

No. 39

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 39

A Bill to amend The Election Act

HON. MR. COLBORNE

Explanatory Note

2. Appointment of enumerator to be made by the returning officer instead of by the returning officer conjointly with an election clerk. The enumerators will now be required to be resident electors. Clause (c) of subsection (1) of section 15 presently reads:

"15. (1) A list of electors 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:

.....

(c) upon making such subdivision,

(i) in the case of an electoral division that is a city constituency, the returning officer conjointly with the election clerk or one of the election clerks of the electoral division shall, in the manner set out in the "Rules for the Appointment of Enumerators" in the Second Schedule, appoint under their hands in Form 7 two persons as enumerators for each subdivision, and

(ii) in the case of all other electoral divisions the returning officer conjointly with the election clerk or one of the election clerks of the division shall appoint under their hands in Form 7 one competent and reliable person as enumerator for each polling subdivision;".

The reference to the "Rules for Appointment of Enumerators" is omitted as it is already covered by subsection (2) of section 15 which presently reads:

"(2) In city constituencies the rules set out under the heading of "Rules for the Appointment of Enumerators" in the Second Schedule govern the appointment of enumerators."

3. The returning officer does not have sufficient time to have the list of electors printed and available as required in this section. Subsection (1) of section 21 presently reads:

"21. (1) In a city constituency, the returning officer shall furnish free of charge one copy of the list filed with him to 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."

4. At present a poll clerk only has to be an elector. This amendment will require him also to be resident in the division for which he is appointed. All other election officials are required to be resident electors.

5. Section 51, subsection (8) is amended to make it applicable to city constituencies only. Section 51, subsection (8) presently reads:

"(8) The returning officer shall have prepared conspicuous signs advising the location of a polling place and shall distribute signs to each deputy returning officer who shall place the sign or signs at such places as will best direct attention to the polling place."

6. One area may be used for several polling places in which case the number of agents for any one candidate, in respect of the combined polling place, may exceed the number specified in subsection (1). This amendment will clarify the numbers of agents permitted in such a case. Section 67(1) reads:

"67. (1) The deputy returning officer, the poll clerk, the interpreters, if any, the constable in the event of it being necessary to have one appointed, the returning officer and election clerk in the course of their duties, the candidates and their agents, and in the absence of agents, one elector representing each candidate by his own request, 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."

7. In electoral divisions other than city constituencies an elector whose name is not on the list may take the oath in Form 31 and vote. If such an elector refuses to take the oath but later changes his mind he is not debarred from taking the oath and voting. Under section 71, if an elector whose name is on the list refuses to take the same oath his name is struck off the list and he is debarred from voting even if he later changes his mind and offers to take the oath. This inequity is removed. Section 71 presently reads:

BILL

No. 39 of 1960

An Act to amend The Election Act

(Assented to _____, 1960)

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

1. *The Election Act*, being chapter 15 of the Statutes of Alberta, 1956, is hereby amended.

2. Section 15, subsection (1) is amended by striking out clause (c) and by substituting the following:

(c) upon making such subdivision, the returning officer shall,

(i) in the case of an electoral division that is a city constituency, appoint under his hand in Form 7, two resident electors of the electoral division as enumerators for each polling subdivision, and

(ii) in the case of all other electoral divisions, appoint under his hand in Form 7, one competent and reliable resident elector of the electoral division as enumerator for each polling subdivision;

3. Section 21, subsection (1) is amended by striking out the words "within twenty-four hours" and by substituting the words "as soon as possible and not later than seventy-two hours".

4. Section 46 is amended by adding the following new subsection immediately after subsection (1):

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

5. Section 51, subsection (8) is amended by striking out the words "The returning officer" and by substituting the words "In a city constituency the returning officer".

6. Section 67 is amended by striking out subsection (2) and by substituting the following:

(2) The number of agents permitted to remain in the polling place shall not at any one time exceed one for each ballot box, and nothing in subsection (1) shall be construed to prohibit an agent of a candidate remaining in a room containing more than one polling place if no more agents of that candidate are in the room than there are ballot boxes in the room.

"71. (1) If before being permitted to vote a person whose name is on the list of electors is required to take the oath in Form 31 and refuses to do so, his name shall be removed from the list by drawing lines through his name on the list of electors and in the poll book if his name has been entered in the poll book, and the words "refused to be sworn" written thereafter.

(2) No person whose name is so removed from the list of electors shall receive a ballot paper or be permitted to vote at the election."

8. The requirement of a written statement from the hospital authority is being removed. The words repealed are:

"84. (1) If, from the written statement of the superintendent or other person having the charge of a hospital situate within an electoral division, it is made to appear to the returning officer of that division, at any time after nomination day and not later than the second day before polling day, that there are in the hospital not less than ten patients who are then entitled to vote at the election then being held in the electoral division, the returning officer".

9. (a) "Posting up" is too restrictive and literal interpretation and "displaying" is substituted. Section 118, subsection (3) reads:

"(3) A person

(a) posting up within or on the outside of any building used for a polling place, or

(b) distributing within such building,

any election circular, card, poster, bill or other paper on polling day is guilty of an offence and liable on conviction to a fine not exceeding twenty-five dollars."

(b) Self-explanatory.

10. Form 7 is amended to conform to the changes made to section 15. See clause 2. Form 7 presently reads:

"FORM 7
(Section 15 (1) (c))
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 Election Act.

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

.....
Returning Officer

.....
Election Clerk"

11. The Second Schedule is amended to conform with changes made to section 15. See clause 2. Rules 3 (2) and 4 presently read:

Rule 3.

(2) Where no substitute is nominated, or where the returning officer deems there is good cause for his refusing to appoint any person nominated as a substitute, the enumerator shall, subject to Rule 1, be appointed by the returning officer conjointly with the election clerk or one of the election clerks of the electoral division, without notice to any person.

Rule 4. If, at the then last preceding election in the electoral division, there was opposed to the organization that received the highest number of votes no organization representing a different and opposed political interest, or if either of the organizations mentioned in paragraph (1) of 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 notice to any person."

12. The Rules relating to the maintenance of central registries for city constituencies were drafted when Edmonton and Calgary were each one constituency. By 1957, chapter 21, Edmonton was divided into 9 and Calgary into 7 constituencies necessitating some re-wording of the Rules. Rules 11, 12, 13, 15 and 17 presently read:

7. Section 71 is struck out and the following is substituted:

71. If a person whose name is on the list of electors is, before being permitted to vote, required to take the oath in Form 31 and refuses to do so, the words "refused to be sworn" shall be written after his name on the list of electors and in the poll book, if his name has been entered in the poll book.

8. Section 84 is amended by striking out all the words preceding clause (a) in subsection (1) and by substituting the following:

84. (1) Where by any means it is made to appear to the returning officer, at any time after nomination day and not later than the second day before polling day, that there are in a hospital situate within his electoral division not less than ten patients who are then entitled to vote at the election then being held in that electoral division, the returning officer

9. Section 118 is amended

- (a) as to subsection (3), clause (a) by striking out the words "posting up" and by substituting the word "displaying",
- (b) by adding immediately after subsection (3) the following:
 - (4) Where a person displays any circular, card, poster, bill or other paper contrary to subsection (3), the returning officer may cause the same to be removed and neither the returning officer nor any person acting under his instructions is liable for trespass or damages resulting from or occasioned by the removal thereof.

10. Form 7 in the First Schedule is amended

- (a) by striking out the word "We" and by substituting the word "I",
- (b) by striking out the words "our hands" and by substituting the words "my hand",
- (c) by striking out the words "*Election Clerk*".

11. The Second Schedule is amended

- (a) as to Rule 3, paragraph (2) by striking out the words "conjointly with the election clerk or one of the election clerks of the electoral division,",
- (b) as to Rule 4 by striking out the words "conjointly with the election clerk or one of the election clerks of the electoral division,".

12. The Third Schedule is amended

- (a) as to Rule 11
 - (i) by striking out the words "in each" and by substituting the words "for each",

"Rule 11. The Clerk of the Executive Council shall maintain a permanent Registry of electors in each of the city constituencies at such central and convenient places therein as he may determine with the approval of the Lieutenant Governor in Council.

Rule 12. Any qualified elector of a city constituency may register himself, during the regular office hours of the public service of Alberta, by appearing at the place where the register is maintained for the city in which he resides and showing to the satisfaction of the official in charge of the registry thereat that he is qualified as an elector residing in such city.

Rule 13. At least once in each calendar year the Clerk of the Executive Council shall advertise the purpose and location of the Registry of Electors in each of the city constituencies, in The Alberta Gazette and in a newspaper circulating in the general area of such Registry of Electors, and by such other media as he deems desirable.

Rule 15. When the writ of election is issued in the constituency where the registry is maintained, the Clerk of the Executive Council shall cause a list of the names registered thereon to be transmitted to the Returning Officer for each of the city constituencies respectively.

Rule 17. If any such name does not so appear, the returning officer shall cause a check to be made in the electoral subdivision in which the elector is shown by the Register to reside and if the elector has moved to another subdivision within the city shall include his name in the list of electors therefor, but if the elector cannot be located, the returning officer shall not include the elector's name in any list prepared by the enumerators."

- (ii) by striking out the words "places therein" and by substituting the words "place in each city",
- (b) as to Rule 12
 - (i) by striking out the words "the city" and by substituting the words "the constituency",
 - (ii) by striking out the words "such city" and by substituting the words "that constituency",
- (c) as to Rule 13 by striking out the words "in each" and by substituting the words "for each",
- (d) by striking out Rule 15 and by substituting the following:

Rule 15. When a writ of election is issued and addressed to the returning officer of a city constituency, the Clerk of the Executive Council shall cause to be transmitted to the returning officer a list of the electors registered in the Register for that constituency.

- (e) as to Rule 17 by striking out the words "has moved to another subdivision within the city" and by substituting the words "still resides in the subdivision or has moved to another subdivision within the constituency".

13. This Act comes into force on the day upon which it is assented to.

No. 39

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to amend The Election Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. COLBORNE
