

Bill No. 59 of 1944.

A BILL TO AMEND THE ALBERTA ELECTION ACT.

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NOTE.

This Bill amends *The Alberta Election Act*, chapter 5, R.S.A. 1942.

Subsection (3) of section 3 of the Act provides that in case of a vacancy occurring in the representation of an electoral division, an election shall be held to fill the vacancy within one hundred and eighty days after the occurrence of the vacancy. The proviso added by the Bill will apply at the present time only to the electoral divisions of Calgary and Edmonton, and makes a by-election unnecessary in those divisions if a vacancy occurs three years after the general election and if Calgary or Edmonton, as the case may be, is still represented by three members.

The amendment made by sections 2 and 3 of the Bill is to extend the qualification of the right to vote to persons of nineteen years of age.

Section 4 of the Bill amends section 33 dealing with the requirements at nomination by providing that the nomination paper must be accompanied by a statement signed by the candidate or his official agent of his political party or political affiliations. The amendment also provides that a member of the Legislative Assembly who is on active service outside of Canada may be nominated as a candidate in the electoral division which he represented at the time of dissolution, although his nomination paper is not accompanied by his consent in writing and does not contain the appointment of an official agent, if the nomination paper contains or is accompanied by the appointment of an official agent over the signature of the persons nominating the candidate.

Section 5 of the Bill amends section 58 by striking out subsection (2) and enacting a new subsection. This provides that the ballot shall contain the political party or political affiliations of the candidate as shown on the statement accompanying his nomination paper.

The new section 81a enacted by section 6 of the Bill provides for the voting of men in the armed services who are stationed in Alberta, in an electoral division other than that in which they resided when they joined the forces. It is provided that they may cast their votes where they are stationed and that their votes are to be counted in the

electoral division in which they resided at the time of joining the forces and not in any other electoral division. The Lieutenant Governor in Council is authorized to make regulations to carry out these provisions, and somewhat similar sections of *The Soldiers' Relief Act* are repealed.

The amendment to section 85 made by section 7 of the Bill provides that in an electoral division for which only one member is to be elected the voter may use either the figure 1 or a cross to indicate his first choice, but his subsequent choices must be indicated in the manner now provided, namely, by the figures 2, 3, etc.

Section 8 of the Bill amends section 90, subsection (5), dealing with the rejection of ballots. This amendment becomes necessary in electoral divisions where only one member is to be elected, by the amendment made to section 85.

The amendment made by section 9 of the Bill dealing with the form of ballot is made necessary also by the earlier amendments of the Bill.

The amendments made by sections 10 and 11 of the Bill are also amendments to the forms made necessary by the amendments to the Act hereinbefore referred to.

W. S. GRAY,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 59 of 1944.

An Act to amend The Alberta Election Act.

(Assented to , 1944.)

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

1. *The Alberta Election Act*, being chapter 5 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 3 by adding at the end of subsection (3) thereof the following proviso:

"Provided further, however, that if a vacancy or vacancies is or are created in the representation of an electoral division entitled to be represented by more than one member, an election shall not be held to fill any such vacancy if it is created after the expiration of three years from the date of the return of the writs for the general election, and if and so long as the electoral division, notwithstanding the vacancy or vacancies, continues to be represented in the Legislative Assembly by at least one-half of the number of members to which it is entitled."

2. The said Act is further amended as to section 17 by striking out the words "twenty-one years", wherever the same occur therein, and by substituting therefor the words "nineteen years".

3. The said Act is further amended as to section 18 by striking out the words "twenty-one years", where the same occur therein, and by substituting therefor the words "nineteen years".

4. The said Act is further amended as to section 33,—

(a) by adding immediately after paragraph (c) of subsection (1) thereof the following new paragraph:

"(cc) it is accompanied by a statement signed by the person therein nominated or by his official agent of his political party or political affiliations;"

(b) by adding immediately after subsection (2) thereof the following new subsection:

"(2a) Any person who at the time of the dissolution of the Ninth Legislative Assembly of the Province is a member of the Assembly and is on the date fixed for the nomination of candidates at the general

election following the dissolution, on active service outside of Canada in the naval, military or air forces of His Majesty, may be duly nominated as a candidate at the said general election in the electoral division which he represented at the time of dissolution, although his nomination paper is not accompanied by his consent in writing and does not contain or is not accompanied by the appointment, name and address of his official agent, if the nomination paper contains or is accompanied by the appointment, name and address of the official agent over the signature of the persons nominating the candidate and if the provisions of paragraphs (a), (b), (cc) and (e) of subsection (1) are complied with."

5. The said Act is further amended as to section 58 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 political party or political affiliations as shown on the statement accompanying his nomination paper; 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."

6. The said Act is further amended by adding immediately after section 81 the following new heading and section:

"VOTES OF SERVICE MEN.

"81a.—(1) Notwithstanding any other provisions of this Act, any person who is a British subject and who is, on the day fixed for a general election, serving in any of the armed forces of His Majesty, and is then stationed in an electoral division in Alberta other than the one in which he resided when he became a member of the forces, may, on complying with the regulations made hereunder, cast his vote in the electoral division in which he is stationed for a candidate or candidates in the electoral division in Alberta in which he was resident immediately preceding the day upon which he became a member of the armed forces, and his vote shall be counted in such last mentioned electoral division and in no other.

"(2) The Lieutenant Governor in Council may do all such things and may make all such rules and regulations as may be necessary for the effective carrying out of the provisions of subsection (1), and such rules and regulations shall be read and construed as if they formed part of this section."

7. The said Act is further amended as to section 85 by adding at the end of paragraph (a) of subsection (2) thereof the following new proviso:

"Provided, however, that in any electoral division for which only one member is to be elected, the voter may instead of placing the figure 1 on the ballot, indicate his first choice by placing a cross or X in the white space containing the name of the candidate who is his first choice, and every vote given by placing the said cross or X in such white space shall be a "first preference vote", but the voter's other choices shall be indicated in the manner prescribed in paragraph (b)."

8. The said Act is further amended as to section 90 by adding at the end of subsection (5) thereof the following proviso:

"Provided, however, that in cases where only one member is to be elected and the proviso to paragraph (a) of subsection (2) of section 85 applies, the foregoing subsection (5) shall not apply but in lieu thereof the following provision shall apply:

"He shall reject any ballot papers,—

- "(a) which have not been supplied by him;
- "(b) on which a cross or X is marked as well as the figure 1;
- "(c) on which neither the figure 1 standing alone nor a cross or X is marked;
- "(d) on which the figure 1 standing alone indicating a first preference is marked for more than one candidate;
- "(e) on which a cross or X indicating a first preference is marked for more than one candidate;
- "(f) on which the figure 1 standing alone or a cross or X indicating a first preference, and in either case, some other figure is marked for the same candidate;
- "(g) on which the figure 1 and a cross or X indicating a first preference are marked for the same candidate;
- "(h) 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."

9. The said Act is further amended as to Form 27 in the Schedule,—

- (a) by striking out the second paragraph on page 92 of the Act and by substituting therefor the following:

"The names of the candidates alphabetically arranged in the order of their surnames, subject to the provisions of subsection (3) of section 58, with the address and political party or political affiliations of each, shall be printed on the ballot paper as close as possible to the black margin at the left.;"

- (b) by striking out the words "Merchant", "Farmer", "Barrister" and "Rancher", where the same occur in the form on page 93 of the Act, and by substituting therefor respectively the words "Social Credit", "Independent", "Co-operative Commonwealth Federation" and "Labour Progressive".

**10.** The said Act is further amended as to Form 29 in the Schedule,—

(a) by striking out the heading "Direction for Guidance of Voters", where the same occurs on page 95 of the Act, and by substituting therefor the heading "(a) Direction for Guidance of Voters in the Electoral Divisions of Edmonton and Calgary";

(b) by adding immediately after the last paragraph on page 96 of the Act, the following new heading and paragraphs:

**"DIRECTION FOR GUIDANCE OF VOTERS IN ELECTORAL DIVISIONS OTHER THAN EDMONTON AND CALGARY.**

"The voter may indicate his first choice by using either the figure 1 or a cross or X, but the voter's other choices shall be indicated by the figures 2, 3, 4, etc.

"The voter **MUST NOT** place more than one choice in the white space containing the name of any candidate.

"The voter **MUST NOT** make the same choice for more than one candidate.

"The voter **MUST NOT** make any mark on the ballot not authorized by these directions.

"The voter shall go into the booth and with the pencil provided, place the figure 1 or a cross or X 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 or a cross or X 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."

(c) by striking out the words "Merchant", "Farmer", "Barrister", "Rancher" and "Insurance Agent", where the same occur in the form on page 97 of the Act, and by substituting therefor respectively the words "Social Credit", "Independent", "Co-operative Commonwealth Federation", "Labour" and "Labour Progressive".

**11.** The said Act is further amended as to Forms 31, 32 and 49 by striking out the words "twenty-one years", wherever the same occur therein, and by substituting therefor the words "nineteen years".

**12.** Sections 29, 30 and 31, and the heading preceding section 29 of *The Soldiers' Relief Act*, chapter 146, R.S.A., 1942, are hereby repealed.

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

No. 59.

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FOURTH SESSION  
NINTH LEGISLATURE

8 GEORGE VI

1944

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**BILL**

An Act to amend The Alberta Election  
Act.

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Received and read the

First time .....

Second time.....

Third time .....

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HON. MR. MAYNARD.

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EDMONTON:  
A Shultka, King's Printer  
1944