter of such polling subdivision he may draw erasing lines through such name and shall attest such erasure by his initials.

- (b) If the enumerator finds the occupation, addition or residence of any voter to be inaccurately stated in the list he may make the necessary alteration and affix his initials thereto in like manner.

(2) Any person who corruptly makes a false statement for the purpose of inducing an enumerator—

- (a) to omit the name of any person entitled to have his or her name entered on the voters' list; or
- (b) to insert or retain on the said list the name of any person who is not entitled to have his or her name so inserted or retained—

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 and costs.

#### *Revision of List.*

**22.** At the time and place designated in the notice attached to the two copies of the list posted up by him, the enumerator shall attend on the first of the said days for the purpose of hearing and disposing of applications for the revision of the list. At four o'clock or so soon thereafter as all applications of persons present at such hour have been disposed of and the list retained by him has been revised and corrected, he shall subscribe to and attach at the foot of such copy close to the last name thereon a certificate in form 11 and thereafter he shall make no change in such list except to note the granting of certificates as hereinafter provided.

**23.** The enumerator shall attend as aforesaid on the second of said days designated in said notice for the purpose of answering inquiries, granting certificates and having the list accessible to all persons who may apply to see it or to take extracts therefrom.

#### *Advance Poll Certificates.*

**24.** Any qualified elector of an electoral division in which provision has been made for the holding of an advance poll who deems it necessary to vote at such poll may apply personally to the enumerator for "An Advance Poll Voting Certificate" and if the applicant's name appears on the list of voters for the polling subdivision the enumerator shall grant such certificate in form 12 and shall mark opposite the name of such elector on the list retained by him the words "Advance poll."

*Enumerator's Certificate.*

**25.** Any deputy returning officer, poll clerk, candidate or agent of a candidate who belongs to a polling subdivision other than the one at which he is to be employed on polling day may apply to the enumerator of the polling subdivision to which he belongs for a certificate that he is a qualified voter in such polling subdivision. If the applicant is a qualified voter of his polling subdivision the enumerator shall grant such certificate in form 13 subject to the following provisions:

- (a) He shall not issue any such certificate in blank;
- (b) He shall number each certificate in consecutive order of issue, set out in writing the name of the person to whom it is issued, certify that such person is a qualified voter giving the number of the poll to which he belongs and the electoral division and if he is a deputy returning officer, poll clerk or agent, state the position and number of the poll to which he is appointed, which poll shall be in the same electoral division as the poll to which he belongs;
- (c) He shall correctly date and sign each certificate, giving the number of the poll of which he is enumerator;
- (d) He shall not issue a certificate to more than each of two agents of any candidate for use in any one polling subdivision and to such two only on the production by each of a written appointment as agent signed by the candidate.

(2) Upon the issue of any certificate as herein provided the enumerator shall mark opposite the name of a voter to whom a certificate has been granted the words "Certificate issued."

**26.** The enumerator shall deliver the voters' list so certified after four o'clock of the day referred to in section 23 hereof and before eight o'clock in the morning of the polling day to the deputy returning officer for the polling subdivision to which it relates; and such list as received by such deputy returning officer shall be the voters' list for such polling subdivision, subject to be further corrected on the polling day as herein provided, and shall be and constitute the polling list within the meaning of this Act.

**27.** The enumerator of any polling subdivision shall deliver to the deputy returning officer with the certified copy of the voters' list a certified voucher of his fees as enumerator on the form provided, according to the schedule of fees adopted by Order in Council.

## LISTS FOR BYE-ELECTION OR PLEBISCITE.

**28.** Except at a general election and as provided in this section, it shall not be necessary to prepare new lists of voters for the purpose of any election or plebiscite to be held in any electoral division when there has been in that electoral division a previous election or plebiscite for which the list of voters prepared is of record in the office of the Clerk of the Executive Council and there is an interval of less than two years between the dates of the writs for the two elections.

(2) In such event it shall be the duty of the Clerk of the Executive Council to forward to the returning officer with the Writ of Election three certified copies of the lists of voters for each poll of the electoral division so of record in his office.

(3) Such certified copies shall be delivered by the returning officer to the enumerators respectively appointed as in this Act provided, and each shall post, revise, correct, certify, grant certificates and otherwise act in all respects as if such certified copies were lists of voters preliminarily prepared, completed and signed by an enumerator as in this Act provided.

(4) The copy so retained as revised and certified and as received by the deputy returning officer from the enumerator shall be the list of voters for the polling subdivision to which it relates.

(5) Should there be in any electoral division a polling subdivision for which a list of voters is not of record in the office of the Clerk of the Executive Council a list for such polling subdivision shall for the purpose of any election be wholly prepared in the manner by this Act provided.

## PENALTIES FOR NON-PERFORMANCE OF DUTIES.

**29.** Any enumerator who corruptly—

- (a) omits from the voters' list the name of any person entitled to have his or her name entered thereon; or
- (b) inserts or retains on the said list the name of any person who is not entitled to have his or her name so inserted or retained—

shall be liable to a penalty of one dollar for each such omission, insertion or retention, respectively; such penalty with costs of prosecution or suit shall be recoverable by a summary process before any justice of the peace, residing in the electoral division for a polling subdivision of which the defendant was enumerator, or by suit in the District Court of the district in which the said electoral division is wholly or partially situated; such information may be laid or suit brought by any elector of the electoral division or by anyone authorized by the Clerk of the Executive Council in that behalf and such penalty may be recoverable by distress or otherwise and when so recovered shall be payable to the

elector laying such information or bringing such suit, or in case the information is laid under the authority of the Clerk of the Executive Council, to the Province:

Provided, however, that such information shall be laid or suit brought within one month from the time of the close of the revision of the said list and that any party laying such information or bringing such suit shall deposit with the court the sum of twenty-five dollars as security for costs and on failure to prove the charge the costs of such proceedings shall be upon the complainant and the money deposited as security shall be paid to the party entitled thereto so far as necessary. If the deposit is insufficient execution may issue out of the District Court upon a judge's order for the balance. Nothing in this section shall be held to interfere with any other remedy provided by law against an enumerator for neglect or breach of duty.

#### NOMINATION.

##### *Qualification of Candidate.*

**30.** Any person who is of the full age of twenty-one years and a British subject by birth or naturalization, who is resident in Alberta and who is not disqualified by *The Legislative Assembly Act* or by any other Act, shall be qualified to be a candidate at an election.

##### *Procedure to Nominate a Candidate.*

**31.** Any ten or more voters at any time after the date of the writ of election and before two o'clock in the afternoon of the day fixed for nomination, may nominate a candidate by signing before a justice of the peace, a commissioner for oaths, a notary public or before the returning officer, and causing to be filed with the returning officer a nomination paper in form 14. Such nomination paper shall—

- (a) contain a statement duly signed by the official in whose presence the signatures were made, setting forth that the same were in fact so made;
- (b) state an address within Alberta at which legal process and notice for other documents issued, or to be served either under this Act or under *The Controverted Elections Act* may be served upon the candidate, and leaving a copy of such process, notice or other document at such address shall be deemed equivalent for all purposes to personal service upon him of such process, notice or other document;
- (c) be accompanied by the consent in writing of the person therein nominated except where such person is absent from the electoral division, in which case such absence shall be stated in the nomination paper;

- (d) set out the appointment, name and address of the official agent of the candidate over the signature of the candidate.

Provided that where the candidate is absent from the Province the appointment of his official agent may be filed on a separate sheet.

(2) The returning officer shall (the foregoing requirements of this section being complied with) give his receipt for the nomination paper and the said receipt shall in every case be sufficient evidence of the filing of the nomination paper and of the consent of the candidate.

*Procedure on Nomination Day.*

**32.** Every returning officer shall on the date of nomination and at the place fixed for same in the proclamation, proceed to the hustings (which shall be at such place that all voters may have free access thereto) and at the hour of twelve o'clock noon shall read or cause to be read publicly the writ of election and shall forthwith read in an audible voice the nominations which he has received and from time to time until two o'clock of the day shall so read further nominations as he receives them.

(2) At the hour of two o'clock in the afternoon the returning officer shall declare the nominations closed and shall announce in an audible voice the names of the several candidates.

**RETURN BY ACCLAMATION.**

**33.** Whenever only one candidate or only such a number of candidates as is required by law to be elected to represent the electoral division for which the election is held has been nominated within the time fixed for that purpose, the returning officer shall forthwith declare such candidate or candidates elected and shall make his return to the Clerk of the Executive Council in form 15 that such candidate or candidates as the case may be is or are duly elected for the said electoral division. He shall as soon as possible thereafter forward to the Clerk of the Executive Council the writ of election and all ballot boxes and other election material not used nor required for use in the election.

*The Granting of a Poll.*

**34.** If at the close of the time for receiving nominations more candidates than there are vacancies to be filled remain in nomination, the returning officer shall announce the day upon which a poll will be held and the day, hour and place at which the result of the election will be declared and shall

deliver a list of the candidates nominated to every candidate or to any person authorized in writing by him, or any of his nominators to act on his behalf.

*Official Agent.*

**35.** Every candidate shall appoint an official agent whose name and address shall be declared in writing to the returning officer on or before nomination day and whose duties shall be as hereinafter defined.

(2) The returning officer shall announce at the place and on the day of nomination and on or immediately after the day of nomination shall publish the names and addresses of the official agents of the candidates; such publication shall be in a newspaper published within the electoral division, or in case no newspaper is published therein, then in the newspaper published nearest thereto.

(3) In the event of the death or incapacity of the official agent, the candidate shall forthwith appoint another official agent in his place and give notice to the returning officer of the name and address of the person appointed, which shall be forthwith published by the returning officer as herein provided.

*Election Notice.*

**36.** In case a poll is required the returning officer shall with the least possible delay after the close of the nomination cause to be posted up at all the places where the proclamation was posted up a notice in form 16 of the holding of such poll indicating the names, residences and occupations of the candidates nominated in the order in which they are to be printed on the ballot papers.

(2) The returning officer may make or cause to be made upon the election notice so posted corrections of obvious errors and omissions at any time up to forty-eight hours of the time fixed by the proclamation for the opening of the poll and notice thereof shall be given by the returning officer forthwith after the same are made to the nominated candidates by registered letter or telegram addressed to the addresses given for such candidates in their respective nomination papers.

WITHDRAWAL OF CANDIDATE.

**37.** Any candidate nominated may withdraw at any time after his nomination and before the closing of the poll by filing with the returning officer a declaration in writing to that effect signed by himself and duly witnessed, and any votes cast for a candidate who shall have so withdrawn shall be null and void in so far as they affect that candidate and in case after such withdrawal there should remain only one candidate for each vacancy to be filled, then it shall be the duty of the returning officer forthwith to return as duly elected the candidate or candidates so remaining and to proceed as directed in section 33 of this Act.



*Death of a Candidate.*

**38.** If a candidate dies after being nominated and before the close of the poll, the returning officer shall fix new days for the nomination of candidates and for polling; and the nomination day shall be the nearest day practicable after allowing the required time between the posting up of the proclamation and the nomination day; and with his return he shall make to the Clerk of the Executive Council a report of the cause of the postponement of the election.

## PROCEEDINGS PRELIMINARY TO THE POLL.

*Deputy Returning Officer.*

**39.** If a poll is to be held the returning officer by a commission under his hand in form 17 shall appoint a deputy returning officer for every polling place.

(2) No person shall be so appointed who is not a voter in the electoral division wherein the polling place for which he is appointed is situated.

(a) An enumerator if a voter in such electoral division may be appointed as deputy returning officer.

(b) Every deputy returning officer before acting shall take and subscribe the oath in form 18 which oath may be sworn before a justice of the peace, a commissioner for oaths, a notary public, the returning officer or an election clerk, who shall administer said oath free of charge.

**40.** A person appointed a deputy returning officer who refuses to accept the office or who after having accepted it refuses or neglects to take and subscribe the oath or to perform the duties of a deputy returning officer shall incur a penalty not exceeding one hundred dollars.

**41.** In case of the death, illness or absence of a deputy returning officer, or his refusal or neglect to act, the returning officer may by commission as hereinbefore provided, appoint another deputy returning officer to act in his stead; and the appointment and oath of the person so appointed shall be indorsed upon or attached to the poll book.

*Poll Clerk.*

**42.** The deputy returning officer shall by commission under his hand in form 19 appoint a poll clerk to assist him in taking the poll; and the poll clerk before acting shall take and subscribe the oath in form 20, which oath may be sworn before a justice of the peace, a commissioner for oaths, a

notary public, the returning officer, an election clerk or the deputy returning officer, who shall administer said oath free of charge.

**43.** Every person appointed poll clerk who refuses to accept the office or who after accepting it refuses or neglects either to take and subscribe the oath or to perform the duties of a poll clerk shall incur a penalty not exceeding forty dollars.

**44.** The poll clerk shall keep the poll book in form 21, and shall assist the deputy returning officer in the performance of the duties of his office and shall obey his orders.

**45.** If the deputy returning officer refuses or neglects to perform the duties of his office or from any cause becomes unable to perform them and if no other deputy returning officer appointed by the returning officer appears at the polling place, the poll clerk under the same penalties as are hereinbefore imposed in like cases on a deputy returning officer, shall act as deputy returning officer and perform all the duties and be subject to all the obligations of that office without taking the oath of a deputy returning officer.

**46.** Where a poll clerk acts as deputy returning officer he may appoint by commission under his hand in form 19, another person as poll clerk to assist him in the performance of the duties of his office and may administer to him the oath and such commission and oath shall be indorsed on or attached to the poll book.

**47.** If a poll clerk refuses or neglects to perform the duties of his office or from any cause becomes unable to perform them the deputy returning officer may appoint another person as poll clerk and the commission and the oath shall be indorsed on or attached to the poll book.

#### CONSTABLES.

**48.** The deputy returning officer may appoint a constable, but shall not do so unless he considers such official necessary to preserve order at the polling place; and every constable so appointed shall take and subscribe before the deputy returning officer, or other person entitled to administer same, an oath in form 22.

#### *Polling Places.*

**49.** The returning officer on receiving the writ shall fix and provide a polling place for each polling subdivision in the most central or convenient place in the subdivision for the voters:

Provided, however, that whenever the greater convenience of voters would be suited thereby the polling place for a polling subdivision not included within the limits of a city or town but adjacent to a city or town, may instead of being fixed and provided in such polling subdivision be fixed and provided in the city or town which it so adjoins.

(2) The returning officer is hereby vested with authority to take and use as a polling place any school house, the property of any school district organized by virtue of any Act, if such school house is convenient for that purpose.

(3) The building in which the poll is held shall not be a place where intoxicating liquor is sold and there shall be free access to the poll for every voter.

(4) If a poll is to be held the returning officer as soon after nomination day as possible, shall make certain that the required polling places are available and whenever by reason of some unforeseen emergency it is found not to be practicable to hold the poll in the place designated in the proclamation, the returning officer may after having given notice by registered letter or telegram to the candidates at the election of his intention to change the poll at such place to another named place in the same polling subdivision and of the reason therefor, fix another polling place for such subdivision as near as practicable to the first place provided; and in such event the returning officer shall affix or cause to be affixed to the place first provided a notice clearly and distinctly stating the place to which such poll has been changed, and such new polling place so fixed shall for all purposes be taken to be the polling place for such polling subdivision in the same way as though it had originally been fixed as such in accordance with the provisions of this Act.

#### *Divided Poll.*

**50.** Where a polling subdivision has a large number of names according to the list of voters, the returning officer shall provide additional polling places according to the total number of qualified voters, so that when equally divided not more than three hundred nor less than one hundred and fifty names of qualified voters shall be on the list for each polling place. Such polling places shall be as near to one another as possible.

**51.** The returning officer in cases provided for by the next preceding section shall prepare or cause to be prepared from the list of voters for the polling subdivision a separate list with approximately an equal number of names for each polling place arranged in alphabetical order according to the initial letter of the surname of each voter.

(2) Each separate polling place shall be designated by the initial letters of the surnames of the voters on the list

who are to vote in such polling place in the following manner that is to say: From A to K and from L to R and from S to Z or as the case may be.

(3) Every voter, the initial letter of whose surname is included within the letters of the alphabet designating a polling place and whose surnames are contained in such list shall vote in the polling place so designated.

(4) The returning officer shall appoint a deputy returning officer for each polling place and shall deliver to such deputy in due time a list certified by him to be a correct list of all voters on the list of voters whose surnames commence with the letters of the alphabet by which such polling place is designated.

(5) Before any general or other election, the Clerk of the Executive Council shall require to be printed in conspicuous characters a notice as to secrecy in form 23, and shall place in each ballot box sent out for delivery to the deputy returning officer two copies, and the deputy returning officer shall post up one copy in a conspicuous place outside of the polling place and one copy in a conspicuous place within the polling place and he shall see that they remain so posted up from the opening to the close of the poll.

**52.** Every polling place shall contain one or more compartments so arranged that each voter may be screened from observation and may without interference or interruption mark his ballot paper:

Provided that for polling places in the cities of Edmonton and Calgary the Clerk of the Executive Council may give to the returning officer such instructions as are deemed necessary for the providing of such compartments.

**53.** In each such compartment there shall be provided for the use of voters in marking their ballots a table, desk or shelf with a hard and smooth surface and a suitable black lead pencil, which shall be kept properly sharpened throughout the hours of polling.

**54.** The rent for each polling place for which a deputy returning officer is appointed shall be the amount fixed therefor by order of the Lieutenant Governor in Council, which said amount shall include all charges for heating, lighting fixtures, lighting, caretaking and the use of table and chairs, if any, on the premises.

#### *Ballot Boxes*

**55.** It shall be the duty of the Clerk of the Executive Council to provide the returning officer with such a number of ballot boxes as is required for the election.

(2) The ballot boxes shall be made of some durable material furnished with lock and key and shall be so constructed that the ballot papers may be deposited therein but cannot be withdrawn therefrom without unlocking the boxes.

(3) The returning officer shall at least two days before polling day deliver one of the ballot boxes to each deputy returning officer appointed for the purpose of the election. Each box so provided and transmitted shall contain the election material of the nature, number or quantity set out in form 24.

(4) The property in the ballot boxes, ballot papers, marking instruments, books, papers, and documents procured for or used at an election shall be in His Majesty.

#### *Ballot Papers.*

**56.** The returning officer shall cause to be printed on the paper furnished to him as hereinafter provided a sufficient number of ballot papers, not being less than twenty-five per cent more than the total number of voters in the electoral division.

(2) The names of the candidates alphabetically arranged in order of their surnames with the address and occupation of each shall be printed on the ballot paper and it shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil, and between the counterfoil and the stub, the whole in form 25.

(3) The ballots shall be printed upon paper of a weight of not less than that as known to the trade as "substance number 24."

(4) The paper required for the printing of the ballot papers shall be furnished to the returning officer by the Clerk of the Executive Council when the writ of the election is transmitted to him, or as soon thereafter as required.

(5) The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil and shall be bound or stitched in books containing ten, fifteen, twenty-five, fifty or one hundred ballots as may be most suitable for supplying the polling subdivisions proportionately to the number of voters in each.

(6) All ballot papers shall be of the same description and as nearly alike as possible.

(7) The ballot papers shall bear the name of the printer who prints them.

(8) The printer shall with the ballot papers deliver to the returning officer an affidavit in form 26.

**57.** The returning officer shall furnish each deputy returning officer with a sufficient number of ballot papers to supply the voters on the voters' list of his polling place or polling subdivision and he shall keep a record of the number and the serial numbers of such ballot papers.

(2) Every ballot paper shall be stamped by the returning officer with a stamp furnished him for that purpose by the Clerk of the Executive Council, the impression of the stamp being so placed on the ballot paper that when the latter is folded by a voter the impression can be seen without the ballot paper being opened.

(3) The stamp shall be specially designed and made for the purpose of such election and shall be forwarded by the Clerk of the Executive Council to the returning officer so as to reach him on or about the nomination day.

(4) The stamp shall show the name of the electoral division and the year of the election and shall be of such design that an impression made from it shall be readily recognizable.

**58.** The returning officer shall furnish each deputy returning officer with at least two copies of the printed directions, in form 27 for the guidance of voters in voting and the deputy returning officer shall before or at the opening of the poll on the day of polling cause such printed directions to be posted up in conspicuous places, one outside and one inside of the polling place.

#### ADVANCE POLL.

**59.** 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 an election held in the electoral division in which such electors reside, the returning officer shall establish one special polling place to be known as an "Advance Poll" in a central location in the city, town or other place mentioned in form 28 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 12 of this Act.

(5) A qualified elector who deems it necessary to vote at an advance poll may at any time after the voters' list has been posted and before the approved copy has been given to the deputy returning officer, apply in person to the enumerator for the poll in which he is entitled to vote, for an "Advance Poll Voting Certificate," which shall be in form 12:

"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 such elector's home poll on polling day 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 an elector shall surrender his advance poll certificate to the deputy returning officer, who shall then and there cancel such certificate and the entry concerning same on the official voters' list and such elector shall then be entitled to vote as if such certificate had not 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 deputy 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 is provided for herein; or
  - (e) in any other manner contravenes any of the 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 their seals 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 to the ballot box and no seals placed thereon 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) At the close of an advance poll on the third 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 their seals to the ballot box in such a manner that the same cannot be opened, or any ballots be deposited in it without breaking such seals and the deputy returning officer shall take charge of and safely keep such ballot box until the closing of the poll on election day, when he and the poll clerk shall proceed as directed by section 87, subsection (15) hereof.

#### THE POLL.

**60.** In all polling places in cities and in polls in city constituencies described as "Suburban" in 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 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.

#### *Preparatory to Opening the Poll.*

**61.** The deputy returning officer shall attend at the polling place at least fifteen minutes before the hour fixed for opening the poll.

(2) During such fifteen minutes agents and voters entitled to be present in the polling place during polling hours shall be entitled to have the ballot papers intended for use thereat counted in their presence before the opening of the poll and to inspect such ballot papers and all other papers, forms and documents relating to the poll.

(3) Every candidate may appoint in writing not more than two voters of the electoral division as agents to represent him at each poll. In the absence of such appointments two voters of the polling subdivision on the request of such voters may act as such agents. Each agent or voter acting as such on being admitted to the polling place shall take the oath of secrecy in form 45.

(4) An agent bearing a written authorization from the candidate shall always be entitled to represent him in preference to and to the exclusion of any two voters not authorized in writing.

#### *Those Entitled to Remain in the Polling Place.*

**62.** The deputy returning officer, the poll clerk, the interpreter or interpreters, if any, the constable in the event of its being necessary to have one appointed, the candidates and their agents not exceeding two in number for each candidate and in the absence of agents, two voters to represent each candidate on the request of such voters, and no other person, shall be permitted to remain in the polling place during the time the poll remains open and at the counting of the votes.

**63.** The deputy returning officer shall immediately before opening the poll show the ballot box to such persons as are present in the polling place, so that they may see that it is empty; and he shall then lock the empty box and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place and thereafter keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present and shall keep the box so locked and sealed.

(2) Not more than one voter for each compartment shall at any time enter the room where the poll is held and each voter upon so entering shall declare his name, place of residence and occupation, which particulars shall be entered in the poll book by the poll clerk, a consecutive number being fixed to each name.

#### EMPLOYEES GIVEN TIME TO VOTE

**64.** Every voter shall on the day of polling for the purpose of voting be entitled to absent himself from any service or employment in which he is engaged or employed from the hour of noon until the hour of three of the clock next thereafter and a voter shall not because of his so absents himself be liable to any penalty or suffer or incur any reduction from the wages or compensation to which but for his absence he would have been entitled:

Provided that this section shall not apply where a voter is by his employer permitted or allowed at any other period during the hours of polling reasonable and sufficient time and opportunity to vote.

#### WHO MAY VOTE.

**65.** The following persons shall be entitled to vote at an election:

- (1) Every person whose name is on the voters' list for a polling place, provided—
  - (a) that he has not obtained an advance poll certificate to vote at an advance poll;
  - (b) that he has not obtained an enumerator's certificate to enable him to vote at some other poll, at which he is employed;
  - (c) that having obtained either such certificate he delivers same to the deputy returning officer unused, to be cancelled;
  - (d) that if required, he takes the oath to be taken by a voter in form 29, the taking of which said oath may be required by any candidate, agent or voter, or where a deputy returning officer has reason to believe that a person offering to vote is not a qualified voter or has already voted or is tendering his vote under a false name or designation or is personating a voter or representing himself falsely as being on the list, the deputy returning officer shall administer the prescribed oath to the voter whether he has been required to do so or not.

(2) A deputy returning officer who acts in contravention of the preceding sub-section shall incur a penalty not exceeding two hundred dollars.

**66.** If before being permitted to vote a person whose name is on the list is required to take the oath in form 29, and refuses to take the same, erasing lines shall be drawn through his name on the voters' list and in the poll book if such name has been entered in the said poll book, and the words "Refused to be sworn" written thereafter, and any person whose name is so erased shall not receive a ballot paper nor be permitted to vote at the said election.

**67.** Every person otherwise qualified to vote at a poll whose name is not on the voters' list may make application to the deputy returning officer while the poll is open to administer to him the oath in form 29; such oath having been taken, the deputy returning officer shall forthwith cause such person's name to be added to the voters' list and the word "Sworn" written thereafter and he shall thereupon be entitled to vote:

Provided that the deputy returning officer if he is not satisfied that the applicant is the person he represents himself to be, or upon the request of an agent of any candidate, may require such applicant to be identified by some known elector of the polling subdivision and for the purpose of procuring such identification the applicant shall be allowed to leave the polling place and to return accompanied by such elector. Upon being identified and taking the oath and voting there shall be marked opposite the name of the voter in the poll book after the word "Sworn" the name of the elector by whom he has been identified. Any person who votes, or attempts to vote, under the provisions of this section knowing he has no right to vote, or who induces or procures or attempts to induce or procure any other person to vote or attempt to vote, knowing such person has no right to vote, shall be guilty of the offence of personation and shall incur the penalty provided for such offence by section 121 hereof.

**68.** A deputy returning officer, candidate, agent or poll clerk who belongs to a polling subdivision other than the one at which he is employed as such on the polling day may vote at the polling place where he is so employed, provided he produces a certificate from the enumerator of the polling subdivision to which he belongs in form 13 and files same with the deputy returning officer and takes, if required, before either the deputy returning officer or poll clerk the oath in form 30, and there shall be entered in the poll book opposite the voter's name in the column for remarks a memorandum stating the particular office or position which the voter is filling at the poll.

(2) Every deputy returning officer, candidate, agent or poll clerk before being allowed to vote may also be required by a candidate or agent present to take the oath to be administered to voters in form 29, which may be administered by the deputy returning officer or poll clerk.

**69.** Any deputy returning officer, candidate, agent or poll clerk who votes at an election when he is not qualified so to do as provided by this Act or who though qualified to vote votes more than once at an election shall be subject to a penalty of not less than fifty nor more than two hundred dollars.

**70.** If a deputy returning officer is a voter on the voters' list at the polling place at which he has been appointed to act, the poll clerk or in his absence the agent of a candidate authorized to be present may administer to him the oath to be taken by a voter.

**71.** Not more than two agents for any candidate shall vote in any one poll under the provisions of this Act.

**72.** Every deputy returning officer may and shall when he is required so to do by any candidate or agent of a candidate administer to any voter the oath in form 29.

**73.** A person who has refused to take the oath when required so to do shall not receive a ballot paper nor vote.

(2) A deputy returning officer who receives such vote or causes the same to be received shall incur a penalty not exceeding two hundred dollars and shall be liable to imprisonment for a term not exceeding six months.

**74.** The poll clerk shall make such additions, alterations and erasures in the voters' list and such entries in the poll book as the deputy returning officer directs him to make as is required by any provision of this Act.

**75.** The poll clerk shall enter in the poll book opposite the name of each voter the word "Voted" as soon as the ballot paper has been deposited in the ballot box and shall enter in the same book the words "Sworn" or "Affirmed" opposite the name of each voter to whom the oath has been administered and the words "Refused to be sworn" or "Refused to affirm" opposite the name of each voter who has refused to take any oath when he has been required so to do.

**76.** Every person who is entitled to vote shall receive from the deputy returning officer a ballot paper on the back of which the deputy returning officer has previously put his initials so placed as indicated in form 25 that when the ballot is folded they can be seen without opening it and on the back of the counterfoil of which he has placed a number corresponding to that placed opposite the voter's name in the poll book.

**77.** The deputy returning officer shall upon request of the voter instruct him how to mark and fold his ballot paper but without inquiring or ascertaining for whom he intends to vote except in the cases provided for by the next following section.

*Voter Incapacitated by Blindness.*

**78.** The deputy returning officer upon request of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act shall assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the poll clerk and of the agents of the candidates or of the voters representing the candidates in the polling place and of no other person.

(2) The deputy returning officer shall require the voter making such application before voting to take before him the oath in form 31.

(3) The deputy returning officer shall direct the poll clerk to enter in the column for remarks in the poll book opposite the voters' name the reason why such ballot paper was marked by him.

*Interpreter.*

**79.** Where a voter does not understand the English language the deputy returning officer may employ an interpreter to translate the oath as well as any lawful question necessarily put to or by the voter and the answers thereto; but the interpreter shall first take the oath in form 32.

(2) If no such interpreter is found or presents himself at the polling place the voter shall not be allowed to vote.

**80.** The voter shall vote without undue delay and shall leave the polling place as soon as his ballot paper has been placed in the ballot box.

**81.** While a voter is in a compartment for the purpose of marking his ballot paper no other person shall be allowed to enter the compartment or to be in a position from which he can see for whom the voter marks his ballot paper.

*Mode of Marking the Ballot.*

**82.** Every voter shall have one vote only which may be transferable in the manner hereinafter provided.

The voter on receiving his ballot paper shall forthwith proceed into one of the compartments of the polling place and there mark his ballot paper with the black lead pencil provided, as follows:

- (a) Shall place the figure 1 on the ballot paper within the white space containing the name of the candidate who is his first choice and every vote given by placing the said figure 1 in such white space shall be a "first preference vote."
- (b) May in addition to the figure 1 authorized by this section place on his ballot paper the figure 2 within the white space containing the name of his second choice, the figure 3 within the white space containing the name of his third choice and so on in

the order of the candidates he would prefer if the candidate of his prior choice does not need his vote, or cannot be elected. He may thus express as many choices as there are candidates.

- (c) He shall then fold the ballot paper so that the initials and stamp on the back of it and the number on the counterfoil can be seen without opening it and hand it to the deputy returning officer, who shall without unfolding it ascertain by examining his initials and the stamp and the number of the counterfoil that it is the same ballot paper that he furnished to the voter and shall then in full view of all present including the voter, remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box.

#### *Declined Ballots.*

**83.** A person who has received a ballot paper shall not take it out of the polling place; and a person who receives a ballot paper and leaves the polling place without delivering it to the deputy returning officer or returns his ballot paper declining to vote, shall forfeit his right to vote and the deputy returning officer shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot paper but took it out of the polling place or returned it declining to vote, as the case may be; and in the latter case the deputy returning officer shall immediately write the word "Declined" upon the ballot paper and shall preserve it to be returned to the returning officer.

**84.** If a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter, he shall be entitled to receive a ballot paper and to vote after taking the oath and otherwise establishing his identity to the satisfaction of the deputy returning officer.

(2) The name of the voter shall be entered on the poll book and a note shall be made of his having voted on a second ballot paper and of the fact of the oath having been taken, and of the objections made on behalf of any and of which of the candidates.

#### *Cancelled Ballots*

**85.** A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used shall upon returning it to the deputy returning officer be entitled to obtain another ballot paper and the deputy returning officer shall immediately write the word "Cancelled" upon the first mentioned ballot paper and preserve it to be returned to the returning officer.

**86.** A person who applies for a ballot paper shall by so doing be deemed to have tendered his vote or to have offered to vote; and a person who has placed or caused to be placed his ballot paper in the ballot box or has delivered it to the deputy returning officer or poll clerk for the purpose of having it placed in the ballot box shall be deemed to have voted.

## PROCEEDINGS AFTER CLOSING OF THE POLL.

**87.** Immediately after the closing of the poll the deputy returning officer shall first place all cancelled and declined ballot papers in separate envelopes and seal them up.

(2) He shall then count the number of voters whose names appear on the voters' list and the number of voters whose names appear by the poll book to have voted and shall make an entry thereof in the poll book on the line immediately below the name of the voter who voted last, thus:

“Number of names on list—Men.....  
 Number of names on list—Women.....  
                                     Total on list .....  
 Number who voted—Men.....  
 Number who voted—Women.....  
                                     Total who voted .....

“We hereby certify that the above statement is correct.  
 “Dated at.....19...

.....  
                                     *Poll Clerk*                    *Deputy Returning Officer*

(*Agents may also sign*).

And he and the poll clerk shall sign their names thereto.

(3) The deputy returning officer shall then in the presence of the poll clerk and of such of the candidates or their agents as may then lawfully be present, open the ballot box and count the number of the ballot papers therein. The result shall be recorded.

(4) If there are more ballots in the box than there should be according to the poll book, any ballot paper which has not on its back the initials of the deputy returning officer or which is otherwise invalid according to the provisions of this Act shall be set aside.

(5) He shall reject any ballot papers—

- (a) which have not been supplied by him; or
- (b) on which a cross or X is marked; or
- (c) on which 1 is not marked; or
- (d) on which the figure 1 standing alone indicating a first preference is marked for more than one candidate; or
- (e) on which the figure 1 standing alone indicating a first preference and some other figure are marked for the same candidate;
- (f) on which there is any writing or mark by which the voter can be identified, but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on the ballot paper shall void the same or warrant its rejection.

(6) He shall make a note in the poll book of every objection taken to a ballot paper by an agent of any of the candidates or a voter present and shall decide any question arising out of such objection; but the decision of the deputy returning officer may be reversed or modified by the returning officer, whose decision shall be final, subject only to reversal on an appeal, recount or final addition of votes as hereinafter provided for. Each objection shall be numbered and a corresponding number placed on the back of the ballot paper and initialed by the deputy returning officer.

(7) All the valid ballot papers remaining shall be examined and arranged in parcels according to the name of each candidate marked with the figure 1.

(8) The deputy returning officer shall then count the number of ballot papers in each parcel of valid ballot papers and credit each candidate with one vote in respect of each valid ballot on which a first preference has been recorded for him.

(9) After the number of votes recorded for each candidate as a first preference has been ascertained the result may be announced to the public.

(10) He shall make out a statement in triplicate in form 33, which statement shall forthwith be signed by him and the poll clerk and such of the agents of the candidates as may be present and desire to sign it. One copy of the statement shall be attached to the poll book, another shall be retained by him and the third shall be enclosed by him in a separate envelope supplied for the purpose, and placed in the ballot box. After making the statement last mentioned the deputy returning officer shall deliver to the agents of each of the candidates, or in the absence of agents, to the voters present representing the candidates, a certificate in form 34.

(11) He shall then place the ballots having first preference votes for each of the candidates in a separate envelope provided, marking on the outside of the envelopes the names of each of the candidates respectively and shall then place the said envelopes in a large envelope provided and shall indorse same so as to indicate the contents.

(12) He shall put the rejected and unused ballot papers into separate envelopes and shall indorse each so as to indicate the contents and shall seal same and any agent present may write his signature across the flap of the envelope or parcel and may affix his seal.

(13) The voters' list, the different envelopes containing the ballot papers, the poll book and other documents which served at the election shall then be placed in a large envelope supplied for the purpose, sealed with the seal of the deputy



returning officer and the seals of such of the agents of the candidates as desire to affix their seals, and placed in the ballot box, which the deputy returning officer shall immediately lock and seal.

(14) The poll clerk immediately after the completion of the counting of the votes shall take and subscribe the oath in form 35.

(15) At the hour fixed for the closing of the poll on election day the deputy returning officer of an advance poll 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 or their agents who may attend, shall open the ballot box, count the ballots showing the first preference votes for each of the candidates and take all other proceedings as near as may be provided herein for the deputy returning officer in connection with the conduct of an election after the closing of the poll.

#### *Return of Ballot Boxes.*

88. The deputy returning officer after locking and sealing the ballot box shall enclose the key in an envelope supplied for the purpose and as soon as possible thereafter personally deliver the ballot box and key to the returning officer, or if the returning officer lives a distance away and a post office or express office is nearer at hand he shall send the ballot box and key to the returning officer by registered mail, or the box by express and the key by registered mail.

(2) If the deputy returning officer is unable to attend to the return of the ballot box and key owing to illness or other imperative cause he shall deliver them to the poll clerk, or where the poll clerk is unable to act, to some reliable messenger and shall write on the box or on a ticket attached thereto the name of the person to whom the box and key have been delivered and shall take a receipt therefor in form 36 and the poll clerk or person so chosen shall without delay deliver or mail the ballot box and key or mail the key and express the ballot box to the returning officer, and shall take before the returning officer, election clerk, a justice of the peace, a commissioner for oaths or a notary public, the oath in form 37 and deliver or transmit it by registered mail to the returning officer.

(3) The deputy returning officer after the closing of the poll shall take and subscribe before the returning officer, election clerk, a justice of the peace, a commissioner for oaths or a notary public the oath in form 38, and shall personally deliver or transmit it by registered mail to the returning officer.

(4) The deputy returning officer before leaving the polling place shall see that vouchers in duplicate for all fees and expenses of poll officials, and rent are properly filled out and certified, and not put in the ballot box but delivered or mailed to the returning officer.

COUNT BY RETURNING OFFICER WHERE ONE MEMBER IS TO BE ELECTED AND ONLY TWO CANDIDATES GO TO THE POLL.

**89.** The returning officer of an electoral division where one member is to be elected and only two candidates go to the poll shall at the place, day and hour appointed by the proclamation and after having received all the ballot boxes, open them and the sealed envelopes containing the statement of poll in each and the envelopes containing the ballots and shall in the presence of the election clerk or clerks and the candidates or their representatives if present check the statement of the deputy returning officer with the ballots contained in the respective parcels, make a note in the poll book of every objection taken to a ballot paper by a candidate or his representative and decide any question arising out of such objection irrespective of whether such objection had been decided by the deputy returning officer or not or of the nature of such decision, if given, and the decision of the returning officer shall be final subject to appeal, recount or final addition of votes as hereinafter provided for.

(2) He shall then add up the first preference votes given for each candidate and if one of the candidates is found to have received a majority of all the first preference votes cast, the returning officer shall at once declare such candidate duly elected.

(3) Where, on the addition of first preference votes an equality of votes is found to exist between the two candidates and an additional vote would entitle one of them to be declared elected, the returning officer shall forthwith give the additional or casting vote to one of the candidates and shall thereupon declare such candidate duly elected.

**90.** The returning officer shall prepare a statement in duplicate in form 39 of the votes counted for each candidate at each poll and such other information as may be required by said form, and shall deliver to the agent of each candidate or in the absence of agents, to the voters present representing the candidates, a certificate in form 40 of the number of votes so counted for each candidate.

(2) The statement prepared by the returning officer shall be retained by him for ten days to allow an application to be made for an appeal, recount or final addition of the votes as hereinafter provided.

(3) After the counting of the votes has been completed, the candidate declared elected, and the statement made out,

the voters' list, the different envelopes containing the ballots, the poll book and other documents which served at the election shall be sealed with the seal of the returning officer and the seals of such of the candidates or their agents as desire to affix their seals, and placed in their respective ballot boxes which the returning officer shall immediately lock and seal.

COUNT BY RETURNING OFFICER WHERE ONE MEMBER IS TO BE ELECTED AND MORE THAN TWO CANDIDATES GO TO THE POLL.

**91.** The returning officer of an electoral division, where one member is to be elected and more than two candidates go to the poll shall at the place, day and hour appointed by the proclamation and after having received all the ballot boxes, open them and the sealed envelopes containing the statement of poll in each and the envelopes containing the ballots, and shall in the presence of the election clerk or clerks and the candidates or their representatives if present, check the statement of the deputy returning officer with the ballots contained in the respective parcels, making a note in the poll book of every objection taken to a ballot paper by a candidate or his representative and decide any question arising out of such objection irrespective of whether such objection had been decided by the deputy returning officer or not, or of the nature of such decision, if any, and the decision of the returning officer shall be final, subject to appeal, recount or final addition of votes as hereinafter provided for.

(2) He shall then add up the first preference votes given for each candidate and if any candidate is found to have received an absolute majority of all the first preference votes cast, the returning officer shall declare such candidate duly elected.

(3) The term "absolute majority" shall mean as respects any count made under this and the following subsections, the next whole number greater than one half of the total number of ballot papers reckoned at the closing of that count; no account being taken of "exhausted ballot papers" as defined herein.

(4) If the first preference votes cast for any one candidate exactly equals the total number of first preference votes cast for all the other candidates, the returning officer shall forthwith give the casting vote in favor of such first mentioned candidate and he shall then be declared duly elected.

(5) If no candidate has received an absolute majority of the number of ballots showing first preference votes given, including the casting vote of the returning officer, if one is given, the returning officer shall forthwith proceed to a second count and shall exclude from the contest the candidate who received the lowest number of first preference votes.

(6) The returning officer shall examine all the ballot papers credited to such excluded candidate and shall transfer, subject to subsection 10 hereof, to each of the remaining candidates all the ballot papers in which such candidate has been given a second preference vote and those ballot papers having no second preference indicated thereon shall be set aside as being exhausted.

(7) If on the second count any candidate obtains an absolute majority of the votes reckoned in that count he shall be declared elected. In case of an equal final total at the second count or any subsequent count the returning officer shall give the casting vote to and declare elected that candidate who has the greater number of first preference votes, or where there is no difference in this respect, to that candidate who has the greater number of second preference votes and so on. Where there is an equality in all respects the returning officer at the final second count or any subsequent final count shall give the casting vote as provided in the case of the first count.

(8) If on the second count no candidate obtains an absolute majority of the votes reckoned on that count, the returning officer shall exclude the candidate with the smallest number of votes reckoned on that count and shall transfer subject to subsections 10 and 11 hereof the alternative vote shown on the ballot papers reckoned in favor of the excluded candidate on the second count and proceed as before to a third count and shall if necessary repeat the process until a candidate is found to have a majority on any count, and that candidate shall thereupon be declared elected.

(9) The votes reckoned in favor of a candidate on any count after the first shall be his first preference vote together with any votes transferred to him from excluded candidates.

(10) It shall be deemed that a ballot paper of an excluded candidate is "exhausted" in any case in which—

- (a) no further preference for any candidate not exhausted is marked; or
- (b) the names of two or more candidates whether excluded or not are marked with the same figure and are next in order of preference; or
- (c) the name of the candidate next in order of preference whether excluded or not is marked: (i) by a figure not following consecutively after some other figure on the ballot paper, or, (ii) by two or more figures indicating different preferences.

(11) The votes transferred from an excluded candidate after any count shall be the votes, if any, indicated as next in order of preference on the ballot papers reckoned on that count in favor of the excluded candidate, but in no case shall a vote be transferred to a candidate who has already been excluded—the vote transferred shall be the vote, if any, next in order of preference to that given to an excluded candidate.

(12) If at any time, two or more candidates, one of whom ought to be excluded, have an equal number of votes, that candidate shall be excluded the greater number of whose votes are transferred votes, but if there is no difference in this respect between the candidates, or if none of the votes of either of the candidates are transferred votes, the returning officer shall determine which of the candidates is to be excluded.

(13) The returning officer shall prepare a statement in duplicate in form 39 of the votes counted for each candidate at each poll and of such other information as may be required by said form and also a statement in duplicate in form 41 of the number of votes of first preference and the number of votes transferred under the foregoing subsections and of the total number of votes counted for each candidate after such transfer and shall deliver to the agents of each of the candidates or in the absence of the agents, to the voters present representing the candidates, a certificate in form 40 of the total number of votes so counted for each candidate.

(14) The statement prepared by the returning officer shall be retained by him for ten days to allow an application to be made for an appeal, recount or final addition of the votes as hereinafter provided.

(15) After the counting of the votes has been completed, the candidate declared elected and the statements made out, the voters' list, the different envelopes containing the ballots, the poll books and other documents which served at the election shall be sealed with the seal of the returning officer and the seal of such of the candidates or their agents as desire to affix their seals, and placed in their respective ballot boxes which the returning officer shall immediately lock and seal:

Provided that where there has been such a transfer of ballots as would prevent their being restored to their original envelopes by polls, each of the parcels as shown by the last count shall be sealed with the seal of the returning officer and the seals of such of the candidates or their agents as desire to affix their seals, and placed in a ballot box or ballot boxes which the returning officer shall immediately lock and seal.

COUNT BY THE RETURNING OFFICER WHERE MORE THAN ONE MEMBER IS TO BE ELECTED AND MORE CANDIDATES GO TO THE POLL THAN THERE ARE MEMBERS TO BE ELECTED.

**92.** The returning officer of an electoral division where more than one member is to be elected and where there are more candidates than there are members to be elected shall provide adequate quarters and facilities for counting the ballot papers received from all the deputy returning officers of the electoral division.

(2) For the purpose of making such count the Lieutenant Governor in Council shall appoint one or more supervisors and a staff of sorters, all of whom shall be under the supervision of the returning officer.

(3) No person shall be allowed in the room where the counting of ballots is taking place, except—

- (a) the returning officer and supervisors, if any, and the sorting staff;
- (b) deputy returning officers in the discharge of their duties;
- (c) not more than two agents of each candidate, or not more than one agent and the candidate himself.

(4) In every such election the counting of ballots and the proceedings subsequent thereto shall be according to the following regulations:

#### REGULATIONS

##### *Interpretation.*

##### *Regulation 1:*

In these regulations—

(1) The expressions “ballot-paper,” “ballot,” “paper,” mean ballot papers of the form provided by section 56 of this Act.

(2) The expression “first preference” means the figure “1”; the expression “second preference” means the figure “2”; and the expression “third preference” means the figure “3”, set opposite the name of any candidate, and so on.

(3) The expression “original vote” in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate.

(4) The expression “transferred vote” in regard to any candidate means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.

(5) The expression “surplus” means the number of votes by which the total number of the votes, original and transferred, credited to any candidate, exceeds the quota.

(6) The expression “continuing candidate” means any candidate not elected and not excluded from the poll.

(7) The expression “transferable paper” means a ballot paper on which a second or subsequent preference is recorded for a continuing candidate.

(8) The expression “exhausted ballot paper” means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate.

(9) A paper shall be deemed to be an exhausted ballot paper in any case in which—

- (a) the names of two or more candidates (whether continuing or not) are marked with the same figure, and are next in order of preference; or
- (b) the name of the candidate next in order of preference (whether continuing or not) is marked—
  - (i) by a figure not following consecutively after some other figure on the ballot paper; or
  - (ii) by two or more figures indicating different preferences.

(10) “Supervisors” and “sorters” mean the persons appointed as such under the provisions of this Act.

(11) Whenever the returning officer is directed to do anything or take any proceeding, unless the direction is to the returning officer in his personal capacity, such thing may be done or proceeding taken by the supervisors or sorters, provided the same is done under the supervision of the returning officer.

*Regulation 2:*

The returning officer shall personally open the ballot boxes as they are delivered to him by the deputy returning officers and shall record or cause to be recorded the total returns of first preference votes made by the deputy returning officers. Such records and the respective parcels of ballot papers shall then be checked by the supervisors, who shall then deliver the parcels of ballot papers to the sorters to be sorted under the names of the respective candidates according to the first preference recorded for each, and the total number of valid ballots given in the entire electoral division ascertained. The supervisors shall have charge over and be responsible for the work of the sorters.

*Regulation 3:*

The supervisors shall then divide the total number of valid papers polled in the whole electoral division by a number exceeding by one the number of members to be elected and the result increased by one, disregarding any fractional remainder, shall be the number of votes sufficient to secure the return of a candidate (hereinafter called the “quota”).

*Regulation 4:*

If at any time the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be deemed elected by the returning officer.

*Regulation 5:*

(1) If at any time the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this regulation to the continuing candidates indicated on the ballot papers in the parcel of the elected candidate as being next in order of the voters’ preference.

(2) (a) If the votes credited to an elected candidate consist of original votes only, the supervisors shall examine all

the papers in the parcel of the elected candidate whose surplus is to be transferred and shall arrange the transferable papers in sub-parcels according to the next preference recorded thereon.

(b) If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the supervisors shall examine the papers contained in the sub-parcel last received by the elected candidate and shall arrange the transferable papers therein in further sub-parcels according to the next preference recorded therein.

(c) In either case the supervisors shall make a separate sub-parcel of the exhausted ballot papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(3) If the total number of papers in the sub-parcel of transferable papers is equal to or less than the surplus, the supervisors shall transfer each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voters' next preference.

(4) (a) If the total number of transferable papers is greater than the surplus, the supervisors shall transfer from each sub-parcel the number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers.

(b) The number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of transferable papers; a note shall be made of the fractional parts, if any, of each number so ascertained.

(c) If, owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus so many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus, shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored.

(d) The particular papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel.

(e) Each paper so transferred shall be clearly marked with the number of the count at which the transfer took place.

(5) (a) Subject to paragraph (d) of this sub-regulation (5) a surplus which arises on the completion of any count shall be transferred before a surplus which may arise at a subsequent count.

(b) If more than one candidate has a surplus, the largest surplus shall be first dealt with.

(c) If two or more candidates have each an equal surplus on the same count regard shall be had to the number of



original votes obtained by each candidate and the surplus of the candidate credited with the largest number of original votes shall be first dealt with and, if the numbers of the original votes are equal, the supervisors shall decide which surplus they will first deal with.

(d) The supervisors need not transfer the surplus of an elected candidate when that surplus, together with any other surplus not transferred, is less than the difference between the totals of the votes credited to the two continuing candidates lowest in the poll.

*Regulation 6:*

(1) If at any time no candidate has a surplus (or when under the preceding regulation any existing surplus need not be transferred), and one or more vacancies remain unfilled, the supervisors shall exclude from the poll the candidate credited with the lowest number of votes and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon for continuing candidates, and shall transfer each sub-parcel to the candidate for whom that preference is recorded.

(2) If the total of the votes of the two or more candidates lowest in the poll, together with any surplus votes not transferred, is less than the votes credited to the next highest candidate, the supervisors may in one operation exclude those candidates from the poll and transfer their votes in accordance with the preceding sub-regulation.

(3) If, when a candidate has to be excluded under this regulation, two or more candidates have each the same number of votes and are lowest on the poll, regard shall be had to the number of original votes credited to each of those candidates, and the candidate with fewest original votes shall be excluded, and, where the numbers of the original votes are equal, regard shall be had to the total number of votes credited to those candidates at the first transfer at which they had an unequal number of votes, and the candidate with the lowest number of votes at that transfer shall be excluded, and, where the number of votes credited to those candidates were equal at all transfers, the returning officer shall decide which shall be excluded.

*Regulation 7:*

(1) Whenever any transfer is made under any of the preceding regulations, each sub-parcel of papers transferred shall be added to the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with one vote in respect of each paper transferred. Such papers as are not transferred shall be set aside as finally dealt with, and the votes given thereon shall thenceforth not be taken into account.

(2) If after any transfer a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to the provisions contained in regulation 8 before any other candidate is excluded.

*Regulation 8:*

(1) When the number of continuing candidates is reduced to the number of vacancies unfilled, the continuing candidates shall be deemed elected by the returning officer.

(2) When only one vacancy remains unfilled, and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be deemed elected by the returning officer.

(3) When the last vacancies can be filled under this regulation, no further transfer of votes need be made.

*Regulation 9:*

(1) Any candidate or his agent may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the returning officer to examine and recount the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with), and the supervisors on the instructions of the returning officer shall forthwith re-examine and recount the same accordingly. The supervisors may also at their discretion recount votes either once or more often in any case in which they are not satisfied as to the accuracy of any previous count; provided that nothing herein shall make it obligatory on the supervisors to recount the same votes more than once.

*Regulation 10:*

(1) If any question shall arise in relation to any transfer of votes, the decision of the supervisors or of the returning officer on their advice, whether expressed or implied by their or his acts, shall be final unless an objection is made by any candidate or his agent before the declaration of the poll, and in that event such decision may be reversed upon an appeal, recount or final addition of the votes as hereinafter provided.

(2) If any such decision is so reversed, the transfer in question and all operations subsequent thereto shall be void and the judge shall direct what transfer is to be made in the place of the transfer in question, and shall cause the subsequent operations to be carried out and the result of the election to be ascertained in accordance with these regulations.

(3) Upon completion of the count the supervisor or supervisors shall deliver to the returning officer a statement in duplicate in form 42 showing the number of first preference

votes given to each candidate, the transfers made, the total number of votes credited to each candidate after each transfer and the final result, giving the names of the candidates elected and the order of their election.

(4) The returning officer shall prepare a statement in duplicate in form 39 of the first preference votes counted for each candidate at each poll and of such other information as may be required by such form and shall at the place, day and hour appointed by the proclamation and after having received the statement of the final result of the count from the supervisors, officially announce the result of the election and declare the winning candidates duly elected and shall when required deliver to the candidates or their agents or voters present representing them a copy of said form 42. After the count of the votes has been completed, the statement made out and the candidates declared elected, the ballot papers placed in separate packages according to the final count shall be sealed with the seal of the returning officer and the seals of such of the candidates or their representatives as desire to affix their seals and safely kept along with the voters' lists, poll books and other documents which served at the election to be further dealt with as by this Act provided.

(5) If upon an appeal, recount or final addition of the votes—

- (a) any ballot papers counted by the supervisors or the returning officer are rejected as invalid; or
- (b) any ballot papers rejected by the supervisors or the returning officer are declared valid—

the judge may direct the whole or any part of the ballot papers to be recounted and the result of the election ascertained in accordance with these regulations.

2. On any recount, subject to such modifications as may be necessary by reason of any error in the original count, each paper shall take the same course as at the original count.

(6) If one of the members of a multi-member electoral division dies or resigns, or if a vacancy arises in any other way, a by-election to fill such vacancy shall be held under the provisions of this Act relating to the election of a member in an electoral division returning one member where there are two, or more than two, candidates, as the case may be.

PROCEEDINGS IF AFTER AN ELECTION ANY OF THE BALLOT BOXES WITH THE BALLOTS HAVE BEEN DESTROYED OR LOST OR FOR ANY OTHER REASON HAVE NOT BEEN RETURNED TO THE RETURNING OFFICER.

**93.** If on the day fixed in the proclamation for announcing the result of the count of the ballots, all the ballot boxes and ballots have not been returned, the returning officer shall adjourn the proceedings to a subsequent day which shall be not more than a week later than the day originally fixed and further like adjournments may be made, so however that the proceedings may not be delayed for a longer period than two months from the day so originally fixed in the proclamation. If at the expiration of the said two months the returning officer is convinced that the missing box or boxes with ballots is or are not recoverable, he shall forthwith announce the result of the count of the poll, leaving out of consideration the missing ballots.

(2) If for any other cause the returning officer cannot at the day and hour appointed by him for announcing the result of the count ascertain the number of votes given for each candidate he may adjourn to a future day and hour the announcement of the result of the count of the ballots and so from time to time; such adjournment or adjournments not in the aggregate to exceed two weeks.

#### ELECTION RETURN.

**94.** When a poll has been held the returning officer shall immediately after the tenth day after announcing the result of the count of the ballots, and declaring the names of the candidates duly elected unless before that time he receives notice that he is required to attend before a judge for the purpose of an appeal, recount or final addition of the votes given at the election, and where there has been an appeal, recount or final addition immediately after the receipt of the certificate of the result, transmit his return in form 43 duly certified and the writ to the Clerk of the Executive Council.

(2) The returning officer shall accompany his return to the Clerk of the Executive Council with a copy of statement in form 39, and a copy of statement in form 41 or in form 42 as the case may be, together with a report of his proceedings in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him. The returning officer shall at the same time transmit to the Clerk of the Executive Council enclosed in the ballot box the stamp furnished him for stamping the ballot papers, the lists of voters for each of the polls, all the ballot papers, poll books and other documents sent to him by the deputy returning officer.

(3) The cases containing the ballot boxes shall be sent by express or freight and any separate parcels by mail or express.

(4) An affidavit in form 44 shall be made by the returning officer forthwith after transmitting his return and shall be forthwith transmitted by him to the Clerk of the Executive Council by registered post.

*Failure to Make Return.*

**95.** If a returning officer wilfully delays, neglects or refuses—

- (a) to add up the votes; or
- (b) to declare elected the candidate or candidates having the largest number of votes; or
- (c) to give his casting vote where he is by law required to do so; or
- (d) to make the return as required by this Act of the candidate or candidates having the largest number of votes—

the person aggrieved or any voter who voted at the election may apply to a judge of the Supreme Court for a mandamus commanding the returning officer to perform the duty which he is shown to have omitted.

(2) The notice shall be served upon the returning officer and upon any person who was a candidate at the election.

(3) In other respects the provisions of *The Judicature Act* and the rules made thereunder shall apply to such application.

(4) Nothing in this section contained shall affect or impair any other right or remedy of the person aggrieved.

**RECOUNT OR FINAL ADDITION BY JUDGE.**

**96.** If within eight days after that on which the returning officer has announced the result of the count of the ballots for the purpose of declaring any candidate or candidates elected, upon the application of a candidate or voter it is made to appear by affidavit to the judge that the returning officer has in counting the ballots—

- (a) improperly counted any ballot paper; or
- (b) improperly rejected any ballot paper; or
- (c) made any incorrect statement of the number of ballots cast for or transferred to any candidate; or
- (d) improperly added up the votes—

and if the applicant deposits within the said time with the Clerk of the Court as security for costs the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada, the judge may in writing

appoint a time and place to hear and determine any appeal from any decision of the returning officer and where the same is asked, to recount or finally add up the votes cast at the election:

Provided that where the application is limited to an appeal or appeals from any decision or decisions of the returning officer and does not involve a recount, the security for costs hereinbefore provided shall be ten dollars.

(2) At least four days' notice in writing of the time and place appointed shall be given by the applicant to the candidates and to the returning officer and the election clerk or clerks and the notice so given shall state upon whose application the recount is being had, and the judge may at the time of the application or afterwards direct that service of the notice upon the returning officer and election clerk or clerks may be substitutional or may be made by mail or in such other manner as he thinks fit.

(3) The returning officer after the receipt of the notice shall delay making his return to the Clerk of the Executive Council until he receives the certificate from the judge of the result of the appeal, recount or final addition and upon receipt of the certificate shall proceed to make his return.

(4) The judge may require the clerk of the court to be present at the time and place appointed.

(5) The returning officer, his supervisor or supervisors, and his election clerk or clerks shall attend at the time and place appointed with the ballot boxes and documents required for the appeal or recount.

(6) The ballot boxes and documents shall continue in the custody of the returning officer and he shall be responsible for them subject to any directions which the judge may give in respect thereto. The returning officer and the election clerk or clerks shall be present at the recount or final addition and each candidate shall be entitled to be represented by not more than two agents and may himself be present.

(7) Where a candidate is not represented any two voters who declare their desire to attend on his behalf shall be entitled to attend.

(8) Except with the sanction of the judge no other person shall be present.

(9) At the time and place appointed and in the presence of the said persons the judge shall—

- (a) hear and determine appeals from the decision of the returning officer in respect to any ballots;
- (b) recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be; and

- (c) in the case of a recount open all the sealed envelopes containing—
  - (i) the used ballot papers which have been counted;
  - (ii) the rejected ballot papers;
  - (iii) the cancelled ballot papers;
  - (iv) the declined ballot papers;
  - (v) the unused ballot papers.

(10) The judge shall as far as practicable proceed continuously allowing only time for refreshment and excluding except so far as he and the persons present agree the hours between six o'clock in the afternoon and nine in the succeeding forenoon.

2. During such excluded time and time for refreshments the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seals of such of the persons present as desire to affix their seals and shall otherwise take all necessary precautions for the security of such papers and documents.

(11) The judge shall in the case of a recount proceed according to the rules for the counting of the ballot papers at the close of the poll by a returning officer and shall verify and correct the statement of the poll.

(12) The judge may upon an appeal from the decision of the returning officer as hereinbefore provided receive such oral evidence as may be adduced by any of the parties to the appeal in respect of the ballot paper or ballot papers appealed against.

(13) Upon the completion of the recount the judge shall seal up all the ballot papers in their separate envelopes and upon the completion of a final addition he shall seal up the original statements in their respective envelopes.

(14) Where either party requests him to do so the judge shall number on the back, the disputed ballots and enclose them in a separate envelope.

(15) The decision of the judge on all appeals from the decision of the returning officer shall be final and if no recount or final addition has been demanded the judge shall forthwith certify the result to the returning officer, who shall then forthwith declare elected the candidate having the largest number of votes, taking into account the result of the appeals.

(16) When there has been a recount or final addition the judge shall delay sending his certificate to the returning officer for two days after the completion of the recount or final addition in order to allow of an appeal as hereinafter provided.

(17) If no notice of appeal is given to the judge within two days after the completion of the recount or final addition

the judge shall forthwith certify the result to the returning officer, who shall then forthwith declare elected the candidate having the largest number of votes.

(18) In case of an equality of votes the returning officer shall determine the candidate to be declared elected by application of the proper regulations provided by this Act.

2. The costs of appeals and of the recount or final addition shall be in the discretion of the judge, who may order by whom, to whom, and in what manner the same shall be paid.

(19) The judge shall tax the costs and shall as nearly as may be follow the tariff of costs with respect to proceedings in the District Court.

(20) When costs are directed to be paid by the applicant the moneys deposited as security for costs shall be paid to the party entitled thereto so far as necessary.

(21) If the deposit is insufficient execution may issue out of the District Court upon the judge's order for the balance.

#### APPEAL FROM DECISION ON RECOUNT OR FINAL ADDITION.

**97.** If a party desires to appeal from the decision of the judge he may do so on giving within two days after the completion of the recount or final addition notice in writing to the opposite party and to the judge of his intention to appeal and he may, by the notice, limit the appeal to specified ballots.

(2) When the appeal is limited the judge shall seal up the ballots which are the subject of appeal in a separate packet and shall forward them together with the notice and a certificate showing his findings as to the ballots in dispute by registered post to the registrar of the Supreme Court, but if the appeal is not limited the judge shall forward all the ballot papers and other papers to the said registrar and in either case he shall await the result of the appeal before sending his certificate to the returning officer. The judge shall upon request allow each party to make a copy of the certificate of his findings before it is forwarded to the registrar.

(3) On receipt of the ballot papers and notice the registrar shall forthwith obtain an appointment from one of the judges of the Supreme Court for hearing the appeal and shall notify the parties or their solicitors of the time so appointed.

(4) The time appointed for hearing the appeal shall not be more than ten days from the date of the appointment.

(5) At the time appointed the judge of the Supreme Court shall recount the ballot papers or such of them as are the subject of appeal, or review the final addition, as the case



may be, and shall forthwith certify his decision to the judge of the District Court, whose duty it shall be to conform to the decision and to certify the result without delay to the returning officer, who shall then forthwith declare elected the candidate having the largest number of votes.

(6) In case of an equality of votes the returning officer shall determine the candidate to be declared elected by application of the proper regulations provided by this Act.

(7) The judge of the Supreme Court may direct by and to whom the costs of the appeal shall be paid.

*Publication of Return.*

**98.** The Clerk of the Executive Council shall on receiving the return of a member elected to the Assembly give in *The Alberta Gazette* notice of the receipt of the return and of the name of the candidate or candidates elected.

*Custody of Election Papers.*

**99.** The Clerk of the Executive Council shall, subject to the provisions of this Act, retain in his possession the voters' lists and poll books transmitted to him by a returning officer for at least two years and the other documents for at least three months and if the election is contested then for three months after the termination of the contestation, and shall then destroy them by fire.

*Copies of Voters' Lists.*

**100.** The Clerk of the Executive Council shall supply copies of any voters' lists of record in his office to any person demanding the same on payment at the rate of one cent for each name and addition per copy.

*Inspection of Election Papers.*

**101.** No person shall be allowed to inspect any election paper in the custody of the Clerk of the Executive Council except under an order of a judge of the Supreme Court, which if and when made the Clerk of the Executive Council shall obey.

(2) Such order may be made on the judge being satisfied by an affidavit or other evidence on oath that the inspection or production of such election paper is required for the purpose of instituting or maintaining a prosecution for an offence in relation to election papers or for the purpose of a petition questioning an election or return.

(3) Any such order for the inspection or production of election papers may be made subject to such conditions as to persons, time, place and mode of inspection or production as the court or judge deems expedient.

*Preservation of the Peace.*

**102.** Every returning officer and every deputy returning officer from the time he takes his oath of office until completion of the performance of his duties as such officer, shall be a conservator of the peace invested with all the powers appertaining to a justice of the peace. He may—

- (a) require the assistance of justices of the peace, constables or other persons present to aid him in maintaining peace and good order at the election; and
- (b) on a requisition made in writing by any candidate or by his agent or by any two electors swear-in any such special constables as he deems necessary; and
- (c) arrest or cause by verbal order to be arrested and place or cause to be placed in the custody of any constable or other person any person disturbing the peace and good order at the election; and
- (d) cause such arrested person to be imprisoned under an order signed by him until an hour not later than the close of the poll.

**103.** A returning officer or deputy returning officer may, during the nomination day and polling day require any person within half a mile of a place of nomination or of a polling place to deliver to him any firearms, sword or offensive weapon in the hands or personal possession of such person.

**104.** Except the returning officer, the election clerk, the deputy returning officer, the poll clerk, the constable, and any special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the nomination or poll and the preservation of the public peace thereat, no person shall approach within the distance of one mile of a place of nomination or of a polling place armed with any firearm, sword or offensive weapon unless called upon so to do by lawful authority.

**105.** Every printed advertisement, handbill, placard, poster or dodger having reference to any election shall bear upon its face the name and address of its printer and publisher, and any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document unless it bears upon its face such name and address is guilty of an offence against this Act and liable on summary conviction to a penalty not exceeding one hundred dollars.

(2) Any person posting up within or on the outside of any building used for a polling place or distributing within such building or within one hundred feet thereof any election

circular, card, poster bill or other paper on polling day shall be liable on summary conviction to a penalty not exceeding twenty-five dollars.

**106.** No spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern, shop, liquor vendors or other place within the limits of any polling subdivision in the electoral division during the whole of the polling day at an election:

Provided that such restriction shall not apply to the days appointed as polling days at advance polls.

(2) Every person who violates, contravenes or fails to observe any of the provisions of this section is guilty of an offence against this Act, and shall be liable on summary conviction to a penalty not exceeding two hundred and fifty dollars and costs.

#### *Secrecy of Proceedings.*

**107.** Every person in attendance at a polling place or at a counting of votes shall maintain and aid in maintaining the secrecy of the voting.

**108.** No person shall interfere or attempt to interfere with a voter when marking his ballot paper or attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted.

(2) No person shall communicate any information obtained at a polling place as to the candidate for whom a voter at such polling place is about to vote or has voted.

**109.** No person shall directly or indirectly induce or attempt to induce a voter to show his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has voted.

**110.** Subject to the provisions of section 78 a voter shall not show his ballot paper when marked to any person so as to allow the name of the candidate for whom he voted to be known.

**111.** Every returning officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place or at the counting of the votes shall before entering on his duties take the oath of secrecy in form 45.

**112.** If a returning officer, election clerk, deputy returning officer or poll clerk becomes aware or has reason to believe or suspect that any provision of the law as to secrecy has been violated he shall communicate the particulars with all convenient speed to the Attorney General.

(2) The Attorney General shall on receiving such information from such officer or from any other person forthwith inquire into the case and if proper prosecute the offender.

(3) A person who has voted shall not in any legal proceeding questioning the election or return be compelled to state for whom he voted.

*Corrupt Practices and Other Illegal Acts.***113.** Every person who—

- (a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend or offers or promises any money or valuable consideration or promises to procure or to endeavor to procure any money or valuable consideration to or for a voter or to or for a person on behalf of a voter or to or for a person in order to induce a voter to vote or refrain from voting, or corruptly does any such act on account of a voter having voted or refrained from voting at an election; or
- (b) directly or indirectly, himself or by any other person on his behalf, gives or procures or agrees to give or procure or offers or promises any office, place or employment or promises to procure or endeavor to procure any office, place or employment to or for a voter or to or for any other person in order to induce a voter to vote or refrain from voting, or corruptly does any such act on account of a voter having voted or refrained from voting at an election; or
- (c) directly or indirectly, himself or by any other person on his behalf, makes a gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure or endeavor to procure the return of any person to serve in the Assembly or the vote of a voter at an election; or
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement procures or engages or promises or endeavors to procure the return of any person to serve in the Assembly or the vote of a voter at an election; or
- (e) advances or pays or causes to be advanced or paid money to or for the use of any other person with the intent that such money or any part thereof shall be expended in corrupt practices at an election, or knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or
- (f) directly or indirectly, himself or by any other person on his behalf, on account of and as payment for voting or for his having voted or for illegally agreeing or having agreed to vote for a candidate at an election or on account of and as payment for his having illegally assisted or agreed to assist any candidate at an election, applies to such candidate or his agent for the gift or loan of any money or valuable consideration or for the promise of the

gift or loan of any money or valuable consideration, or for any office, place or employment or for the promise of any office, place or employment; or

- (g) before or during an election, directly or indirectly, himself or by any other person on his behalf receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person for voting or agreeing to refrain from voting at an election; or
- (h) after an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting or for having induced any other person to vote or refrain from voting at an election; or
- (i) in order to induce a person to allow himself to be nominated as a candidate or refrain from becoming a candidate or to withdraw if he has become a candidate, gives or procures any office, place or employment or agrees to give or procure or offers or promises to procure or endeavors to procure any office, place or employment for such person or for any other person—

shall be guilty of bribery and shall incur a penalty of \$200, and shall also on conviction be imprisoned for a term of not less than one month and not more than six months with or without hard labor.

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election incurred by the candidate or any agent in good faith and without corrupt intent shall be deemed to be expenses lawfully incurred and payment thereof shall not be a contravention of this Act.

(3) The distribution by a candidate or his agent of political pamphlets or other political literature; or the sending or causing to be sent to voters by a candidate or his agent of newspapers containing political articles, reports of political meetings or other matters of public interest shall not be deemed corrupt or illegal acts or a contravention of this Act.

**114.** A candidate shall not nor shall any other person provide or furnish meat, drink, refreshment, or make any other provision at the expense of such candidate or other person at a meeting of voters assembled for the purpose of promoting the election previous to or during the election or pay or promise or engage to pay therefor; but nothing

herein contained shall extend to meat, drink, refreshment or provision furnished to a meeting of voters by or at the expense of any person at his usual place of residence where such a residence is a private house.

(2) Every person offending against the provisions of this section shall be guilty of a corrupt practice and shall incur a penalty not exceeding one hundred dollars.

**115.** No candidate at an election, and no person who has been nominated or selected as a candidate for election by any political party or group of individuals at a convention, or by petition, request or otherwise, shall, at any time after his nomination or selection as aforesaid, and before the holding of the poll, if any, at the election, make or promise to make directly or indirectly a subscription or donation of any kind whatsoever for any religious, charitable or philanthropic purpose or to any society or association, and it shall be an offence for any person to solicit any such subscription or donation from any such candidate or person during the period herein mentioned.

(2) A contravention of this section shall be deemed to be a corrupt practice within the meaning of this Act and of *The Controverted Elections Act*.

**116.** Every candidate who corruptly, himself or by, or with any person or by any other way or means on his behalf at any time either before or during an election directly or indirectly gives or provides or causes to be given or provided or is accessory to the giving or providing or pays wholly or in part any expenses incurred for meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected or for the purpose of corruptly influencing such person or any other person to vote or refrain from voting at an election, shall be guilty of a corrupt practice and shall incur a penalty not exceeding two hundred dollars, in addition to any other penalty to which he may be liable therefor.

(2) The giving of meat, drink, refreshment or provision to voters extensively or generally by a candidate or by his agent or the taking part therein by either of them or giving the same wholly or partly at the expense of a candidate or his agent shall *prima facie* be a corrupt practice within the meaning of this section.

(3) It shall not be a sufficient answer to a charge of a corrupt practice under this section that the person charged had been in the habit of treating.

**117.** A candidate who before or during the election makes a bet or wager or takes a share or interest in or in any manner becomes a party to a bet or wager upon the

result of the election in the electoral division or in any part thereof or on any event or contingency relating to the election shall be guilty of a corrupt practice.

(2) A candidate or other person who provides money to be used by another in betting or wagering upon the result of the election in the electoral division or in any part thereof or on any event or contingency relating to the election shall be guilty of a corrupt practice.

(3) A person who for the purpose of influencing an election makes a bet or wager on the result thereof in the electoral division or in any part thereof, or on any event or contingency relating thereto, shall be guilty of a corrupt practice.

**118.** A candidate who himself or by any person on his behalf and every other person who—

(a) hires or pays or promises to pay for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or

(b) pays the travelling or other expenses of a voter in going to or returning from a polling place—

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter other than the hirer to or near or from or on the way to or from a polling place shall be guilty of a corrupt practice and shall incur a penalty of one hundred dollars and, if a voter, shall be disqualified from voting at the election; but this subsection shall not apply to the carrying of voters to the poll in the conveyance mentioned in clause (c) of subsection (2) of section 153 hereof.

(2) Every person who provides or furnishes transportation by boat or on a railway free of charge or at a diminished rate to a voter to or near or from or on the way to or from a polling place, whether passes or tickets or the like are or are not supplied shall be guilty of a corrupt practice and shall incur a penalty of one hundred dollars and, if a voter, shall be disqualified from voting at the election.

(3) "Conveyance" for the purpose of this section shall include a horse, team, carriage, cab, automobile, taxi-cab, sleigh, cutter, vehicle, boat or vessel.

**119.** The giving or causing to be given to a voter on the nomination day or on polling day, on account of his being about to vote or having voted, any meat, drink, refreshment or provision or any money, ticket or order to enable him to procure the same shall be a corrupt practice and the person so offending shall incur a penalty of ten dollars.

**120.** Every person who directly or indirectly, himself or by any person on his behalf, uses or threatens to use force, violence or restraint or inflicts or threatens to inflict

injury, damage, harm or loss or in any manner practices intimidation upon or against a voter in order to induce or compel him to vote or refrain from voting or on account of his having voted or refrained from voting, or who by abduction, duress or false or fraudulent pretence, device or contrivance impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter or thereby compels, induces or prevails upon a voter to vote or refrain from voting shall be guilty of a corrupt practice and shall be liable to a penalty of two hundred dollars or to imprisonment for a term not exceeding one year.

(2) It shall be a false pretence within the meaning of this section to represent to a voter directly or indirectly that the ballot to be used or the mode of voting at an election is not secret.

**121.** A person who—

- (a) at an election applies for a ballot paper in the name of another person whether living or dead, or of a fictitious person; or
- (b) having voted applies at the same election for a ballot paper in his own name; or
- (c) votes more than once at the same election—

shall be guilty of the offence of personation.

(2) A person who commits or who directly or indirectly aids or abets, counsels or procures the commission of the offence of personation shall be guilty of a corrupt practice and shall incur a penalty of four hundred dollars, and shall also on conviction be imprisoned for a term not exceeding one year.

**122.** A person who—

- (a) procures an appointment as deputy returning officer or poll clerk by false pretence, deceit or other improper means; or
- (b) acts as deputy returning officer without lawful authority—

shall be guilty of a corrupt practice and shall incur a penalty of four hundred dollars, and shall also on conviction be imprisoned for a term not exceeding one year.

**123.** Any election official who knowingly appoints as election clerk, deputy returning officer or poll clerk a person who has at any time been found guilty by a competent tribunal of corrupt practices shall be guilty of a corrupt practice and shall incur a penalty of four hundred dollars.

**124.** A person who votes, knowing that he has no right to vote or who induces or procures any other person to vote, knowing that such person has no right to vote shall be guilty of a corrupt practice and shall incur a penalty of not less than fifty or more than two hundred dollars.



**125.** A person who before or during an election, knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or securing the election of another candidate, shall be guilty of a corrupt practice and shall incur a penalty of not less than fifty and not more than one thousand dollars, but the election of a candidate shall not be avoided by reason of a contravention of this section unless committed by such candidate or by his agent.

**126.** A person who before or during an election for the purpose of affecting the return of a candidate at such election makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate shall be liable to a penalty not exceeding five hundred dollars and costs and not less than one hundred dollars and costs and to imprisonment for one month.

*Consequences of Corrupt Practices.*

**127.** If an election court determines and reports that a corrupt practice has been committed by a candidate or by his agent, whether with or without the actual knowledge and consent of the candidate, the election of the candidate shall except in the case mentioned in the next succeeding section be void.

**128.** If an election court determines that an agent of a candidate was guilty of a corrupt practice that would otherwise render the election void, and further finds that—

- (a) no corrupt practice was committed at such election by the candidate personally and that the corrupt practice of the agent was committed contrary to the order and without the sanction or connivance of the candidate; and that
- (b) the candidate took all reasonable means for preventing the commission of corrupt practices at such election; and that
- (c) the corrupt practice was of a trivial, unimportant and limited character; and that
- (d) in all other respects so far as disclosed by the evidence the election was free from any corrupt practice on the part of the candidate and of his agent—

then the election of the candidate shall not by reason of the corrupt practice be void.

**129.** Subject to the provisions of subsection (2) where an election court determines and reports that a corrupt practice has been committed by or with the actual knowledge and consent of a candidate then his election, if he has been elected, shall be void and he shall, during the eight years

next after the date of his being found guilty, be incapable of being elected to and sitting in the Legislative Assembly or in any municipal council or of being entered on any voters' list or of being registered as a voter or of voting at an election or of holding any office at the nomination of the crown or any municipal office.

(2) If the election court finds that an act constituting in law a corrupt practice was committed by a candidate or with his actual knowledge and consent but without any corrupt intent and in ignorance which was involuntary and excusable, and that the candidate honestly desired and in good faith endeavored as far as he could to have the election conducted according to law, the candidate shall not be subject to the penalties and disabilities which he would otherwise incur under the next preceding subsection.

**130.** Every person other than a candidate who is found guilty of a corrupt practice in a proceeding in which after notice of the charge he has had an opportunity of being heard, or who upon his own evidence given at the trial of a petition has been found guilty of a corrupt practice and has been reported therefor, unless such finding and report have been reversed or set aside on appeal under *The Controverted Elections Act*, shall during the eight years next after the date of his being found guilty be subject to the penalties and disabilities mentioned in section 129.

(2) No person shall be subject to the penalties and disabilities referred to in subsection (1) by reason of—

- (a) a mere technical breach of law; or
- (b) an act not being an intentional violation of law.

**131.** If an election is set aside and a second election had, the second election shall be deemed to be a new election and shall not be avoided by reason of corrupt practices committed at the former election other than personal acts of the candidate or of his agent done with his actual knowledge and consent:

Provided always that the new election shall not be avoided for corrupt practices by the candidate at the former election or affecting the same which were not set up and proved at the trial of the petition and so adjudged by the election court as by law to involve the penalties and disabilities mentioned in section 129.

**132.** If it is proved on the trial of an election petition that a candidate personally engaged a canvasser or agent knowing that within eight years previous to such engagement such canvasser or agent had been found guilty by a competent tribunal of, or reported by an election court for, a corrupt practice the election of such candidate shall be void.

**133.** If, at any time after a person has become disqualified the witnesses on whose testimony he has become disqualified or any of them are convicted of perjury in respect of such testimony the court of appeal upon the motion of the person disqualified and upon being satisfied that such disqualification was procured by reason of perjury may order that the disqualification shall thereafter cease and determine.

**134.** Every executory contract, promise or undertaking in any way referring to, arising out of or dependent upon an election, even for the payment of lawful expenses or the doing of a lawful act, shall be void.

**135.** No pecuniary penalty or forfeiture shall be recoverable for a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the corrupt practice; but this provision shall not apply if the court or judge before whom the person claiming the benefit thereof is charged certifies that it clearly appears that the person so charged took the first step towards the commission of the offence and that he was in fact the principal offender.

#### OFFENCES AND PENALTIES.

**136.** A returning officer, deputy returning officer, an enumerator, or other person whose duty it is to deliver poll books, or voters' lists or who has the custody of a certified list of voters, polling list or poll book who wilfully makes any alteration or insertion in or omission from or in any way wilfully falsifies such certified list, voters' list or poll book shall be guilty of a corrupt practice and shall incur a penalty of two thousand dollars and shall also on conviction be imprisoned for one year.

**137.** Every person who—

- (a) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon; or
- (b) fraudulently and without authority supplies a ballot paper to any person; or
- (c) fraudulently places in a ballot box a paper other than the ballot paper which he is authorized by law to place therein; or
- (d) fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer; or

- (e) fraudulently takes a ballot paper out of the polling place; or
- (f) fraudulently and without authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election; or
- (g) fraudulently uses the authorized stamp for any purpose other than the stamping of ballot papers or not being a returning officer fraudulently has in his possession any such stamp or any counterfeit or imitation thereof; or
- (h) being a deputy returning officer fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; or
- (i) with fraudulent intent prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (j) being authorized by the returning officer to print the ballot papers for an election with fraudulent intent prints more ballot papers than he is authorized to print; or
- (k) attempts to commit any offence mentioned in this section—

shall be disqualified from voting at any election for a term of eight years thereafter and liable if he is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, to imprisonment without the alternative of fine for a term not exceeding two years and not less than six months with or without hard labor and if he is any other person, to imprisonment for a term not exceeding one year and not less than three months with or without hard labor.

**138.** A person who wilfully and maliciously destroys, injures or obliterates or causes to be destroyed, injured or obliterated a writ of election or a return to a writ of election or a poll book, voters' list, certified list of voters, certificate or affidavit prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them shall incur a penalty of two thousand dollars and shall also on conviction be imprisoned for one year.

(2) A person who aids, abets, counsels or procures the commission of a violation of the next preceding subsection, shall be guilty of a corrupt practice and shall incur a penalty of two thousand dollars and shall also on conviction be imprisoned for one year.

**139.** Any person unlawfully taking down, covering up, mutilating, defacing or altering any proclamation, notice or

other document required to be posted up under any of the provisions of this Act shall be liable to a penalty not exceeding one hundred dollars and costs and not less than twenty-five dollars and costs or in default of payment of such penalty and costs to imprisonment for a term not exceeding six months and not less than one month with or without hard labor, and if the person so offending is an enumerator, returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged under the provisions of this Act he shall be liable to a penalty not exceeding five hundred dollars and costs, and not less than one hundred dollars and costs or in default of payment of such penalty and costs, to imprisonment for a term not exceeding one year and not less than three months with or without hard labor.

(2) A copy of subsection (1) of this section shall be printed in large type either upon every such proclamation, notice, list of voters or other document or shall be printed as a separate notice and posted up where it can be easily read close to such posted proclamation, notice, or other document.

**140.** A deputy returning officer who omits to put his initials on the back of a ballot paper in use for the purposes of an election or who puts on any ballot paper any word, letter, figure or mark not required by the Act shall incur a penalty of twenty dollars in respect of every such ballot paper.

(2) A deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 87 and 88 shall for each refusal or neglect incur a penalty not exceeding two hundred dollars.

**141.** A returning officer, deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll shall be guilty of a corrupt practice and shall incur a penalty of two hundred dollars and one month's imprisonment.

**142.** A person who upon demand refuses to deliver up to a returning officer or deputy returning officer any weapon as provided in section 103 hereof shall incur a penalty of twenty dollars.

**143.** Any person guilty of a contravention of any of the provisions of section 104 shall incur a penalty of one hundred dollars.

**144.** Any person guilty of a contravention of any of the provisions of sections 107, 108, 109 or 110 of this Act shall be liable on conviction to imprisonment for any term not exceeding six months.

**145.** Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act shall in addition to any other penalty or liability to which he may be subject forfeit to any person aggrieved thereby a sum not exceeding four hundred dollars.

#### PROSECUTIONS.

**146.** Proceedings for the imposition of punishment by fine, penalty or imprisonment for any violation of any of the provisions of this Act where not herein otherwise provided for shall be brought summarily before the judge of the District Court of the judicial district in which such violation was committed, sitting and acting as a justice of the peace under the provisions of part XV of *The Criminal Code*, and the provisions of said part XV of *The Criminal Code* shall, except as herein specially excepted, apply *mutatis mutandis* to such proceedings.

(2) No appeal shall lie from the decision of a District Court judge under the provisions of this section, save only in cases involving offences declared to be corrupt practices and punishable by imprisonment alone or, in addition, to a pecuniary penalty or fine, in which cases there shall be an appeal from a conviction to the Appellate Division of the Supreme Court and any such appeal shall be subject to the Rules of Court in civil matters.

**147.** In any proceeding it shall not be necessary at the hearing to produce the writ of election or the return thereto or the authority of the returning officer founded upon the writ of election but general evidence shall be sufficient.

**148.** The certificate of the returning officer to that effect shall constitute proof of the election having been held and of the fact of any person therein stated to have been a candidate having been such a candidate; and such facts may also be provided by parol evidence.

**149.** Any pecuniary penalty, fine or sum of money which an accused person has been ordered to pay where not otherwise herein provided for shall be paid into the general revenue fund of the province.

**150.** In the event of suspension or delay at any stage of such proceedings the court before which the matter is pending may permit one or more persons to intervene and carry on such proceedings to a final determination.

**151.** Proceedings for violation of the provisions of this Act, except as herein otherwise provided, shall be commenced within six months next after the violation was committed by act or omission and not afterwards.

## ELECTION EXPENSES.

**152.** No payment, except with respect to the personal expenses of a candidate and no advance, loan or deposit shall be made by or on behalf of a candidate before, during or after the election on account of the election otherwise than through his official agent.

(2) "Personal expenses" when used in this section shall include the following expenses and payment therefor may lawfully be made by the candidate personally:

- (a) Reasonable and *bona fide* rent or hire of halls or other places used by a candidate personally in which to address public meetings of voters; and the expenses incurred in heating, lighting and cleaning the same;
- (b) Reasonable, ordinary and necessary travelling and living expenses of the candidate;
- (c) Reasonable, ordinary and necessary travelling and living expenses of one speaker for each meeting who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate;
- (d) Reasonable and ordinary charges for the hire and keep of horses and hire of conveyances for the use of the candidate in travelling to and from public meetings and in canvassing in the electoral district and reasonable and ordinary charges for the services and maintenance of a driver;
- (e) Reasonable and ordinary charges for use by the candidate personally of not more than one conveyance and the services of a driver on the polling day.

(3) The onus of showing that the personal expenses paid by the candidate were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation shall be upon the candidate.

(4) The contracting for or the receipt of ordinary and reasonable charges—

- (a) by the owner or possessor of a hall or room in which to hold *bona fide* public meetings for the purposes of the election; or
- (b) by a printer for printing voters' lists, election addresses or advertisements or notices of election meetings; or
- (c) by any person for the hire of horses and vehicles used in connection with and for the proper purposes

of the election and not for carrying voters, otherwise than by the candidate as provided by clause (e) of sub-section (2) hereof—

shall be lawful and shall not disqualify such owner, printer or other person from voting.

**153.** A person who has any claim against a candidate for or in respect to an election shall send in such claim within one month from the day of the declaration of the result of the election to the official agent of the candidate otherwise his right to recover the same shall be barred.

(2) In case of the death within the said month of any person having such claim his legal representative shall send it in within one month after probate or administration has been obtained, otherwise the right to recover the same shall be barred.

(3) In case of the death of the official agent or of his incapacity to act and no other agent having been appointed such claim may be sent in or delivered to the candidate.

(4) No such claim shall be paid without the authority of the candidate and the approval of the official agent.

**154.** Notwithstanding anything in the next preceding section contained, any claim which would have been payable if sent in within one month of the day of the declaration may be paid by the candidate through his official agent after that time if such claim is approved by the judge.

(2) All claims allowed by the judge shall within one week thereafter be advertised by the returning officer at the expense of the candidate in the same newspaper in which the statement of the other election expenses was published.

**155.** A detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall within two months after the election (or where by reason of the death of the creditor no claim has been sent in within such period of two months then within one month after such claim has been sent in) be made out and signed by the official agent who has paid the same (or by the candidate in case of payments made by him) and delivered with the bills and vouchers relating thereto to the returning officer.

(2) The returning officer within fourteen days after receiving the statement shall publish at the expense of the candidate an abstract thereof in a newspaper published or circulating in the electoral division and the returning officer shall mail a copy of the said statement to the Clerk of the Executive Council.



(3) An agent or candidate who makes default in delivering the statement to the returning officer shall incur a penalty not exceeding twenty-five dollars for every day during which he makes default.

(4) An agent or candidate who wilfully furnishes to the returning officer an untrue statement shall incur a penalty of four hundred dollars.

(5) The returning officer shall preserve all such bills and vouchers and shall during the six months next after they have been delivered to him permit any voter to inspect the same on payment of a fee of twenty-five cents.

*Fees and Expenses.*

**156.** The compensation of returning officers and other persons employed at or with respect to elections under this Act and all expenses consequent thereupon shall be paid by the Provincial Treasurer out of the general revenue fund of the Province but only such sums as shall be determined by the Lieutenant Governor in Council shall be allowed or paid for such services and expenses.

(2) All accounts for compensation of services and expenses payable under the provisions of this section shall be rendered in duplicate duly certified to and accompanied by satisfactory vouchers showing disbursements made, if any, and shall be forwarded for payment as herein provided to the Clerk of the Executive Council at the City of Edmonton.

(3) The returning officer shall keep an account in an expense book provided of the costs in connection with an election giving the names of the parties, nature of services performed and amounts paid or charged and the total costs for the electoral division and shall forward same to the Clerk of the Executive Council as soon as completed.

*Plebiscite.*

**157.** As often as it appears to the Lieutenant Governor in Council to be expedient that an expression of opinion as to the desirability of amending any legislation or of introducing any new legislation relative to any subject matter whatsoever should be elicited from the electors of the Province, then the Lieutenant Governor in Council may give directions as to the holding of a general plebiscite of the said electors for the purpose of ascertaining the said opinion.

**158.** In giving such directions the Lieutenant Governor in Council may fix the question or questions to be submitted to the electorate, the method of instituting the plebiscite, the forms of ballot to be used, the person or persons to conduct the same and the general machinery for the taking of the

plebiscite and generally may determine all matters preparatory to, consequent upon, ancillary to or connected with the same.

**159.** The provisions of this Act as to elections shall *mutatis mutandis* apply to all plebiscites taken under this Act, save where it is otherwise expressly directed by order of the Lieutenant Governor in Council.

*General.*

**160.** The Lieutenant Governor in Council may make such rules and regulations as he may deem necessary for the giving effect to this Act and for carrying out the provisions thereof according to its intent and meaning.

**161.** The Lieutenant Governor in Council may from time to time whenever it is necessary so to do vary any of the forms in the schedule to this Act or may cause to be adopted any other form or forms which he considers applicable to any special case or class of cases for which a form has not been provided in the schedule to this Act.

*Irregularities in Conduct of Election.*

**162.** No election shall be declared invalid by reason of—

- (a) any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll; or
- (b) a failure to hold a poll at any place appointed for holding a poll; or
- (c) non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes or as to limitations of time; or
- (d) any mistake in the use of the forms contained in the schedule hereto;

if it is shown to the satisfaction of the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act and that such irregularity, failure, non-compliance or mistake did not materially affect the result of the election.

**163.** *The Alberta Election Act*, being chapter 3 of the Statutes of Alberta, 1909, and amendments thereto, are hereby repealed.

**164.** This Act shall come into force on a day to be fixed by the Lieutenant Governor by his proclamation.

## SCHEDULE OF FORMS.

## FORM 1.

(Section 3a.)

*Writ of Election.*

## CANADA

## PROVINCE OF ALBERTA

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To....., of....., in the Province of Alberta, Greeting:

Whereas, by advice of our Executive Council of our Province of Alberta, we have ordered a Legislature to be holden at our City of Edmonton on the.....day of .....next (*omit this preamble in case of a by-election*):

We command you that, notice of the time and place of election being given, you do cause an election to be held according to law of a member to serve in the Legislative Assembly of our said Province of Alberta for the Electoral Division of..... (*in case of a by-election insert here "in the place of....., deceased," or otherwise state cause of vacancy*), and that you do cause a nomination of candidates at such election to be held on the .....day of .....next, and that in the event of a poll being granted you do cause a poll to be taken on the.....day of....., 19...., and do cause the name of each member so elected whether he be present or absent to be certified to our Clerk of the Executive Council as by law directed.

In testimony whereof we have caused these our letters to be made patent and the Great Seal of our said Province of Alberta to be hereunto affixed.

Witness our trusty and well beloved counsellor, ..... Lieutenant Governor of our Province of Alberta at our City of Edmonton this.....day of.....in the.....year of our reign and the year of our Lord 19..

By order,

.....  
*Clerk of the Executive Council.*

## (INDORSEMENT)

Received the within writ on....., being the.....day of.....191...

.....  
*Returning Officer.*

## FORM 2.

(Section 9.)

LIST OF FORMS AND MATERIAL TO BE SENT TO THE RETURN-  
ING OFFICER AFTER THE ISSUE OF A  
WRIT OF ELECTION.

Number or Quantity	No. of Form	Section of Act	Description
1 for each enumerator	.....	.....	<i>The Alberta Election Act.</i>
1	2	9	List of Forms and Election Material sent to R.O. immediate- ly after issue of Writ.
1	3	10	Oath of R. O.
1	4	12	Form of Proclamation.
1	5	13	Commission of Election Clerk.
1	6	13	Oath of Election Clerk.
1 for each poll	7	14	Commission of Enumerator.
1 for each poll	8	14	Enumerator's Oath of Office.
Sufficient supply	9	14	List of Voters.
2 for each poll	10	20	Enumerator's Certificate, true copy of list.
1 for each poll	11	22	Enumerator's Certificate, ap- proved copy of list.
Sufficient supply	12	24	Advance Poll Certificate—only Electoral Divisions where ad- vance polls.
2 for each poll	13	25	Enumerator's Certificate.
each candidate	14	31	Nomination Paper.
3	15	33	Returning Officer's Return, where acclamation.
1	16	36	Form Election Notice.
1 for each poll	17	39	Commission of Deputy Returning Officer.
1 for each poll	18	39	Deputy Returning Officer's Oath of Office.
1	26	56	Affidavit of Printer.
1	28	59	Places where Advance Polls shall be held.
2	39	90	General Statement of Returning Officer.
1 for each candidate	40	90	Returning Officer's Certificate for candidates or their agents, of the result of the poll.
2	41	91	Extra Statement by Returning Officer where one member to be elected, and there are more than two candidates.
2	42	92	Statement delivered to the Re- turning Officer by the Super- visors, or prepared by the Re- turning Officer, of the result of the poll, where more than one member is to be elected and more candidates go to the poll than there are members to be elected.
2	43	94	Returning Officer's return after a poll has been taken.
1	44	94	Oath of Returning Officer after transmitting his return.
Sufficient supply	45	110	Oath of Secrecy.
2 for each poll	.....	.....	Vouchers for enumerator's ac- counts.
1 for each enumerator	.....	.....	Schedule of Fees.
2	.....	.....	Bibles for Administering Oaths.

## FORM 3.

(Section 10.)

## OATH OF RETURNING OFFICER.

Electoral Division of.....

I, *A.B.*, returning officer for the electoral division of  
 ....., swear (*or solemnly affirm*)  
 that I am legally qualified to act as returning officer for the  
 said electoral division and that I will act faithfully in that  
 capacity, without partiality, fear, favor or affection. So  
 help me God.

Sworn ( <i>or affirmed</i> ) before me	} <i>A.B.</i> ,  <i>Returning Officer.</i>
at .....	
..... the.....	
of.....in the Prov-	
ince of Alberta this.....	
day of.....19...	

.....  
*A Commissioner, etc., (or as the case may be).*

## FORM 4.

(Section 12).

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE  
 TIME AND PLACE FOR THE NOMINATION OF CANDIDATES  
 AND THE DAY FOR OPENING THE POLL.

(Provincial Arms)

## PROCLAMATION.

Electoral Division of.....

Public notice is hereby given that in obedience to His  
 Majesty's writ to me directed and bearing date the.....  
 day of....., 19..., I require the presence  
 of the voters at the town hall (*or as the case may be*), in  
 the city (*or town or village, as the case may be*) of.....  
 .....in the electoral division of.....  
 on the.....day of.....  
 19... from noon until two o'clock in the afternoon, for the  
 purpose of nominating a person (*or persons, as the case  
 may be*) to represent them in the Legislative Assembly;  
 and notice is further given that in case a poll is demanded

and allowed in the manner by law prescribed, such poll will be open on the.....day of.....19.. in each of the polling subdivisions hereinafter mentioned, from the hour of nine o'clock in the forenoon until 8 o'clock in the evening in cities and in polls in city electoral divisions designated hereon as "Suburban," and from nine o'clock in the forenoon until five o'clock in the evening in all other polls.

Poll No. 1. Avondale, etc.

*Here fill in consecutive number, name and boundaries of each poll and designate the polling place. Place the word "Suburban" in brackets after the name of any poll in a city electoral division that should be kept open from nine till eight and give a notice of an advance poll at places where such is provided for by The Election Act.*

ADVANCE POLL.—For the convenience of electors who will be necessarily absent from their homes on election day, an advance poll will be open from the hour of two o'clock till five in the afternoon and from seven o'clock till ten o'clock in the evening of the Thursday, Friday, and Saturday of the week before that of the election at (*fill in location of polling place or places*).

And further that at (*describe place where the result of the election will be announced*), on the.....day of.....19..., at the hour of ten o'clock in the forenoon, I shall attend and announce the result of the count of the votes and declare the candidate or candidates to the number required by law having the highest number of votes duly elected.

Of which all persons are hereby required to take notice and govern themselves accordingly.

GOD SAVE THE KING

Given under my hand at.....  
in the Province of Alberta } .....  
this.....day of..... } *Returning Officer.*  
in the year 19...

(*Add section 139 of The Alberta Election Act here*).

FORM 5.

(Section 13).

COMMISSION OF ELECTION CLERK.

Electoral Division of.....

To *E.F.* (*set forth his residence and occupation*).

In my capacity of returning officer for the electoral division of....., I hereby appoint you to be my election clerk to act in that capacity at the approaching election for the said electoral division which election will be opened by me on the.....day of.....19.. (*the date to be inserted here is the day of nomination*).

Given under my hand this.....day of.....19..

*A. B.,*  
*Returning Officer.*

---

FORM 6.

(Section 13, subsection 5.)

OATH OF ELECTION CLERK.

Electoral Division of.....

I, *E.F.*, appointed election clerk for the electoral division of....., swear (*or solemnly affirm*) that I am legally qualified to act as election clerk, and that I will act faithfully in that capacity and also in that of returning officer, if required to act in that capacity, without partiality, fear, favor or affection. So help me God.

Sworn ( <i>or affirmed</i> ) before me	} <i>E. F.,</i> <i>Election Clerk.</i>
at .....	
..... the.....	
of.....in the Prov-	
ince of Alberta this.....	
day of.....19..)	

.....

*A Commissioner, etc., (or as the case may be).*

FORM 7.

(Section 14, subsection 3).

COMMISSION OF ENUMERATOR.

To .....  
                                 *(Full name)*  
of .....  
   *(Residence)*                 *(Occupation)*

We, the undersigned, hereby appoint you to be enumerator for polling subdivision No. .... in the electoral division of ..... in the Province of Alberta, at the election to be held on the ..... day of ..... 19..., which duties you are required to perform in accordance with the provisions of *The Alberta Election Act*.

Given under our hands at the.....of.....  
in the Province of Alberta, this.....day of  
....., 19...

.....  
*Returning Officer.*

.....  
*Election Clerk.*

FORM 8.

(Section 14, Subsection 4).

ENUMERATOR'S OATH OF OFFICE.

I, the undersigned, .....  
(Name in full)  
of .....  
(Residence) (Occupation)

appointed enumerator for polling subdivision No.....  
of the Electoral Division of.....  
in the Province of Alberta, do swear (*or, being one of  
the persons permitted by law to affirm in civil cases,  
solemnly affirm*) that I will act faithfully in my said capacity  
of enumerator without partiality, fear, favour or affection.  
So help me God.

Sworn (or affirmed) before me  
at the.....of  
.....in the  
Province of Alberta this.....  
day of.....19....

.....  
*Enumerator.*

*R.O., E.C., J.P., a Commissioner or N.P.  
(or as the case may be).*



FORM 9.

LIST OF VOTERS.

(Section 14, Subsection 5, of The Alberta Election Act.)

Electoral Division of..... Polling Subdivision No.....

No.	Name	Occupation or Addition	Residence	Post Office Address	Remarks

FORM 10

(Section 20, Subsection B.)

ENUMERATOR'S CERTIFICATE OF TRUE COPY OF LIST.

I certify that the foregoing is a true copy of the voters' list in Polling Subdivision No..... (or as the case may be) of the electoral division of....., as prepared by me for use in the election of a member (or, members, as the case may be) of the Legislative Assembly of Alberta for the said electoral division now pending, and I hereby designate.....as the place where and when voters may conveniently find me between ten o'clock in the forenoon and four o'clock in the afternoon during the first two of the three consecutive week days next before the polling day.

.....  
Enumerator.

(Here the enumerator shall make any addition to the list which he finds necessary.)

FORM 11.

(Section 22.)

I certify that the foregoing is a corrected list of the voters in polling subdivision No..... (or as the case may be) of the electoral division of..... as revised (or, if no correction is made, as finally approved) by me this .....day of.....19...

.....  
Enumerator.

FORM 12.

(Section 24.)

PROVINCE OF ALBERTA.

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 sub-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.....

PROVINCE OF ALBERTA.

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 neces-  
sary 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.

FORM 13.  
(Section 25).

ENUMERATOR'S CERTIFICATE.

I hereby certify that....., who is  
appointed to act as.....at poll No.....  
in the electoral division of.....is a  
qualified voter belonging to poll No.....in the said  
electoral division.

Signed and issued by me this.....day of  
.....A.D. 19...

.....  
*Enumerator for Poll No.....in said Electoral Division.*

FORM 14.  
(Section 31.)

NOMINATION PAPER.

Insert name of Electoral Division.  
Insert name, residence and occupation of person nominated and present location if absent from electoral division.  
If person nominated is absent from the electoral division it must be stated here.

We, the undersigned voters of the electoral  
division of .....  
hereby nominate .....  
.....  
as a candidate at the election now about to be  
held of a member to represent the said electoral  
division in the Legislative Assembly of Alberta.

Witness our hands this.....day of  
.....19...

Voters sign here:

Name	Residence	Occupation

The J.P., commissioner, notary public, or returning officer, as the case may be, before whom the voters sign must sign here.

Signed by the above subscribing voters before me  
.....  
.....  
*For Alberta (or Returning Officer.)*

Here insert name of candidate. I, the said.....  
nominated in the foregoing nomination paper,  
hereby consent to such nomination.

My address for service is.....

Here insert name of official agent. I hereby appoint.....of  
.....my official agent.

.....  
Witness. Candidate.

FORM 15.

(Section 33.)

RETURN WHERE THERE ARE NO MORE CANDIDATES THAN  
MEMBERS TO BE ELECTED.

I hereby certify that the member (or members) elected  
for the electoral division of....., in  
pursuance of the within written writ, is (or are) J.K., of  
.....in....., and L.M.,  
of....., (as in nomination paper), no other  
candidate having been nominated (or the other or all other  
candidates having withdrawn, as the case may be).

Dated at.....this.....day  
of.....19...

.....  
Returning Officer.

FORM 16.

(Section 36 of The Alberta Election Act).

NOTICE OF POLL BEING GRANTED AND OF CANDIDATES  
NOMINATED.

Electoral Division of.....  
To wit:

Public notice is hereby given to the voters of the electoral  
division aforesaid that a poll has been demanded at the  
election now pending for the said electoral division and that  
I have granted such poll; and further that the persons duly  
nominated as candidates at the said election and for whom  
only votes will be received are:

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

Of which all persons are hereby required to take notice  
and govern themselves accordingly.

Given under my hand at.....this  
.....day of.....in the year 19...

.....  
Returning Officer.

FORM 17.

(Section 39.)

COMMISSION OF DEPUTY RETURNING OFFICER.

To .....  
(Insert name, residence, and occupation.)

In my capacity of returning officer for the electoral division of....., I hereby appoint you to be deputy returning officer for polling place No..... of polling subdivision No.....in the said electoral division, there to take the votes of the voters; and you are hereby authorized and required to open and hold the poll at the said polling place on the.....day of....., 19..., at.....o'clock in the forenoon, at.....  
(Here

.....  
*describe particularly the place in which the poll is to be held*) and there to keep the said poll open during the hours prescribed by law and to do and perform in such polling place all acts and duties required to be performed by the deputy returning officer appointed to act therefor, and after counting the votes given to return to me forthwith or as required by the provisions of *The Alberta Election Act*, the ballot box sealed with your seal and enclosing the ballots, envelopes, polling list and other documents required by law, together with this commission.

Given under my hand this.....day of.....  
19...

.....  
Returning Officer.

FORM 18.

(Section 39, Subsection (2) (b.))

OATH OF DEPUTY RETURNING OFFICER.

I....., appointed deputy returning officer for polling subdivision No..... of the electoral division of....., swear (or solemnly affirm) that I am legally qualified to act as deputy returning officer, and that I will act faithfully in that capacity without partiality, fear, favour or affection. So help me God.

Sworn (or affirmed) before me  
at the.....of.....  
in the Province of Alberta } Deputy Returning Officer.  
this.....day of.....,  
19...

.....  
R.O., P.C., Comr., J.P., or N.P.

FORM 19.

(Section 42.)

COMMISSION OF POLL CLERK.

To .....  
(Insert name, residence and occupation)

In my capacity of deputy returning officer (or poll clerk acting as deputy returning officer, *as the case may be*) for the polling place No..... of polling subdivision No..... in the electoral division of....., I hereby appoint you to be poll clerk for the said polling place.

Given under my hand at.....this.....  
day of.....19...

.....  
*Deputy Returning Officer.*

FORM 20.

(Section 42.)

OATH OF POLL CLERK

I,....., appointed poll clerk for polling place No..... of the polling subdivision No. .... in the electoral division of....., swear (or solemnly affirm) that I am legally qualified to act as poll clerk, and that I will act faithfully in that capacity and also in that of deputy returning officer if required to act in that capacity according to law without partiality, fear, favor or affection. So help me God.

Sworn (or affirmed) before me  
at the..... of.....  
in the Province of Alberta } .....  
this.....day of....., } *Poll Clerk.*  
19...

.....  
*R.O., E.C., D.R.O., J.P. or N.P.*

FORM 21.

(Section 44.)

POLL BOOK

Consecutive Number.	Names of Voters.	Place of Residence	Post Office Address	Occupation	Objection	Sworn or affirmed.	Refused to swear or affirm or to answer.	Voted (to indicate that voter has voted).	REMARKS

A deputy returning officer has authority to appoint a constable only where he considers it necessary to have such official to preserve order at the poll. No written appointment is necessary, but before acting the person appointed shall take the oath of constable as given below:

FORM 22.

(Section 48.)

OATH OF CONSTABLE

I....., having been appointed constable to preserve order at the polling place for polling subdivision No.....in the electoral division of ....., do solemnly swear that I will truly, faithfully and impartially perform the duties appertaining to the said office according to the best of my skill and ability. So help me God.

Sworn (or affirmed) before me  
at the..... of  
..... in  
the Province of Alberta this .....day of  
.....19....

.....  
Constable.

.....  
(R.O., E.C., D.R.O., Commr., J.P. or N.P., or as the case may be.)

## FORM 23.

(Section 51, Subsection 5.)

## PROVINCE OF ALBERTA

NOTICE AS TO  
SECRECY OF VOTING

It is the sworn duty of every person in attendance at this polling place, or at the counting of the votes, not to attempt to ascertain how any person is about to vote or has voted and not to communicate any information obtained at the polling place which may enable or assist any person to ascertain how any person has voted.

It is further the sworn duty of every such person by all proper means to maintain and aid in maintaining the absolute secrecy of the polling at this polling place.

Any person who acts in contravention of his duty in any of the said particulars is liable to imprisonment for any term not exceeding six months.

By *The Alberta Election Act*, it is further provided that no person shall destroy, take, open or otherwise interfere with any ballot box or book or packet of ballot papers or a ballot paper or ballot in use for the purposes of the election nor shall attempt to do so and that any returning officer, deputy returning officer or other officer engaged in the election who is guilty of any violation of that provision shall be liable to imprisonment for three years and any other person guilty of such violation to imprisonment for one year.

The said Act further provides that in addition to every other penalty and liability any officer engaged in the election who is guilty of any wilful misfeasance or any wilful act or omission in contravention of the Act shall forfeit to any person aggrieved thereby the sum of four hundred dollars.

(Insert here section 139 of *The Alberta Election Act*.)



## FORM 24.

(Section 55, subsection (3).)

LIST OF FORMS AND MATERIAL TO BE PLACED IN  
EACH BALLOT BOX

Number or Quantity	No. of Form	Section of Act	Description
1	19	42	Commission of Poll Clerk.
1	20	42	Oath of Poll Clerk.
1	21	44	Poll Book.
1	22	48	Oath of Constable.
2	23	51	Secrecy of Voting.
1	24	55	List of Forms and Material to be placed in each ballot box.
Sufficient supply	25	56	Blank Ballot Papers; Stamp and Pad.
2	27	58	Guidance of voters.
1	29	65	Form of Oath to be administered to a voter whose name is on the list or who applies to have it put on.
1	30	68	Form of Oath to be administered to a deputy returning officer, poll clerk, candidate or agent who wishes to vote at other than his home poll on an enumerator's certificate.
1	31	78	Oath of inability to read or physical incapacity.
1	32	79	Oath of Interpreter.
3	33	87	Statement of Poll by deputy returning officer after counting the ballots.
1 for each candidate	34	87	Certificate of deputy returning officer to be delivered to candidates or their representatives.
1	35	87	Oath of Poll Clerk after closing the Poll.
1	36	88	Receipt for ballot box by messenger.
1	37	88	Oath of Poll Clerk or messenger delivering or sending ballot box.
1	38	88	Oath of deputy returning officer after closing of the poll.
1	.....	.....	<i>The Alberta Election Act.</i>
2	.....	.....	Pencils for marking ballots.
1	.....	.....	Envelope for key.
1	.....	.....	Tag for key.
1	.....	.....	Envelope for unused ballots.
1 for each candidate	.....	.....	Envelopes for ballots for respective candidates.
1	.....	.....	Envelope for spoiled, declined and cancelled ballots.
2	.....	.....	Large envelopes.
1	.....	.....	Bible for use in administering oaths.
1	.....	.....	Sealing wax—stick.
12	.....	.....	Voucher Forms on which accounts of officials engaged and account for rent of polling places are to be rendered.
1	.....	.....	Schedule of Fees.

## FORM 25.

(Section 56, Subsection 2.)

## FORM OF BALLOT PAPER

*Front*

The black line above the first name shall extend to the upper edge and the black line below the last name shall extend to the lower edge of the ballot paper and all black lines be prolonged to the edge of the paper. The black margin to the left is the counterfoil and the space to the left of the counterfoil is the stub. There shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

The names of the candidates alphabetically arranged in the order of their surnames, with the address and occupation of each, shall be printed on the ballot paper as close as possible to the black margin at the left.

The ballots must be bound or stitched in books containing 10, 15, 25, 50 or 100 ballots according to the order of the returning officer.

BROWN, JOSEPH,  
of the Village of  
Merchant.

JOHNSON, EDWARD,  
of Township            Range            West  
of            Meridian, Farmer.

SMITH, WILLIAM,  
of the City of  
Barrister.

WILSON, LOUIS,  
of the Post Office of  
Rancher.

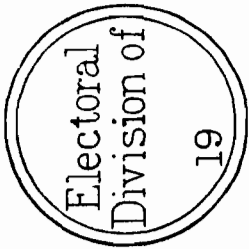
YOUNG, JOHN,  
of the Town of  
Insurance Agent.

*Back.*

No.  
.....  
No.  
No. of Vote in Poll Book.

D. R. O. Initials.

R. O. Stamp.



## FORM 26.

(Section 56, Subsection 8.)

## AFFIDAVIT OF PRINTER.

Electoral Division of.....

I,....., swear (*or* solemnly affirm) :

1. That by direction of the returning officer for the above named electoral division I printed the ballot papers for use at the election to be held on the.....day of.....19..., on the paper furnished by him for that purpose.

2. That the annexed form shows the description of the ballot papers printed by me as aforesaid.

3. That I supplied the returning officer with..... of such ballot papers;

4. That no other of such ballot papers were printed by or supplied by me to any one.

Sworn ( <i>or</i> affirmed) before me	} .....	<i>Printer.</i>
at the..... of		
..... in		
the Province of Alberta this		
.....day of		
.....19...		

.....  
*D.R.O., E.C., J.P., Commr. or N.P., as the case may be.*

## FORM 27.

(Section 58.)

## DIRECTIONS FOR THE GUIDANCE OF VOTERS.

The voter **MUST NOT**—

- (a) use the X mark;
- (b) place more than one figure in the white space containing the name of any candidate;
- (c) make the same choice for more than one candidate;
- (d) make any other mark on the ballot.

The voter shall go into the booth and with the pencil provided place the figure 1 within the white space containing the name of the candidate who is his first choice.

He may place the figure 2 within the white space containing the name of the candidate he would prefer if the candidate who is his first choice does not need his vote or cannot be elected with it.

He may then place the figure 3 within the white space containing the name of the candidate he would prefer if neither his first nor his second choice needs his vote or if neither can be elected with it. And so on, making as many choices as there are candidates.

The voter may plump for one candidate alone, using the figure 1 without spoiling his ballot, but is urged to vote the full extent of his choices, as it is only by marking the full number of choices that the voter obtains the full benefit of the ballot.

When the voter has marked his ballot paper he shall fold it so that the initials and stamp on the back and the number on the counterfoil can be seen without opening it. He shall then return the ballot paper so folded to the deputy returning officer, who shall in full view of those present, including the voter, remove the counterfoil, destroy the same and place the ballot paper in the ballot box. The voter shall then forthwith leave the polling place.

If the voter inadvertently spoils a ballot paper so that he cannot conveniently use it, he may return it to the deputy returning officer, who will give him another.

If the voter fraudulently takes a ballot paper out of the polling place or fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given him by the deputy returning officer, he shall be liable to imprisonment for one year.

In the following form of ballot paper given for illustration the names of five candidates are on the ballot:

(1)	(2)	(3)	(4)
Brown, Joseph, of the Village of Cadogan, Merchant ..... 2	Brown, Joseph, of the Village of Cadogan, Merchant ..... 1	Brown, Joseph, of the Village of Cadogan, Merchant ..... 4	Brown, Joseph, of the Village of Cadogan, Merchant ..... 5
Johnson, Edward, of Township 37, Range 5, West of the 4th Meridian, Farmer ..... 1	Johnson, Edward, of Township 37, Range 5, West of the 4th Meridian, Farmer ..... 2	Johnson, Edward, of Township 37, Range 5, West of the 4th Meridian, Farmer ..... 2	Johnson, Edward, of Township 37, Range 5, West of the 4th Meridian, Farmer ..... 3
Smith, William, of the City of Calgary, Barrister ..... 5	Smith, William, of the City of Calgary, Barrister ..... 4	Smith, William, of the City of Calgary, Barrister ..... 1	Smith, William, of the City of Calgary, Barrister ..... 4
Wilson, Louis, of the Post Office of Olds, Rancher... 4	Wilson, Louis, of the Post Office of Olds, Rancher... 3	Wilson, Louis, of the Post Office of Olds, Rancher... 3	Wilson, Louis, of the Post Office of Olds, Rancher... 2
Young, John, of the Town of Beverly, Insurance Agent ..... 3	Young, John, of the Town of Beverly, Insurance Agent ..... 5	Young, John, of the Town of Beverly, Insurance Agent ..... 5	Young, John, of the Town of Beverly, Insurance Agent ..... 1
1st. Example. The voter has given his first preference to Johnson, his second to Brown, his third to Young, fourth to Wilson, and fifth to Smith.	2nd—Brown, first; Johnson, second; Wilson, third; Smith, fourth, and Young, fifth.	3rd—Smith, first; Johnson, second; Wilson, third; Brown, fourth, and Young, fifth.	4th—Young, first; Wilson, second; Johnson, third; Smith, fourth, and Brown, fifth.

Insert here section 139 of *The Alberta Election Act*.

## FORM 28.

*(Section 59.)*

## PLACES WHERE ADVANCE POLLS SHALL BE HELD

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.

The Village of Mirror in the Electoral Division of Lacombe.

The Town of Hanna in the Electoral Division of Hand Hills.

The Town of Wainwright in the Electoral Division of Wainwright.

The Town of Edson in the Electoral Division of Edson.

The Village of Empress in the Electoral Division of Redcliff.

The Town of Vermilion in the Electoral Division of Vermilion.

The City of Red Deer in the Electoral Division of Red Deer.

The City of Wetaskiwin in the Electoral Division of Wetaskiwin.

The Town of Coronation in the Electoral Division of Coronation.

The Divisional Point of Jasper in the Electoral Division of Edson.

The Town of Camrose in the Electoral Division of Camrose.

The Town of Macleod in the Electoral Division of Macleod.

The Town of Hardisty in the Electoral Division of Ribstone.

## FORM 29.

*(Section 65, Subsection D.)*

FORM OF OATH TO BE ADMINISTERED TO A VOTER WHOSE NAME  
IS ON THE LIST OR WHO APPLIES TO HAVE HIS NAME  
PUT ON ON ELECTION DAY.

1. You do swear (*or solemnly affirm*) that you are a British subject, that you are not an Indian, that you are of the full age of twenty-one years and that you have resided in the Province of Alberta for at least one year and in this

electoral division for at least two months immediately preceding and including the day of polling at this election, and that you are now resident in this polling subdivision.

*(In case the voter has not been a resident of such electoral division for two months immediately prior to said date as provided by section 17 of The Alberta Election Act, substitute the following:*

You do swear (or solemnly affirm) that you are a British subject, that you are not an Indian, that you are of the full age of twenty-one years, that you have resided in the Province of Alberta for at least one year immediately preceding and including the day of polling at this election and that this electoral division and this polling subdivision is the last place you have been a resident of for a continuous period of two months of such year).

2. That you are entitled to vote at this election and at this polling place.

3. That you have not voted before at this election at this or any other polling place.

4. That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

*(Or at the option of the voter in lieu of paragraph 4—*

5. That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote or refrain from voting at this election. That you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election except what has been *bona fide* earned by you and may be lawfully paid to you under *The Alberta Election Act* by or through the returning officer or deputy returning officer or other proper public officer out of public moneys without committing a corrupt practice and except what has been *bona fide* earned by you and has been or may be lawfully paid to and received by you or on behalf of the candidate or otherwise under *The Alberta Election Act*, and notwithstanding the receipt or expectation of which you are entitled by law to vote.)

6. And that you have not directly or indirectly paid or promised anything to any person to induce him to vote or to refrain from voting at this election. So help you God.

NOTE: (a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."



## FORM 30.

(Section 68.)

FORM OF OATH TO BE ADMINISTERED TO A DEPUTY RETURNING  
OFFICER, POLL CLERK OR AGENT WISHING TO VOTE AT A  
POLL AT WHICH HE IS EMPLOYED OTHER THAN  
THE POLL IN WHICH HE RESIDES.

You swear (*or solemnly affirm*)—

1. That you are the person named in the enumerator's certificate now shown to you;

2. That you are a British subject, that you are not an Indian, that you are of the full age of twenty-one years, that you have resided in the Province of Alberta for at least one year and in this electoral division for at least two months immediately preceding and including the day of polling at this election, and that you are now resident in the polling subdivision from the enumerator of which you obtained the certificate now produced and filed;

3. That you are entitled to vote at this election and at this polling place;

4. That you have not voted before at this election at this or any other polling place;

5. That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any services whatever connected with this election.

(*Or, in lieu of paragraph 5 at the option of the voter—*

6. That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote or refrain from voting at this election. That you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire of conveyance or any services whatever connected with this election except what has been *bona fide* earned by you and may be lawfully paid to you under *The Alberta Election Act*, by or through the returning officer or deputy returning officer or other proper public officer out of public moneys without committing a corrupt practice and except what has been *bona fide* earned by you and has been or may be lawfully paid to and received by you or on behalf of any of the candidates or otherwise under *The Alberta Election Act*; and notwithstanding the receipt or expectation of which you are entitled by law to vote.)

7. And that you have not directly or indirectly paid or promised anything to any person to induce him to vote or to refrain from voting at this election. So help you God.

NOTE: (*a*) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

FORM 31.

(Section 78, Subsection 2.)

FORM OF OATH OF INABILITY TO READ.

I,....., of....., swear (*or* solemnly affirm) that I am unable to read (*or*, that I am from physical incapacity unable to mark a ballot paper, *as the case may be*).

Sworn ( <i>or</i> affirmed) before me	} His
at .....in the	
Province of Alberta this.....	
day of....., 19....,	
having been first read over to	
the above named.....	} ..... mark.
and signed by him in my pres-	
ence with his mark.	

.....  
Deputy Returning Officer.

FORM 32.

(Section 79.)

OATH OF INTERPRETER.

I,....., swear (*or* affirm) that I will faithfully translate such oaths, declarations, questions and answers as the deputy returning officer shall require me to translate at this election. So help me God.

Sworn ( <i>or</i> affirmed) before me	} ..... Interpreter.
at the..... of	
..... in the	
Province of Alberta this.....	
day of....., 19....	

.....  
R.O., E.C., D.R.O., J.P., Commr. or N.P. as the case may be.

FORM 33.

(Section 87, Subsection 10.)

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS.

Polling Subdivision No..... Polling Place.....  
Electoral Division of.....

Number of ballot papers received from  
the returning officer.....  
Number of ballots on which first pref-  
erence votes are given for: .....  
.....  
.....  
.....  
.....  
.....  
.....  
Number of ballots cancelled or declined  
and not counted.....  
Number of ballot papers not used and  
returned .....  
Totals.....  
Number of names on list—Men.....  
Number of names on list—Women.....  
Total on list .....  
Number who voted—Men.....  
Number who voted—Women.....  
Total who voted.....

We hereby certify that the above statement is correct.

Dated at....., 19...

.....  
Poll Clerk. Deputy Returning Officer.  
(Agents may also sign.)

FORM 34.

(Section 87, Subsection 10.)

CERTIFICATES TO BE DELIVERED TO CANDIDATES, ETC.

I, the undersigned, deputy returning officer for polling  
place No..... in polling subdivision No..... of  
.....in the electoral division of.....,  
do hereby certify that, at the election held this day, for a  
member to serve the Legislative Assembly of Alberta, the  
hereinafter mentioned candidates received the number of  
ballots set opposite their respective names, viz:

Names of Candidates	Number of Ballots
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

and also that.....ballot papers were rejected.

Dated at....., this.....day of  
.....19...

.....  
Deputy Returning Officer.

FORM 35.

(Section 87, Subsection 14.)

OATH OF POLL CLERK AFTER CLOSING OF THE POLL.

I,....., poll clerk for polling place.....in polling subdivision No..... of the electoral division of....., swear (or solemnly affirm) that the poll book for the said polling place kept under the direction of..... who acted as deputy returning officer, has been kept by me correctly to the best of my skill and judgment, that the total number of votes polled according to the said poll book is .....and that to the best of my knowledge and belief it contains a true and exact record of the voters who voted at the said polling place.

Sworn (or affirmed) before me }  
 at.....in the }  
 Province of Alberta this..... }  
 day of.....19... } *Poll Clerk.*

.....  
*R.O., E.C., D.R.O., J.P., Commr., or N.P.*

FORM 36.

(Section 88, Subsection 2.)

RECEIPT TO BE RETAINED BY DEPUTY RETURNING OFFICER  
 WHEN HE EMPLOYS POLL CLERK OR MESSENGER  
 TO RETURN BALLOT BOX.

Electoral Division of.....

Polling Subdivision No.....

.....19...

Received from....., deputy returning officer at the above described polling division, the ballot box used at the poll held in the said polling division, together with the key thereof enclosed in an envelope, the said ballot box being locked and sealed as provided by *The Alberta Election Act*, all to be delivered or sent by me in the same condition as I received them to..... of....., returning officer for the said electoral division of.....

.....  
 Witness.....

FORM 37.

(Section 88, Subsection 2.)

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY  
RETURNING OFFICER IS UNABLE TO DELIVER THE  
BALLOT BOX TO THE RETURNING OFFICER.

I,....., swear (*or affirm*) that  
I am the person to whom....., deputy  
returning officer for polling subdivision No.....in the  
electoral division of.....entrusted the ballot box for  
the said polling place to be delivered or sent to.....  
the returning officer; that the ballot box which I delivered  
or sent to the returning officer this day is the ballot box I  
so received; that I have not opened it, and that it has not  
been opened by any other person since I received it from  
the deputy returning officer. So help me God.

Sworn (*or affirmed*) before me }  
at.....in the }  
Province of Alberta this..... }  
day of.....19.... }

.....  
*Returning Officer.*

FORM 38.

(Section 88, Subsection 3.)

OATH OF THE DEPUTY RETURNING OFFICER AFTER CLOSING  
OF THE POLL.

I, ....., deputy returning officer for polling place No..... of the electoral division of....., swear (*or solemnly affirm*) that to the best of my knowledge and belief the poll book kept for the said polling place under my direction has been kept correctly; that the total number of votes polled according to the said poll book is.....and that it contains a true and exact record of the votes given at the said polling place as the said votes were taken thereat; that I have correctly counted the first preference votes given for each candidate in the manner by law provided and performed all duties required of me by law; and that the statement, polling list, poll book, envelopes containing ballot papers and other documents required by law to be returned by me to the returning officer have been faithfully and truly prepared and placed in the ballot box returned by me to the returning officer, which was locked and sealed by me in accordance with the provisions of *The Alberta Election Act* and remained so locked and sealed while in my possession.

Sworn (*or affirmed*) before me  
 at.....in the }  
 Province of Alberta this..... } *Deputy Returning Officer.*  
 day of.....19... }

.....  
*R.O., E.C., Commr., J.P. or N.P.*

FORM 39.

(Section 90.)

GENERAL STATEMENT BY RETURNING OFFICER.

(All blanks must be filled in, additions made and totals set down.)

Respecting Votes Polled and Ballot Papers used at the Polling Places of the Electoral Division of.....  
at the elections held on the.....day of....., 19...

Number and Names of Polling Places.	Names of Candidates and number of first preference votes polled for each.				Votes at each Polling Place			Names on List			Ballot Papers sent out and how disposed of in each Polling Place.				REMARKS
					Total Number of Votes Polled.	Number of Votes polled by men	Number of Votes polled by women	Total number of names on List	Number of names of men on List	Number of names of women on List	Number of ballot papers sent out to each poll	Number used	Number unused and returned	Number rejected, can- celled, declined, or taken from Polls.	

FORM 40.  
(Section 90.)

RETURNING OFFICER'S CERTIFICATE TO BE GIVEN CANDIDATES  
OR THEIR AGENTS OF THE RESULT OF THE POLL AT THE  
ELECTION HELD ON THE.....DAY OF.....  
19..., IN THE ELECTORAL DIVISION  
OF.....

I, the undersigned returning officer for the electoral divi-  
sion of....., do hereby certify that at  
the election held on the.....day of.....  
for a member to serve in the Legislative Assembly of  
Alberta, the hereinafter mentioned candidates received the  
number of ballots set opposite their respective names, viz:

Names of Candidates	Number of Ballots
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

and also that.....ballots were rejected.

Dated at.....this.....day  
of.....19...  
.....  
Returning Officer.

FORM 41.  
(Section 91, Subsection 13.)

EXTRA STATEMENT BY RETURNING OFFICER OF THE RESULT  
OF THE POLL AT AN ELECTION WHERE ONE MEMBER  
TO BE ELECTED, AND THERE ARE *MORE THAN*  
*TWO* CANDIDATES.

THE ELECTORAL DIVISION OF.....  
Election held on the.....day of.....19...

Names of Candidates	First Count	Second Count		Third Count		Candidate elected.
		Transfer of ..... Votes	Result	Transfer of ..... Votes	Result	
A	.....	.....	.....	.....	.....	.....
B	.....	.....	.....	.....	.....	.....
C	.....	.....	.....	.....	.....	.....
D	.....	.....	.....	.....	.....	.....
Preferences exhausted	.....	.....	.....	.....	.....	.....
TOTAL	.....	.....	.....	.....	.....	.....



FORM 42.

(Section 92, Subsection 5.)

ELECTORAL DIVISION OF....., ELECTION  
HELD ON THE.....DAY OF.....19...

STATEMENT DELIVERED TO THE RETURNING OFFICER BY THE  
SUPERVISORS OR PREPARED BY THE RETURNING OFFICER FOR  
RETURN TO THE CLERK OF THE EXECUTIVE COUNCIL, OF THE  
FIRST PREFERENCE VOTES GIVEN EACH CANDIDATE, TRANS-  
FERS OF VOTES, AND TOTAL NUMBER OF VOTES CREDITED TO  
EACH CANDIDATE AFTER EACH TRANSFER, WITH THE FINAL  
RESULTS, NAMES OF CANDIDATES ELECTED, AND ORDER OF  
THEIR ELECTION.

No. of valid votes.....  
Number of members to be elected.....  
Quota.....

Names of Candidates.	First Count	Second Count		Third Count.		Final Result  Names of candidates elected and order of their election
		Transfer of ... Votes	Result	Transfer of ... Votes	Result	
A						
B						
C						
D						
E						
F						
Preferences exhausted						
TOTAL						

FORM 43.

(Section 94.)

RETURN AFTER A POLL HAS BEEN TAKEN.

I hereby certify that the member (or members) elected for the electoral division of....., in pursuance of the within written writ, as having received the majority of votes lawfully given, is (or, are) A.B., (etc., names, etc., as in the nomination paper).

Dated at....., this.....day of.....19...

.....  
Returning Officer.

FORM 44.

(Section 94, Subsection 3.)

OATH OF RETURNING OFFICER AFTER TRANSMITTING HIS RETURN TO THE CLERK OF THE EXECUTIVE COUNCIL.

I,....., returning officer for the electoral division of.....do solemnly swear (or affirm)—

1. That I have this day transmitted the statements called for and my return in respect of the election held on the.... day of.....19..., to the Clerk of the Executive Council;

2. That the said statements and return are to the best of my knowledge and belief correct and true;

3. That the ballot boxes, ballots and other election material required to be returned have been by me collected together to be forthwith transmitted to the Clerk of the Executive Council according to law. So help me God.

(Omit last four words if party affirmed.)

Sworn (or affirmed) before me  
this.....day of.....  
.....19... } Returning Officer.

.....  
J.P., Commr. or N.P.

FORM 45.

(Section 111.)

OATH OF SECRECY.

Electoral Division of.....

Polling Place No.....

I, ....., swear (or solemnly affirm)—

1. That I will not attempt to ascertain and will by every means in my power prevent any other person from ascertaining how any person is about to vote, or shall have voted, at this election save and except as may be necessary and proper in the case of persons blind or unable to read or incapable of marking their ballot papers as provided in *The Alberta Election Act*;

2. That I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted;

3. That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting of this polling place. So help me God.

Sworn (or affirmed) before me  
at.....in the  
Province of Alberta this.....  
day of.....19...)

.....  
R.O., E.C., D.R.O., J.P., Commr., or N.P. (or as the case may be.)

No. 21.

FOURTH SESSION  
FIFTH LEGISLATURE  
14 GEORGE V  
1924

**BILL**

An Act respecting the Election of  
Members of the Legislative  
Assembly.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. ROSS.

EDMONTON:  
J. W. JEFFERY, KING'S PRINTER  
A.D. 1924