

BILL

No. 108 of 1938.

An Act to amend The Alberta Election Act.

(Assented to _____, 1938.)

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

1. This Act may be cited as "*The Alberta Election Act Amendment Act, 1938.*"

2. *The Alberta Election Act*, being chapter 34 of the Statutes of Alberta, 1924, is hereby amended by inserting therein immediately after section 65 the following new sections:

"65a.—(1) Subject to the exceptions stated in the next following subsection, every person employed by any person for pay or reward in reference to an election in any electoral district shall be disqualified from voting and incompetent to vote in such electoral district at such election.

"(2) The following persons, although so employed for pay or reward, shall not be so disqualified, and they may vote in the respective polling stations whereat their names appear upon the applicable list of electors:

"(a) the returning officer; but, in his case, only when there is an equality of votes on the final addition of votes or on a recount, as in this Act provided, and he shall not vote in any other case;

"(b) the election clerk; but, in his case, only when, as in this Act provided, he is acting as returning officer and there is an equality of votes as aforesaid, and he shall not vote in any other case;

"(c) any person employed pursuant to this Act as a deputy returning officer, poll clerk, messenger, interpreter or constable, or otherwise necessarily and properly employed by the returning officer for the conduct of the election;

"(d) any person necessarily and properly employed by any election officer to carry him by any mode of conveyance while he is engaged in the performance of any of his duties relating to the election.

"(3) Any person who induces or procures any other person to vote, at an election, knowing that such other person is for any reason disqualified from voting or incompetent to

vote at such election, shall be guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

“(4) Upon the trial of any person accused of violating this section, when it is proved that the person in respect of whose vote the prosecution is had, voted at such election, the burden of proving that such person was qualified to vote, or, if such person was disqualified from voting, or incompetent to vote, that the accused did not know thereof, shall be upon the accused.

“**65b.**—(1) The qualification of a voter to vote and the absence, in his case, of disqualification and incompetency as a voter shall, as to any cause of disqualification or incompetency except bribery and that provided by section 65a of this Act, be taken to be established by the presence of the name of the voter on the list of voters of the polling station whereat the voter seeks to vote, and, subject to his taking any oath authorized by this Act to be required of him, every person whose name appears on the list of voters for a polling division shall be entitled to vote at the appropriate polling station established for such polling division.

“(2) Except as provided in this Act no other oath shall be required of any person whose name is entered on the list of voters.

“(3) For the purposes of an election every elector shall be deemed to have resided, and to continue until the close of the poll to reside, in the electoral district, and in the polling division, whereto the list of voters whereon his name appears appertains, and no actual change of residence between the time of preparing such list and polling day shall so operate as to deprive him of his right to vote in such electoral district and polling division or entitle him to vote in any other electoral district or polling division.”

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

SIXTH SESSION
EIGHTH LEGISLATURE
1 GEORGE VI
1938

BILL

An Act to amend The Alberta
Election Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. ABERHART.

EDMONTON:
A. Shnitka, King's Printer
1938