

Bill No. 69 of 1939.

A BILL TO AMEND THE ALBERTA ELECTION ACT.

NOTE.

This Bill amends *The Alberta Election Act* by providing for the enumeration in city constituencies (*i.e.*, Edmonton, Calgary, Lethbridge and Medicine Hat) by two enumerators in each polling subdivision, one of whom is to be nominated by the political or other organization in the electoral division of the Government for the time being, and the other by the party or other organization of the candidate in the electoral division representing a different and opposed political interest whose candidate received the highest or next highest number of votes, as the case may be, at the last election in the electoral division. (Sections 2 and 3.)

A further amendment prescribes the manner in which enumeration is to be made in city constituencies. (Section 4.)

A further amendment provides that the voters' lists compiled for an election shall only be used in a subsequent election if that election is held within one year of the date of the issuance of the writ of election for the previous election. (Section 5.)

Section 6 makes certain improper uses of an enumerator's badge offences.

A further amendment provides that in printing the names upon ballots the surname shall be printed with type of a size of not less than ten point, caps, and the name or names shall be printed in eight point, caps, and that in a city constituency the ballots are to be printed in batches of one hundred and that upon the first batch of ballots the surnames of candidates shall be in alphabetical order, and that upon each successive batch the first name on the preceding batch shall be the last name on the succeeding batch. (Section 7.)

A further amendment prevents a person from voting in a city constituency by swearing in his vote on election day, if his name is not then on the voters' list. (Section 8.)

ii.

A further amendment makes further provision for voting by blind persons, and permits the blind voter to be assisted by a friend to mark his ballot. (Section 9.)

Section 10 amends the Schedule of Forms to make the same accord with the amendments to the Act above set out.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 69 of 1939.

An Act to Amend The Alberta Election Act.

(Assented to _____, 1939.)

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, 1939.*"

2. *The Alberta Election Act*, being chapter 34 of the Statutes of Alberta, 1924, is hereby amended by inserting therein immediately after section 9 the following new section:

"9a.—(1) The Clerk of the Executive Council shall procure a supply of enumerators' badges in sufficient quantity to provide one such badge for each enumerator who may be appointed pursuant to this Act as an enumerator for a polling subdivision of a city constituency wholly or partially within the corporate boundaries of a city; such badges shall be of such material and design as the Clerk may prescribe and shall be serially numbered and shall bear on them the words "Province of Alberta Enumerator" and the serial number thereof.

"(2) As soon as possible after the issue of the writ of election for a city constituency, the Clerk shall furnish the returning officer for such constituency a sufficient supply of such badges.

"(3) Whenever the returning officer for a city constituency appoints an enumerator for any polling subdivision, he shall furnish such enumerator with one badge and shall keep an accurate record of every badge so furnished.

"(4) Every enumerator shall immediately upon the termination of his duties return the badge so furnished to him to the returning officer; and the returning officer shall as soon as possible after polling day, return all the badges which have been so returned to him together with all the badges furnished to him by the Clerk; and in case any badge is not so returned, the returning officer shall make a return to the Clerk as to each badge which is not so returned together with such information as the Clerk may require."

3. The said Act is further amended as to section 14,—
- (a) by striking out clause (3) and by substituting therefor the following:
- “(3) Upon the making of such subdivision,—
- “(a) in the case of an electoral division which is a city constituency, 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 two persons as enumerators for each subdivision in the manner set out in subsection (2) of this section; and
- “(b) in the case of all other electoral divisions the returning officer shall conjointly with the election clerk or one of the election clerks of the division appoint in Form 7 under their hands one competent and reliable person as enumerator for each subdivision.”; and
- (b) by adding at the end of the section as subsection (2) the following new subsection:
- “(2) In electoral divisions which are city constituencies the following rules shall govern the appointment of enumerators:
- “Rule 1.—The two enumerators for each polling subdivision shall be so selected and appointed that each of them shall represent a different and opposed political interest.
- “Rule 2.—Immediately upon the receipt by him of the writ of election the returning officer shall give notice in writing to the chairman or secretary of the executive body in the electoral division of the political or other organization of supporters of the Government for the time being, and also to the chairman or secretary of the political or other organization of the candidate who at the then last preceding election in the electoral division represented a different and opposed political interest, and who received the highest number of votes or the next highest number of votes, as the case may be, to the effect that on the second day after the day upon which the notice is given, he intends to proceed with the appointment of enumerators, or if there was no such candidate to the chairman or secretary of any different and opposed political interest. Each of such organizations acting by its chairman or secretary may nominate a competent and reliable person for appointment as enumerator in each polling subdivision of the electoral division, and except as hereinafter provided, the persons so nominated shall be appointed as enumerators of the polling subdivisions for which they have been nominated.

“Rule 3.—If the returning officer deems that there is good cause for his refusing to appoint any person so nominated, he shall so notify the person making the nomination who may within twelve hours thereafter nominate a substitute. In any case where no substitute is nominated as aforesaid, or where the returning officer deems there is good cause for his refusing to appoint any person thus nominated as a substitute, the enumerator shall, subject to the provisions of Rule 1 be appointed by the returning officer conjointly with the election clerk or one of the election clerks of the electoral division, without any notice to any person whatsoever.

“Rule 4.—If, at the then last preceding election in the electoral division, there was opposed to the candidate who received the highest number of votes no candidate representing a different and opposed political interest, or if either of the candidates mentioned in Rule 2 fails to nominate a suitable person for appointment as enumerator of any polling subdivision in the electoral division, such appointment shall be made by the returning officer conjointly with the election clerk or one of the election clerks of the electoral division subject to Rule 1 but without any notice to any person whatsoever.

“Rule 5.—The returning officer may at any time replace any enumerator appointed by him pursuant to this section by appointing, subject to the provisions of Rule 1, another enumerator to act in the place and stead of the person already appointed, and any enumerator so replaced shall, upon request in writing signed by the returning officer, deliver or give up to the subsequent appointee or to any other authorized person his badge and any election documents, papers and written information which he has obtained for the purpose of the performance of his duties; and on default he shall be guilty of an offence against this Act.”

4. The said Act is further amended as to section 20a by striking out the same and by substituting therefor the following:

“20a.—(1) The list of voters for each polling subdivision in a city constituency which is wholly or partially within the corporate boundaries of a city shall be made and dealt with according to the rules next hereinafter set out:

“Rule 1.—The two enumerators appointed for each polling subdivision shall, with relation to every process of the preparation of their list of electors, act jointly and not individually. They shall report forthwith to the returning officer who appointed them the fact and the details of any disagreement between them. The returning officer shall

decide the matter of difference and shall communicate his decision to the enumerators. They shall accept and apply it as if it had been originally their own.

“Rule 2.—Each pair of enumerators, after taking their oaths as such, shall proceed jointly to ascertain the name, address and occupation of every person qualified to vote under the provisions of sections 14, 15 and 16 of this Act, in the polling subdivision for which they have been appointed, obtaining the information they may require by a joint house-to-house visitation and from such other sources as may be available to them, and leaving at the residence of every person who applies to be registered as an elector a notice in Form 8a that they have granted or refused, as the case may be, that person’s application to be registered as an elector. The aforesaid notice shall be made out in duplicate and shall be signed by both enumerators who shall retain one duplicate until after the polling day at the pending election.

“Rule 3.—When making his house-to-house visitation, pursuant to the next preceding Rule, each enumerator shall wear and prominently display an enumerator’s badge provided by the returning officer as evidence of his authority to register the names of the electors residing in the polling subdivision.

“Rule 4.—Each pair of enumerators shall visit every dwelling place in their polling subdivision at least twice—once between the hours of nine o’clock in the forenoon and six o’clock in the afternoon and once between the hours of seven o’clock and ten o’clock in the afternoon (unless, as to any dwelling place, they are both satisfied that no qualified elector residing therein remains unregistered).

“Rule 5.—Each pair of enumerators shall exercise the utmost care in preparing the list of electors for the polling subdivision for which they have been appointed. They shall take all necessary precautions to ensure that their list, when complete, contains the name, occupation and address of every qualified elector in the polling subdivision for which they have been appointed, and that it does not contain the name of any person who is not so qualified.

“Rule 6.—The enumerators shall, in such list, register the name of a married woman or widow under the name and surname of her husband or deceased husband, as the case may be, prefixing each name with the abbreviation “Mrs.” When the name of a married woman is entered on the list immediately below her husband’s name, there shall be no occupation given opposite such woman’s name. The name of an unmarried woman shall be prefixed with the word “Miss.”

“Rule 7.—On the last week day before nomination day, each pair of enumerators shall,—

“(a) prepare a complete list of the names, addresses and occupations of the persons who are qualified as electors in the polling subdivision for which they

have been appointed. Such list shall be prepared in alphabetical order, and shall be signed by both enumerators and dated;

“(b) deliver or transmit to the returning officer who appointed them, at least two plainly written or typewritten copies of the preliminary list of electors for the polling subdivision for which they were appointed, together with their record books containing the carbon copies of the notices in Form 7. Each of such copies of the list shall be severally sworn to by both enumerators in Form 9;

“(c) post up or cause to be posted up one copy thereof in a conspicuous place within their polling subdivision to which the public has access.

“Rule 8.—The enumerators shall attach to the copy posted up by them, a notice in Form 10a, signed by them, designating the place where voters may find the returning officer between the hours of ten o'clock in the forenoon and four o'clock in the afternoon during the last two consecutive week days next before the polling day.

“Rule 9.—Upon the posting of the said copy of the list with said notice attached and the delivery of the two copies to the returning officer, each enumerator shall furnish the returning officer with a certified voucher of his fees as enumerator on the form provided, according to the schedule of fees adopted by Order in Council, and thereupon his duties as an enumerator shall terminate.

“(2) The returning officer shall furnish every candidate for the electoral division or his agent, within twenty-four hours after two o'clock in the afternoon of the day fixed for nomination with one copy of the said list filed with him, free of charge.

“(3) Any returning officer who refuses or neglects to furnish one copy of said lists upon request as herein provided, or who refuses or neglects to allow any candidate or his agent to inspect or make a copy of the list as herein provided, shall be guilty of an offence against this Act and liable upon summary conviction to a penalty not exceeding twenty-five dollars.

“(4) Nothing in this section shall apply to the voters' list for any polling subdivision of a city constituency of which no part is within the corporate boundaries of a city and in and for every such polling subdivision the preparation, posting, production for inspection, and correction of lists, the granting of enumerators' certificates and of advance poll voting certificates for such polls shall be done in accordance with the provisions of the Act relating to such procedure in polling subdivisions in an electoral division other than a city constituency, and the provisions for such procedure within the boundaries of a city constituency shall be varied accordingly.”

5. The said Act is further amended as to section 28 by striking out the first subsection thereof and by substituting therefor the following:

“28.—(1) In any case where an election other than an election held in the course of a general election or any plebiscite is to be held in any electoral division, and the writ of election for such election or plebiscite is issued within one year after the issuance of the writ of election for an election in that electoral division issued in the course of a general election and a list of voters has been prepared for and in the course of the last mentioned election and is on record in the office of the Clerk of the Executive Council, that list of voters prepared and used for the purpose of the prior election shall be the list of voters for the subsequent election or plebiscite, as the case may be.”

6. The said Act is further amended by inserting therein immediately after section 29 the following new section:

“29a. Every person who,—

“(a) being an enumerator for a polling subdivision of a city constituency wears the enumerator’s badge issued to him at any time except during the time he is engaged upon making the house-to-house visitation pursuant to section 20a; or

“(b) being such enumerator as aforesaid wears any enumerator’s badge other than the badge issued to him; or

“(c) being a person other than an enumerator for a polling subdivision of a city constituency wears any badge purporting to be an enumerator’s badge;

shall in each and every such case be guilty of an offence against this Act.”

7. The said Act is further amended as to section 56 by striking out subsection (2) thereof and by substituting therefor the following:

“(2) There shall be printed on the ballot the surname and name of each candidate together with his address and occupation; the surname first and name or names second, and the surname shall be printed with type not less than the size known as ten point, caps, and the name or names shall be printed with type of the size known as eight point, caps.

“(2a) In the case of a city constituency the ballots shall be printed in batches of one hundred ballots, and shall be so printed that upon the first batch the surnames of the candidates are in alphabetical order, and that upon each successive batch the first name upon the preceding batch shall become the last name on the succeeding batch.

“(2b) In the case of any constituency other than a city constituency the names of the candidates shall be printed in alphabetical order.

“(2c) Every ballot 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, and the ballot, counterfoil and stub shall be in Form 25.”

8. The said Act is further amended as to section 67 by striking out the words “Every person otherwise qualified”, where the same first occur in the first subsection thereof, and by substituting therefor the words “Except only in city constituencies every person otherwise qualified”.

9. The said Act is further amended as to section 78 by striking out the same and by substituting therefor the following:

“**78.**—(1) The deputy returning officer on the application of any voter who is unable to read or is incapacitated from any physical cause other than blindness from voting in the manner prescribed by this Act shall require the voter making such application to take before him the oath in Form 31 and shall thereafter assist such voter by making his ballot paper in the manner directed by such voter in the presence of the poll clerk and of the agents of the candidates in the polling place and of no other person, and shall place the ballot so marked in the ballot box.

“(2) In the case of a voter who is incapacitated from blindness from voting in the manner prescribed by this Act, the deputy returning officer shall, if required so to do by such voter, after he has taken the oath in Form 31 and is accompanied by a friend, permit that friend to accompany the voter into a voting compartment for the purpose of marking the voter’s ballot paper, upon that friend taking before him an oath in Form 31a; and the ballot when marked shall be delivered by the voter or the friend to the deputy returning officer to be placed by him in the ballot box.

“(3) Whenever any ballot paper has been marked in any manner provided in this section, the deputy returning officer shall enter or cause the poll clerk to enter in the poll book opposite the name of the voter, in the column for remarks, in addition to any other requisite entry, the reason why such ballot paper was so marked.”

10. The said Act is further amended as to the Schedule of Forms,—

- (a) by adding at the end of Form 2 the following:
 “and in addition to the foregoing in the case of a city constituency—

Number or quantity	Number of Form	Section of Act	Description
Sufficient supply	8a	20a	Enumerator's notice to elector.
Sufficient supply		9a	Enumerators' badges.

(b) by inserting therein immediately after Form 8 the following new Form :

"FORM 8a.
"The Alberta Election Act.
 "ENUMERATORS' NOTICE TO ELECTOR.
"(Section 20a.)

"Electoral Division of
 City of
 Urban Polling Subdivision No.

"Notice is hereby given that application having been made to the enumerators for the above polling subdivision to include in the list of electors therefor an entry as under-noted; such application has been disposed of as hereinafter mentioned. Also that if any entry made in this notice or in the list of electors is in any respect incorrect, such list may be corrected on application to the returning officer at the place and times of which notice will in due course be given by the returning officer for the above mentioned electoral division.

"Name of Elector
(Family Name First)

"Occupation
(Insert Occupation)

"Address
(Insert Address)

"This application has been { granted. } *(Strike out in-*
 { refused. } *applicable word.)*

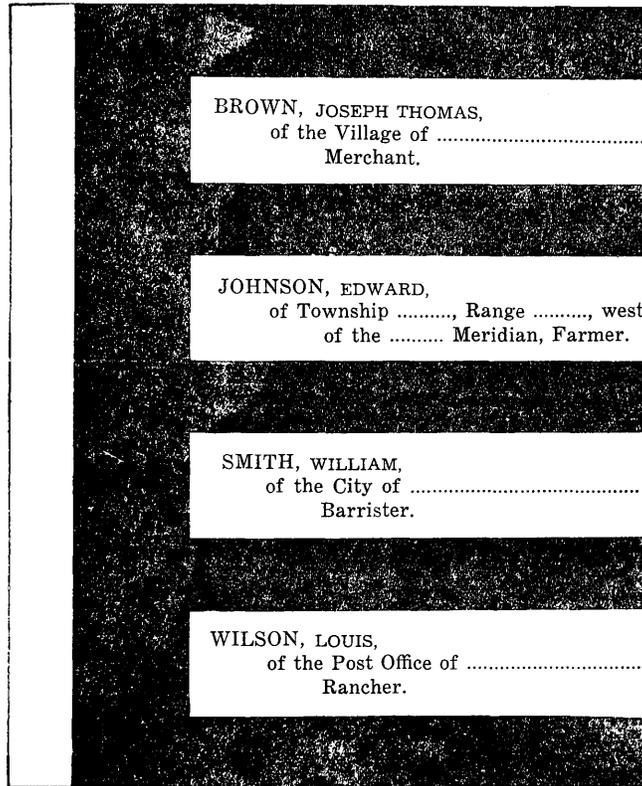
"Dated this day of, 19.....

".....
Enumerator.

".....
Enumerator.

"NOTE.—This notice should be preserved until after polling day at the pending election."

(c) as to Form 25 by striking out so much of the Form as follows the words "according to the order of the returning officer" and precedes the word "back" and by substituting therefor the following:



BROWN, JOSEPH THOMAS,
of the Village of
Merchant.

JOHNSON, EDWARD,
of Township, Range, west
of the Meridian, Farmer.

SMITH, WILLIAM,
of the City of
Barrister.

WILSON, LOUIS,
of the Post Office of
Rancher.

(d) by striking out Form 28 and by substituting therefor the following:

"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 Bow Valley-Empress.
- "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 Acadia-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 Sedgewick.
- "The Divisional Point of McLennan in the Electoral Division of Grouard."

(e) by inserting therein immediately after Form 31 the following new Form:

“FORM 31a.

“FORM OF OATH OF FRIEND OF BLIND VOTER.

“I,, of, swear (or solemnly affirm) that,—

“(1) I have not already acted as the friend of a blind voter for the purpose of marking the ballot of a blind elector at this election; and

“(2) I will keep secret the name of the candidate for whom I mark the ballot paper of the blind elector on whose behalf I act.

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

“..... Deputy Returning Officer.”

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

EIGHTH SESSION
EIGHTH LEGISLATURE
3 GEORGE VI
1939

BILL

An Act to Amend The Alberta
Election Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
A. Shnitka, King's Printer
1939