Province of Alberta

LOCAL AUTHORITIES ELECTION ACT

Revised Statutes of Alberta 2000
Chapter L-21

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Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2012 cE-0.3 s276 amends ss1, 8, 21(3), 22, 24(1), 27(2), 48(2) and (3)77.1(2.4)(c),118(2), repeals and substitutes s147.1(1)(g)(vi).

Regulations

The following is a list of the regulations made under the *Local Authorities Election Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	*Amendments*
Local Authorities Election Act		
Ballot Box	387/2003	*300/2009, 165/2012, 134/2015*
Calgary Election	293/2009	*178/2012, 140/2015*
Edmonton Election	92/2001	*354/2003, 47/2004, 179/2004, 175/2007, 294/2009, 179/2012, 141/2015*
Local Authorities Election Forms	106/2007	*68/2008, 81/2010, 164/2010, 73/2013*
Modified Voting Procedure	5/2007	
Red Deer Election	162/2004	*279/2009, 152/2012, 142/2015*

Senatorial Selection and Local
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LOCAL AUTHORITIES ELECTION ACT

Chapter L-21

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

Definitions

1 In this Act,

(a) "advance vote" means a vote taken in advance of election day;

(b) "area" means the area within the boundaries of a local jurisdiction;

(c) "bribery" means bribery within the meaning of section 116;

(d) "by-election" means an election other than a general election or a first election;

(e) "bylaw" includes a resolution on which the opinion of the electors is to be obtained;

(f) "constable" means a person appointed under this Act as a constable;

(g) "council" means the council of a municipality as described in the *Municipal Government Act*;

(h) "councillor" means a member of council;

(i) "Court" means the Court of Queen's Bench;

(j) "deputy" means the deputy returning officer;

(k) "elected authority" means

(i) a council under the *Municipal Government Act*, or

(ii) a board of trustees under the *School Act*;

(iii) repealed 2001 c11 s4;

(l) "election" means a general election, first election, by-election and a vote on a bylaw or question;

(m) "election day" means the day fixed for voting at an election;

(n) "elector" means a person eligible to vote at an election;

(o) "first election" means first election referred to in section 8;

(p) "general election" means an election held for all the members of an elected authority to fill vacancies caused by the passage of time;

(q) "judge" means a judge of the Court;

(r) "local jurisdiction" means a municipality or a district or division as defined in the *School Act*, as the case may be;

(s) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(t) "officer" means a returning officer or deputy;

(t.1) "official agent" means a person appointed as an official agent pursuant to section 68.1;

(t.2) "prescribed form" means the appropriate form as set out in the regulations;

(t.3) "presiding deputy" means a deputy who has been appointed as a presiding deputy pursuant to section 14, by a returning officer;

(u) repealed 2001 c11 s4;

(v) "relevant Minister" means,

(i) in the case of a municipality, the Minister responsible for the *Municipal Government Act*, or

(ii) repealed 2001 c11 s4,

(iii) in the case of a district or division as defined in the *School Act*, the Minister responsible for Part 8 of the *School Act*;

(w) "returning officer" means a person appointed under this Act as a returning officer and includes a person acting in the returning officer's place;

(w.1) "scrutineer" means a person recognized as a scrutineer pursuant to section 69 or appointed pursuant to section 70;

(x) "secretary" means a chief administrative officer or designated officer of a municipality if the council has assigned the functions of the secretary under this Act to the designated officer, or a school secretary;

(y) "seniors' accommodation facility" means

(i) lodge accommodation as defined in the *Alberta Housing Act*, or

(ii) a facility for seniors that provides accommodation at a location for 10 or more persons who are 65 years of age or older;

(z) "spoiled ballot" means a spoiled ballot as described in section 65;

(z.1) "spouse" means the spouse of a married person but does not, for the purposes of section 22(4), include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order;

(aa) "undue influence" means undue influence within the meaning of section 117;

(bb) "voting register" means the prescribed form on which is recorded the name of a person who has registered to vote;

(cc) "voting station" means the place where an elector votes;

(dd) "voting subdivision" means that area of a local jurisdiction or ward designated as a voting subdivision by the elected authority or the returning officer;

(ee) "ward" means

(i) a ward under the *Municipal Government Act*, or

(ii) repealed 2001 c11 s4,

(iii) a ward or an electoral subdivision under the *School Act*.

RSA 2000 cL-21 s1;2001 c11 s4;2002 cA-4.5 s52;
2003 c27 s2;2006 c22 s2;2014 c8 s17

Part 1
Election Procedure

Joint elections

2(1) An elected authority may hold an election separately or in conjunction with another elected authority in the same area.

(2) An elected authority may by resolution enter into an agreement with one or more elected authorities in the same area for the conduct of an election.

(3) The agreement referred to in subsection (2) must state which elected authority is responsible for the conduct of the election, and that elected authority must ensure that the procedures prescribed under this Act for holding an election are complied with, including procedures in respect of the retention and destruction of election materials.

(4) The elected authority that is responsible for the conduct of the election under an agreement referred to in subsection (2) has all the rights, powers and duties of the elected authorities that have entered into that agreement respecting the conduct of the election in the area to which the agreement applies, including the power to pass bylaws and resolutions but not the power to pass bylaws under section 27 or 118.

RSA 2000 cL-21 s2;2006 c22 s3;2012 c5 s103

Joint elections

3(1) An elected authority may by resolution enter into an agreement for the conduct of an election with one or more elected authorities of local jurisdictions that do not have contiguous boundaries but do have areas in common.

(2) An agreement under subsection (1)

(a) must state which elected authority and which returning officer is responsible for the conduct of the election in which area or part of an area,

(b) must require each elected authority to appoint a returning officer, and

(c) may, subject to subsections (3) and (4), provide for all other matters necessary for the conduct of the election.

(3) A person may be a returning officer for more than one elected authority.

(4) The elected authority that is responsible for the conduct of the election under an agreement referred to in subsection (1) has all the rights, powers and duties of the elected authorities that have entered into the agreement respecting the conduct of the election in the area to which the agreement applies, including the power to pass bylaws and resolutions but not the power to pass bylaws under section 27 or 118.

(5) The elected authority that is responsible for the conduct of the election must ensure that the procedures prescribed under this Act for holding an election are complied with, including procedures in respect of the retention and destruction of election materials.

RSA 2000 cL-21 s3;2006 c22 s4;2012 c5 s104

Improvement district and special area elections

4 If an election is to be held in an improvement district or special area, the Minister may assume any of the powers, duties or functions of an elected authority under this Act in respect of that election.

1985 c38 s3;1995 c24 s99(15)

Procedure modification

5 All proceedings that, in the opinion of an elected authority, are necessary to give full effect to section 73, 77.1, 77.2, 77.3, 79, 80 or 81 are deemed to be authorized notwithstanding any inconsistencies that may arise between any of those sections and any other provision of this Act.

RSA 2000 cL-21 s5;2006 c22 s5

Ministerial powers

6(1) The relevant Minister may

(a) give directions governing the conduct of a general election, first election, by-election or vote on a bylaw or question if the relevant Minister considers the provisions of this Act insufficient, and

(b) require the elected authority to conduct a vote of the electors on any question specified by the relevant Minister at the same time as a general election is held or any question respecting any matter over which the elected authority has jurisdiction.

(2) The relevant Minister may decide any questions arising from the difficulty or impossibility of applying this Act and in so deciding the relevant Minister may by order alter dates prescribed by this Act for the doing of any matter or thing and may give other directions.

(3) If there are wards in an area, the provisions of this Act respecting a general election apply unless specifically varied in this Act, and if the bylaw, resolution or order establishing wards does not provide for any matter, the relevant Minister may by order give direction as to that or any other matter or thing requisite to the proper conduct of an election.

(4) The *Regulations Act* does not apply to directions given under this section.

1983 cL-27.5 s5

Voting on bylaw or question

7 If this or any other Act provides for the submission of a bylaw or question to the electors for their assent or approval, the bylaw or question shall be submitted to a vote in accordance with this Act.

1983 cL-27.5 s6;1994 cM-26.1 s642(42)

First elections

8(1) In a newly formed local jurisdiction,

(a) nominations, and

(b) the first election, if an election is required,

shall be held on the dates fixed by the relevant Minister and the persons elected hold office from the beginning of the first organizational meeting of the elected authority to immediately before the beginning of the organizational meeting of the elected authority after the next general election.

(2) The relevant Minister shall provide for the conduct of a first election.

(3) Notwithstanding any other Act, if an Act or an order under an Act is passed to create a new municipality or a new district or division as defined in the *School Act*, the first election for the municipality, district or division may be held on a date prior to the date on which the Act or order comes into force.

(4) A person elected at an election referred to in subsection (3) shall not be sworn into office before the effective date of the formation of the municipality, district or division, as the case may be.

1983 cL-27.5 s7;1985 c38 s4;1994 cM-26.1 s642(42)

Term of office

9(1) A person elected under this Act, unless otherwise disqualified from remaining in office, holds office from the beginning of the organizational meeting of the elected authority following the general election to immediately before the beginning of the organizational meeting of the elected authority after the next general election.

(2) A person elected to an elected authority to fill a vacancy caused other than by the passage of time holds office from when the person takes the oath of office for the remainder of the period

the person's predecessor would have held office had that predecessor continued in office.

1983 cL-27.5 s8;1994 cM-26.1 s642(42)

General term of office

10(1) Commencing with the year 2013,

(a) the members of an elected authority elected at a general election hold office for a term of 4 years, and

(b) a general election shall be held every 4th year.

(2) If a declaration is made under section 34(1) with respect to every office of the elected authority, those declared elected may hold an organizational meeting before the date of the general election.

(3) Despite subsection (1), an organizational meeting held pursuant to subsection (2) terminates the term of office of the members of the elected authority elected at the previous general election.

RSA 2000 cL-21 s10;2003 c27 s3;2006 c22 s6;2012 c5 s105

Election day

11(1) Election day for a local jurisdiction

(a) in the case of a general election, if required, is to be the 3rd Monday in October, or

(b) in the case of a by-election or vote on a bylaw or question, shall be the day fixed by a resolution of the elected authority.

(2) Notwithstanding subsection (1)(a), an elected authority may, by a bylaw passed prior to June 30 of a year in which a general election is to be held, provide that the election day in the local jurisdiction is to be the Saturday immediately preceding the 3rd Monday in October.

1983 cL-27.5 s10;1991 c23 s2(3)

Summer villages

12 The provisions of this Act that apply to municipalities apply to summer villages except that in respect of a summer village

(a) election day

(i) in the case of a general election for council or for school representatives, shall be 4 weeks after nomination day for that election, and

(ii) in the case of a by-election or vote on a bylaw or question, shall be as established by resolution of the summer village council,

(b) a person is entitled to vote at an election if

(i) the person is eligible to vote under section 47,

(ii) the person is 18, a Canadian citizen and is named on a certificate of title as the person who owns property within the summer village, or

(iii) the person is 18, a Canadian citizen and is the spouse or adult interdependent partner of a person referred to in subclause (ii),

(c) the nomination of candidates for election as councillors shall be in the form prescribed for use under section 27(1) and shall be signed by at least 5 electors eligible to vote at that election,

(d) in the case of a general election, nominations for councillors shall be received by the returning officer in June or July or both June and July in the year in which an election is to be held at a date and place and between the hours established by council, and sections 25 and 28(1) do not apply,

(e) in the case of a by-election, nominations for councillors and school representatives, if any, shall be received by the returning officer between the hours of 10 a.m. and 12 noon at a date and place established by council,

(f) voting hours in an election or in a vote on a bylaw or question shall be between the hours of 10 a.m. and 7 p.m., and section 46 applies except as to hours,

(g) the time limit for withdrawal of nominations shall be 48 hours and section 32 applies except as to hours, and

(h) in order to qualify for nomination as a councillor, a person is not required to be a resident of the summer village but must be entitled to vote in the election and have been a resident of Alberta for the 12 consecutive months immediately preceding election day.

RSA 2000 cL-21 s12;2002 cA-4.5 s52;
2003 c27 s4;2006 c22 s7

Appointment of returning officers

13(1) An elected authority may, by resolution, appoint a returning officer for the purposes of conducting elections under this Act.

(2) If the elected authority does not appoint a returning officer, the secretary is deemed to have been appointed as the returning officer.

(3) The returning officer for a local jurisdiction may not be a candidate for the elected authority for that local jurisdiction.

1983 cL-27.5 s12

Impartiality

13.1(1) A returning officer must be independent and impartial when performing the duties of a returning officer.

(2) No local jurisdiction, its officers or any other person shall obstruct or attempt to influence the returning officer in the carrying out of the duties of a returning officer.

2006 c22 s8

Duties of returning officer

14(1) In addition to performing the duties specified in this or any other Act, a returning officer shall

(a) appoint a presiding deputy, deputies, constables and other persons as required;

(b) establish voting stations;

(c) designate at least 2 deputies to work at each voting station, one of whom shall be designated as the presiding deputy, who is to be in charge of the voting station;

(d) provide for the supply and delivery of ballots, ballot boxes, instructions to electors and other necessary supplies to all voting stations;

(e) give notice of nominations;

(f) receive nominations;

(g) declare acclamations;

(h) give notice of elections;

(i) do all things necessary for the conduct of an election.

(2) A returning officer has all the duties and powers of a presiding deputy and deputy.

(3) A returning officer may delegate any of the returning officer's powers and duties to a constable, presiding deputy or deputy and may impose conditions and restrictions on the delegation.

RSA 2000 cL-21 s14;2006 c22 s9

Presiding deputy

14.1 A presiding deputy shall carry out the duties of a presiding deputy under this Act and any other duties that a returning officer assigns to the presiding deputy.

2006 c22 s10

Constable

15(1) The presiding deputy at a voting station is charged with maintaining the peace at the voting station and with the approval of the returning officer, may appoint a constable to maintain order at the voting station, and may summon to the deputy's assistance in a voting station a police officer or any other person for the purpose of maintaining order, preserving the public peace, preventing any breach of the public peace, or removing any person who, in the opinion of the deputy presiding at the voting station, is obstructing the voting or contravening this Act.

(2) When requested to do so under subsection (1), a police officer shall forthwith attend on and assist the deputy making the request in the exercise of the deputy's powers under that subsection.

1983 cL-27.5 s15;1991 c23 s2(6)

Oath, statement

16(1) Every returning officer before performing the duties of that office must take and subscribe to the official oath in the prescribed form.

(2) Every deputy, enumerator, scrutineer and constable before performing the duties of that office must subscribe to a statement in the prescribed form.

RSA 2000 cL-21 s16;2003 c27 s5;2006 c22 s11;2012 c5 s106

Substitute returning officer

17 If a person who has been appointed a returning officer becomes incapable of carrying out the duties of that office, the chief elected official of a municipality or chair of the board of trustees may, in writing, appoint a person to act in the place of the returning officer.

1983 cL-27.5 s17;1994 cM-26.1 s642(42)

Substitute deputy or constable

18 If a person who has been appointed a deputy or constable becomes incapable of carrying out the duties of that office, the returning officer or a deputy returning officer may, in writing, appoint another person to act in the place of that person.

RSA 2000 cL-21 s18;2003 c27 s6

Secretary's duties

19(1) The secretary shall for the purposes of this Act,

(a) on the request of the returning officer, provide the returning officer with information and assistance, and

(b) on the vote results being declared by the returning officer, take custody of election materials and provide for their destruction in accordance with this Act.

(2) The secretary may delegate any powers and duties of the secretary under this Act to the returning officer.

RSA 2000 cL-21 s19;2003 c27 s7

Administration of oaths

20 The returning officer, a presiding deputy or a commissioner for oaths is authorized to administer an oath to a person making an oath that is authorized or required by this Act.

RSA 2000 cL-21 s20;2003 c27 s8;2006 c22 s12

Qualification of candidates

21(1) A person may be nominated as a candidate in any election under this Act if on nomination day the person

(a) is eligible to vote in that election,

(b) has been a resident of the local jurisdiction and the ward, if any, for the 6 consecutive months immediately preceding nomination day, and

(c) is not otherwise ineligible or disqualified.

(2) Notwithstanding subsection (1), in the case of a city, a candidate for councillor is not required to be a resident of the ward in either a general election or a by-election, but must be a resident of the city.

(3) Notwithstanding subsection (1), a candidate for trustee of a board of a school district that is wholly or partly within the boundaries of a city is not required to be a resident of the ward in either a general election or a by-election, but must be a resident of the school district.

(4) If the boundaries of a local jurisdiction are altered by the addition of land, a person who has been a resident of the added land for at least the 6 months immediately preceding nomination day is deemed, for the purposes of this Act, to have been a resident, during that time, of the local jurisdiction to which the land was added.

1983 cL-27.5 s21;1985 c38 s6;1988 cS-3.1 s247;1990 c36 s52;
1991 c23 s2(10)

Ineligibility

22(1) A person is not eligible to be nominated as a candidate in any election under this Act if on nomination day

(a) the person is the auditor of the local jurisdiction for which the election is to be held;

(b) the person is an employee of the local jurisdiction for which the election is to be held unless the person takes a leave of absence under this section;

(c) the person is indebted to the municipality of which the person is an elector for taxes in default exceeding $50, excluding from that amount

(i) any indebtedness for current taxes, and

(ii) any indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality, unless the person is in default in the payment of any money due under the agreement;

(d) the person is indebted to the local jurisdiction for which the election is to be held for any debt exceeding $500 and in default for more than 90 days;

(d.1) the person has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the *Canada Elections Act* (Canada).

(e),(f) repealed 2006 c22 s13.

(1.1) A person is not eligible to be nominated as a candidate for election as a trustee of a school board if on nomination day the person is employed by

(a) a school district or division,

(b) a charter school, or

(c) a private school,

in Alberta unless the person takes a leave of absence under this section.

(1.2) A person is not eligible to be nominated as a candidate for election as a councillor if

(a) the secretary transmitted a report to council under section 147.8(1) in respect of the person,

(b) the Court did not dispense with, or extend the time for, compliance with section 147.4 by an order under section 147.8(3), and

(c) subject to subsection (1)(d.1), nomination day for the election occurs within

(i) the 8-year period following the day on which the secretary transmitted the report to council, or

(ii) where the disclosure statement required by section 147.4 has been filed with the municipality, the 3-year period following the day of filing,

whichever period expires first.

(1.3) Subsection (1.2) applies where a report has been transmitted under section 147.8(1) respecting a campaign period beginning on or after January 1, 2014.

(2) Repealed 2006 c22 s13.

(3) Subsection (1)(b) to (d) do not apply to a candidate for election as a trustee of a school board.

(4) Subsection (1) does not apply to a person by reason only

(a) that the person is a shareholder in a corporation having a contract or dealings with the local jurisdiction or elected authority for which the election is being held,

(i) unless the person holds or there is held by the person and the person's spouse or adult interdependent partner, parents, children, brothers and sisters more than 25% of the issued capital stock of the corporation, or

(ii) unless the contract or dealings are for the building or construction of a public work of the local jurisdiction;

(b) that the person has a contract with the local jurisdiction for the supplying to the person, the person's spouse or adult interdependent partner or child of a service, utility or commodity that the local jurisdiction has statutory authority to supply;

(c) that the person holds an interest in a publication

(i) in which official advertisements of the local jurisdiction appear, or

(ii) that is supplied to the local jurisdiction at the usual rates;

(d) that the person sells or leases to the local jurisdiction land or interest in land that the local jurisdiction has authority to expropriate;

(e) that the person supplies goods, merchandise or services to the local jurisdiction or to persons contracting with the local jurisdiction if they are supplied at competitive prices and in the ordinary course of the person's business or profession;

(f) that the person renders

(i) services to indigents who are residents of the local jurisdiction and for which the local jurisdiction is or may become liable to pay, or

(ii) services for which the local jurisdiction has provided a subsidy;

(g) that the person is appointed to a position under the *Emergency Management Act*;

(h) that the person has rendered professional services as a lawyer to the local jurisdiction, if the fees for the services have been reviewed or assessed under the *Alberta Rules of Court*;

(i) that the person has received a gratuity or allowance for services on a committee or board appointed by or responsible to the local jurisdiction;

(j) that the person is a member of an association under the *Rural Utilities Act* or is a member of a cooperative under the *Cooperatives Act*;

(k) that the person is a vendor, purchaser, assignor or assignee of land bought or sold under the *Agriculture Financial Services Act*;

(l) that the person is a party to a contract for the purchase or lease of real or personal property from the local jurisdiction entered into before nomination day;

(m) that the person is a volunteer chief, officer or member of a fire, ambulance or emergency measures organization established by a local jurisdiction or that the person is a volunteer for another purpose who performs duties under the direction of the local jurisdiction.

(5) An employee of a municipality who wishes to be nominated as a candidate in an election to be held for that municipality may notify his or her employer on or after July 1 in the year of a general election or on or after the day the council passes a resolution to hold a by-election but before the employee's last working day prior to nomination day that the employee is taking a leave of absence without pay under this section.

(5.1) An employee referred to in subsection (1.1) who wishes to be nominated as a candidate for election as a trustee of a school board may notify his or her employer on or after July 1 in the year of an election but before the employee's last working day prior to nomination day that the employee is taking a leave of absence without pay under this section.

(6) Notwithstanding any bylaw, resolution or agreement of a local jurisdiction, every employee who notifies his or her employer under subsection (5) or (5.1) is entitled to a leave of absence without pay.

(6.1) Repealed 2012 c5 s107.

(7) An employee who takes a leave of absence under this section is subject to the same conditions that apply to taking a leave of absence without pay for any other purpose.

(8) If an employee who takes a leave of absence under this section is not elected, the employee may return to work, in the position the employee had before the leave commenced, on the 5th day after election day or, if the 5th day is not a working day, on the first working day after the 5th day.

(9) If an employee who takes a leave of absence under this section is declared elected, the employee is deemed to have resigned that position as an employee the day the employee takes the official oath of office as an elected official.

(10) If an employee who takes a leave of absence under this section is declared elected but, after a recount under Part 4, is declared not to be elected, the employee may return to work on the first working day after the declaration is made, and subsections (7) and (8) apply.

(11) Subject to subsection (12), an employee who takes a leave of absence under this section and is declared elected continues to be deemed to have resigned that position as an employee if the employee subsequently forfeits the elected office or if the employee's election is adjudged invalid.

(12) If, through no act or omission of the employee, an employee forfeits the elected office or the employee's election is adjudged invalid, the employee may return to work on the first working day after the office is forfeited or the election is adjudged invalid, and subsections (7) and (8) apply.

RSA 2000 cL-21 s22;2001 cC-28.1 s458;2001 c23 s1(11); 2002 cA-4.5 s52;2002 c23 s1;2006 c22 s13;2007 c12 s12; 2009 c53 s104;2010 c9 s1;2012 c5 s107

Ineligibility for nomination

23(1) A person is not eligible to be nominated for more than one office of the same elected authority.

(2) A member who holds office on an elected authority is not eligible to be nominated for or elected to the same or any other office on the elected authority

(a) unless the member's term of office is expiring, or

(b) if the member's term of office is not expiring, unless the member has resigned that office effective 18 days or more before nomination day.

1983 cL-27.5 s23

Re-election

24(1) A person who held office on a board of trustees under the *School Act* and

(a) who resigned that office to avoid making restitution for money the person received that disqualified the person from holding that office pursuant to this or any other Act and has been ordered by a judge to make restitution, or

(b) who was declared by a judge to be disqualified to hold that office pursuant to this or any other Act,

is not eligible to become a member of that board of trustees until after 2 general elections have occurred after the date on which the person was ordered to make restitution or was declared to be disqualified.

(2) Notwithstanding that a by-election or general election has been held between the time when the disqualification of the member or former member arose and the time when the order or declaration has been made by the judge, subsection (1) applies and, if the person was re-elected, the person is not eligible to remain a member of the board of trustees.

(3) Notwithstanding subsections (1) and (2), a judge

(a) who has made an order described in subsection (1)(a), or

(b) who has declared a person to be disqualified

may reduce the period of disqualification.

(4) An appeal against the decision of a judge under this section lies to the Court of Appeal.

1983 cL-27.5 s24;1994 cM-26.1 s642(42)

Nomination day

25 Nomination day shall be 4 weeks before election day.

1983 cL-27.5 s25

Notice of nomination day

26(1) The returning officer shall give notice of nomination day in the prescribed form by publishing a notice at least once a week in each of the 2 weeks before nomination day in a newspaper or other publication circulating in the area, or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before nomination day.

(2) On complying with subsection (1), the returning officer may publish, mail and deliver additional notices and give notice by any other method as many times as the returning officer considers appropriate.

RSA 2000 cL-21 s26;2003 c27 s9

Form of nomination

27(1) Every nomination of a candidate shall be in the prescribed form and signed by at least 5 electors eligible to vote in that election and resident in the local jurisdiction on the date of signing the nomination, and shall be accompanied with a written acceptance signed in the prescribed form by the person nominated, stating

(a) that the person is eligible to be elected to the office,

(a.1) the name, address and telephone number of the person's official agent, and

(b) that the person will accept the office if elected,

and if required by bylaw, it must be accompanied with a deposit in the required amount.

(2) Notwithstanding subsection (1), a city that is a local jurisdiction with a population of at least 10 000 or a board of trustees under the *School Act* of a local jurisdiction with a population of at least 10 000 may, by a bylaw passed prior to June

30 of a year in which a general election is to be held, specify the minimum number of electors required to sign the nomination of a candidate for an office, but that number must be at least 5 and not more than 100.

(3) Notwithstanding subsection (1), if a system of wards is in effect, only an elector who is a resident of the ward for which a candidate for election is being nominated may sign the nomination of the candidate.

(4) If a bylaw has been passed providing for a deposit, a nomination paper is not valid nor shall it be acted on by the returning officer unless it is accompanied with the deposit.

RSA 2000 cL-21 s27;2003 c27 s10;2006 c22 s14

Nominations

28(1) The returning officer shall receive nominations at the local jurisdiction office between 10 a.m. and 12 noon on nomination day.

(1.1) The person who is nominated as a candidate is responsible for ensuring that the nomination filed under subsection (1) meets the requirements of section 27.

(2) Notwithstanding subsection (1), an elected authority may, by a bylaw passed prior to June 30 of a year in which an election is to be held, provide that the returning officer

(a) may receive nominations earlier than 10 a.m., and

(b) may establish locations, in addition to the local jurisdiction office, where a deputy may receive nominations.

(3) Any person may file a nomination described in section 27 with the returning officer or deputy.

(3.01) If a nomination is not signed by at least the minimum number of electors required to sign the nomination, the returning officer shall not accept it for filing.

(3.1) Repealed 2006 c22 s15.

(4) At any time after 12 noon on nomination day until the term of office to which the filed nomination papers relate has expired, a person may request to examine the filed nomination papers during regular business hours and in the presence of the returning officer, deputy or secretary.

(5) The returning officer or secretary must retain all the filed nomination papers until the term of office to which the papers relate has expired.

(6) Twenty-four hours after the close of nominations on nomination day, the returning officer shall, as soon as practicable, forward a signed statement showing the name of each nominated candidate and any information about the candidate that the candidate has consented to being disclosed to the relevant Minister's Deputy Minister.

RSA 2000 cL-21 s28;2003 c27 s11;2006 c22 s15;2012 c5 s108

Material to be provided to candidate

28.1 The returning officer, on receiving a nomination paper, must, if requested by the candidate, provide to the candidate a sufficient number of copies of the prescribed form for the identification of an official agent, campaign workers and scrutineers for the purposes of identification under section 52.

2006 c22 s16

Deposit

29(1) An elected authority may, by bylaw passed not fewer than 30 days before nomination day, require that every nomination be accompanied with a deposit in the amount fixed in the bylaw.

(2) An amount fixed in a bylaw under subsection (1) may not exceed

(a) $1000, in the case of a local jurisdiction with a population of more than 10 000, or

(b) $100, in any other case.

RSA 2000 cL-21 s29;2006 c22 s17

Disposition of deposit

30(1) When a bylaw has been passed to provide for a deposit, the returning officer shall require the deposit to be provided in cash, by certified cheque or by money order.

(2) The candidate's deposit shall be returned to the candidate

(a) if the candidate is declared elected,

(b) if the candidate obtains a number of votes at least equal to 1/2 of the total number of votes cast for the candidate elected to the office with the least number of votes, or

(c) if the candidate withdraws as a candidate in accordance with section 32.

(3) If a candidate dies before the closing of the voting stations on election day, the sum deposited by the candidate shall be returned to the candidate's estate.

(4) If a candidate does not obtain the number of votes described in subsection (2)(b), the deposit shall be paid into the general revenue of the local jurisdiction for which the deposit requirement has been established.

RSA 2000 cL-21 s30;2003 c27 s12

Insufficient nominations

31(1) If the number of persons nominated for any office is less than the number required to be elected, the time for receipt of nominations

(a) shall stand adjourned to the next day at the same place at the hour of 10 a.m. and shall remain open until 12 noon for the purpose of receiving further nominations for the office, and

(b) shall continue to remain open and be adjourned in the same manner from day to day until 12 noon of the day that the required number of nominations has been received or a period of 6 days, including nomination day but not including Saturday, Sunday and holidays, as defined in the *Interpretation Act*, has elapsed.

(2) Notwithstanding subsection (1), if a bylaw under section 28(2)(a) is in force in the local jurisdiction, the time for receipt of nominations must comply with the bylaw.

(3) Notwithstanding subsection (1)(b), in the case of a summer village the period of 6 days includes Saturday and Sunday.

(4) If sufficient nominations to fill all vacancies are not received, the secretary shall immediately notify the relevant Minister, who may recommend a change in the status of the local jurisdiction or any other action the relevant Minister considers necessary.

1983 cL-27.5 s31;1997 c15 s10

Withdrawal of nomination

32(1) Subject to subsection (2), if more than the required number of candidates for any particular office are nominated, any person so nominated may, at any time within 24 hours after the close of the nomination period, withdraw as a candidate for the office for which the candidate was nominated by filing with the returning officer a withdrawal in writing.

(2) If, after one or more candidates have withdrawn, the number of remaining candidates does not exceed the number of vacancies to

be filled, the returning officer shall refuse to accept further withdrawals.

1983 cL-27.5 s32

Death of candidate

33(1) An elected authority may, by a bylaw passed prior to nomination day, provide that if prior to the opening of the voting stations on election day a candidate for an elected authority dies after being nominated,

(a) the election for the position for which the deceased candidate was nominated shall be discontinued, and

(b) the elected authority shall as soon as practicable provide for the holding of a new election for that office.

(2) If a candidate dies after being nominated and a bylaw has not been passed under subsection (1), the returning officer shall cause a notice of the death to be posted at a conspicuous location in all the relevant voting stations.

1983 cL-27.5 s33;1991 c23 s2(14)

Election by acclamation

34(1) When at the close of nominations the number of persons nominated for any office is the same as the number required to be elected, the returning officer shall declare the persons nominated to be elected to the offices for which they were nominated.

(2) Forthwith after having declared a person elected, the returning officer shall give to the secretary and the relevant Minister's Deputy Minister written notification signed by the returning officer of the names of the persons so elected and of the offices to which they were elected and the returning officer shall deliver the nomination papers and other material relating to the receipt of nominations to the secretary.

(2.1) Repealed 2006 c22 s18.

(3) At any time after 12 noon on nomination day until the term of office to which the filed nomination papers relate has expired, a person may request to examine the filed nomination papers during regular business hours and in the presence of the returning officer, deputy or secretary.

(4) The returning officer or secretary must retain all the filed nomination papers until the term of office to which the nomination papers relate has expired.

RSA 2000 cL-21 s34;2003 c27 s13;2006 c22 s18

Notice of election

35(1) If more than the required number of persons for any office remain nominated 24 hours after the close of nominations, the returning officer shall declare that an election shall be held for filling that office.

(2) If an election is required, the returning officer shall give notice of it in the prescribed form by publishing a notice at least once a week in each of the 2 weeks before election day in a newspaper or other publication circulating in the area, or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before election day.

(3) The notice of a vote on a bylaw or question shall set out the text or a reasonably complete summary of the bylaw or question.

(4) On complying with subsection (2), the returning officer may publish, mail and deliver additional notices and give notice by any other method as many times as the returning officer considers appropriate.

RSA 2000 cL-21 s35;2003 c27 s14

Part 2
Voting Procedure

Voting subdivisions

36(1) The elected authority by resolution, or the returning officer if authorized by resolution of the elected authority, may divide the local jurisdiction into voting subdivisions and may from time to time alter their boundaries but may not alter them between the time of the giving of notice of an election and the election day.

(2) If voting subdivisions are not established under subsection (1),

(a) the area, or

(b) the ward, if there are wards,

is considered to be one voting subdivision.

1983 cL-27.5 s36;1985 c38 s9

Voting stations

37(1) The returning officer shall designate the location of one voting station only for each voting subdivision and the location may be outside the area.

(2) When a voting station designated by the returning officer is not available, the returning officer shall designate another place in the

vicinity and shall, by notice posted at the original voting station, direct the electors to the other voting station.

1983 cL-27.5 s37;1985 c38 s10

Compartments for voting

38(1) The returning officer shall ensure that each voting station is furnished with one or more voting compartments arranged so that an elector is screened from observation and may mark the elector's ballot without interference or interruption.

(2) In each voting compartment there shall be provided for the use of the electors in the marking of ballots a table, desk or shelf with a hard surface and a suitable marking instrument that shall be kept operational during the hours of voting.

1983 cL-27.5 s38;1997 c15 s11

Ballot boxes

39(1) The secretary shall provide sufficient ballot boxes to the returning officer.

(2) A ballot box shall meet the requirements set out in the regulations.

1983 cL-27.5 s39;1985 c38 s11

Sealing the ballot box

40(1) The presiding deputy at a voting station shall, immediately after the opening of the voting station, show each ballot box to the persons present at the voting station so that they can see that it is empty, close and seal the box so that it cannot be opened without breaking the seal and place the box in the presiding deputy's view for the receipt of ballots.

(2) The presiding deputy at the voting station shall keep each ballot box closed and sealed and in full view of all present during the hours of voting.

(3) Subsections (1) and (2) apply to additional ballot boxes that are required at the voting station after the voting station has been opened.

RSA 2000 cL-21 s40;2006 c22 s19

Printing of ballots

41 If an election is required, the returning officer shall forthwith cause a sufficient number of ballots to be printed at the expense of the local jurisdiction.

1983 cL-27.5 s41

Names on ballot

42(1) A separate ballot shall be used for

(a) the office of chief elected official;

(b) the offices of councillors;

(c) the offices of school representatives or trustees.

(2) The names of the candidates for

(a) the office of chief elected official;

(b) the offices of councillors;

(c) the offices of school representatives or trustees;

must be placed on the ballot in the prescribed form.

(3) Every ballot used in an election for a member of an elected authority shall contain a brief explanatory note stating the maximum number of candidates who can be voted for in order not to make the ballot subject to being rejected.

(4) Every ballot used in an election for chief elected official shall contain a brief explanatory note stating that the ballot shall not be marked for more than one candidate.

RSA 2000 cL-21 s42;2006 c22 s20

Contents of ballot

43(1) Each ballot shall contain the name of each candidate.

(2) The names of the candidates on each ballot shall be arranged alphabetically in order of the surnames and, if 2 or more candidates have the same surname, the names of those candidates shall be arranged alphabetically in the order of their given names.

(3) Notwithstanding subsection (2), if an elected authority passes a bylaw 2 months before an election that provides that

(a) ballots shall be printed in as many lots as there are candidates for the office,

(b) in the first lot the names of the candidates shall appear in alphabetical order,

(c) in the 2nd lot the names shall appear in the same order, except that the first name in the first lot shall be placed last,

(d) in each succeeding lot, the order shall be the same as that of the preceding lot, except that the first name in the preceding lot shall be placed last, and

(e) tablets of ballots to be used at each voting station shall be made up by combining ballots from the different lots in regular rotation so that no 2 consecutive electors may receive ballot papers from the same lot and so that each candidate's name shall appear first and in each other position substantially the same number of times on the ballots used,

then the ballots used in an election while the bylaw is in force shall be in the form described in this subsection.

1983 cL-27.5 s43;1991 c23 s2(17)

Form of ballot

44(1) If there is to be a vote on a bylaw or question, the elected authority by resolution

(a) must determine the wording to be used on the ballot, and

(b) may determine the form of the ballot.

(2) If the elected authority does not determine the form of the ballot under subsection (1), the returning officer must do so.

1983 cL-27.5 s44;1997 c15 s12

Instructions for voters

45(1) Before the opening of the voting station, the presiding deputy at the voting station shall cause the printed instructions for the electors to be posted within each voting compartment and at a conspicuous location within the voting station and shall ensure that they remain posted there until the close of the voting station.

(2) The instructions shall be printed in clearly legible characters in the prescribed form.

(3) The local jurisdiction may authorize the presiding deputy to post the printed instructions in languages other than English at the voting stations as the local jurisdiction considers appropriate.

RSA 2000 cL-21 s45;2006 c22 s21

Voting hours

46(1) Every voting station shall be kept open continuously on election day from 10 a.m. until 8 p.m.

(2) Notwithstanding subsection (1), an elected authority may, by a bylaw passed prior to June 30 of a year in which an election is to be held, provide that the voting station is to be open before 10 a.m.

(2.1) Despite subsection (1), an elected authority that is responsible for the conduct of an election under an agreement referred to in section 2(2) or 3(1) may, by a bylaw passed before

June 30 of a year in which an election is to be held, provide that voting stations in an area that is subject to the agreement are to be open before 10 a.m.

(3) Promptly at 8 p.m. on election day, the deputy shall declare the voting station closed.

(4) If, when the voting station is declared closed, there is an elector in the voting station who wishes to vote, the elector shall be permitted to do so, but no other person shall be allowed to enter the voting station for that purpose.

RSA 2000 cL-21 s46;2006 c22 s22

Eligibility to vote

47(1) A person is eligible to vote in an election held pursuant to this Act if the person

(a) is at least 18 years old,

(b) is a Canadian citizen, and

(c) has resided in Alberta for the 6 consecutive months immediately preceding election day and the person's place of residence is located in the area on election day.

(2) Subject to subsection (3) and sections 75, 77.1, 79, 81 and 83, an elector is eligible to vote only at the voting station for the voting subdivision in which the elector's place of residence is located on election day.

(3) If a local authority establishes a voting station at a work site, the local authority may direct that those workers who are electors who wish to vote and who are required to work at the site during the hours for which the voting station is open shall vote at that voting station, notwithstanding that those workers do not reside in the voting subdivision in which that voting station is located.

(4) In the case of the performance of any function or the exercise of any right under this Act, a person shall be a resident on the day on which that function is performed or that right is exercised in the area, ward or voting subdivision in respect of which that function is performed or that right is exercised and shall have been a resident of Alberta for the 6 consecutive months immediately preceding the day on which that function is performed or that right is exercised, unless otherwise required by this Act.

RSA 2000 cL-21 s47;2003 c27 s15;2006 c22 s23

Rules of residence

48(1) For the purposes of this Act, the place of residence is governed by the following rules:

(a) a person may be a resident of only one place at a time for the purposes of voting under this Act;

(a.1) if a person has more than one residence in Alberta, that person shall, in accordance with subsection (1.1), designate one place of residence as the person's place of residence for the purposes of this Act;

(b) the residence of a person is the place where the person lives and sleeps and to which, when the person is absent, the person intends to return;

(c) a person does not lose the person's residence by leaving the person's home for a temporary purpose;

(d) subject to clause (e), a student who

(i) attends an educational institution within or outside Alberta,

(ii) temporarily rents accommodation for the purpose of attending an educational institution, and

(iii) has family members who are resident in Alberta and with whom the student ordinarily resides when not attending an educational institution

is deemed to reside with those family members;

(e) if a person leaves the area with the intention of making the person's residence elsewhere, the person loses the person's residence within the area.

(1.1) For the purposes of subsection (1)(a.1), a person shall designate the person's place of residence in accordance with the following factors in the following order of priority:

(a) the address shown on the person's driver's licence or motor vehicle operator's licence issued by or on behalf of the Government of Alberta or an identification card issued by or on behalf of the Government of Alberta;

(b) the address to which the person's income tax correspondence is addressed and delivered;

(c) the address to which the person's mail is addressed and delivered.

(2) A person who is a resident of a public school district, school division or regional division or of a separate school district, school

division or regional division under the *School Act* is deemed to be a resident of the public school district, school division or regional division or the separate school district, school division or regional division, as the case may be, under this Act.

(3) Notwithstanding subsection (2), a person who owns and lives in the person's residence and whose residence is assessable for public school purposes or for separate school purposes under the *School Act* is deemed to be a resident of the public school district, school division or regional division or the separate school district, school division or regional division, as the case may be, under this Act.

RSA 2000 cL-21 s48;2003 c27 s16;2010 c9 s1

Permanent electors register

49(1) Subject to this section, a municipality may, by bylaw,

(a) direct the secretary to prepare a permanent electors register of residents in the municipality who are entitled to vote in elections,

(b) prescribe procedures and forms governing the enumeration of electors and any other methods of compiling and revising a permanent electors registry, and

(c) provide for the use of the permanent electors register to create a list of electors who are entitled to vote in an election.

(2) If a bylaw is enacted under subsection (1), the municipality may enter into an agreement with the Chief Electoral Officer under the *Election Act*

(a) to receive from the Chief Electoral Officer information that will assist the secretary of the municipality in compiling or revising the permanent electors register, and

(b) to provide to the Chief Electoral Officer information that will assist the Chief Electoral Officer in preparing or revising information for the purpose of compiling or revising the register of electors under the *Election Act*.

(3) In addition to the procedures, forms and methods prescribed by bylaw under subsection (1), with respect to compiling and revising a permanent electors register, the secretary may use any other information obtained by or available to the secretary.

(4) The permanent electors register may be compiled or revised manually or by means of any computer-based system and may be

kept in printed form or may be stored in any computer-based system or any other information storage device that is capable of reproducing any required information in legible printed form within a reasonable time.

(5) The permanent electors register may contain only the following information about persons ordinarily resident in the municipality who are electors or may be eligible to be electors:

(a) the residential address, including the postal code of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address,

(b) the surname, given name and middle initial of the person,

(c) the residential telephone number of the person,

(d) the gender of the person,

(e) the day, month and year of birth of the person,

(f) if a person has not resided in Alberta for 6 months, the date the person became a resident of Alberta, and

(g) whether the person is a public school resident or a separate school resident.

(6) The information referred to in subsection (5)(d) and (e) obtained under this Act may be used only to verify the identification of an elector when compiling or revising the permanent electors register.

(7) Persons are entitled to have access to information in the permanent electors register about themselves or about another person on whose behalf they are authorized to act, to determine whether the information is correct.

RSA 2000 cL-21 s49;2006 c22 s24

List of electors

50(1) The elected authority if it so desires may, by bylaw,

(a) direct the secretary or returning officer to prepare a list of electors who are entitled to vote in an election, and

(b) prescribe procedures and forms governing the enumeration of electors and provide for the use of information from a permanent electors register, if any.

(2) When a candidate files a nomination paper the returning officer shall, on the request of the candidate, provide the candidate the day after nominations may be withdrawn under section 32, if the candidate has not withdrawn, with a copy of the list of electors prepared pursuant to subsection (1), if any.

(3) The list of electors may be used only by

(a) candidates for the purposes of campaigning for election, and

(b) officers for the purposes of carrying out their duties under this Act.

RSA 2000 cL-21 s50;2003 c27 s17;2006 c22 s25

Enumerators' appointment and identification

51 If an elected authority passes a bylaw described in section 50, the elected authority shall

(a) appoint, or authorize the secretary or returning officer to appoint, a sufficient number of enumerators to complete an enumeration of the electors residing in each voting subdivision or ward where an election is required, and

(b) provide each enumerator with an identification badge.

1983 cL-27.5 s50

Access for enumerators and campaigners

52 A person to whom an enumerator, a candidate, an official agent or a campaign worker on behalf of a candidate has produced identification that meets the requirements of the regulations, indicating that the person is an enumerator, a candidate, an official agent or a campaign worker shall not

(a) obstruct or interfere with, or

(b) cause or permit the obstruction or interference with,

the free access of the enumerator, candidate, official agent or campaign worker to each residence in a building containing 2 or more residences or to each residence in a mobile home park.

RSA 2000 cL-21 s52;2003 c27 s18;2006 c22 s26

Proof of elector eligibility

53(1) Every person who attends at a voting station for the purpose of voting must be permitted to vote

(a) if the person's name appears on the list of electors, if any, or

(b) if the person makes a statement in the presence of an officer at the voting station, in the prescribed form, that the person

is eligible to vote as an elector and produces for inspection the following proof of the person's identity and current residence and, where required by a bylaw passed under subsection (3), age:

(i) if a bylaw has not been passed under subsection (3),

(A) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the elector and his or her name and current address, or

(B) one piece of identification authorized by the Chief Electoral Officer under the *Election Act* for the purposes of section 95(1)(a)(ii) of that Act that establishes the elector's name and current address;

(ii) if a bylaw has been passed under subsection (3), the number and types of identification required by the bylaw to verify the person's name and current address and, if applicable, age.

(2) Notwithstanding subsection (1), if there is a list of electors, a person may instead prove that the person is eligible to vote as an elector and his or her identity and current residence and, if applicable, age by making a statement in the presence of an officer at the voting station, in the prescribed form, if he or she is accompanied by another person whose name appears on the list of electors for the same voting station at which that other person is entitled to vote and that other person

(a) produces for inspection

(i) if subsection (1)(b)(i) applies, a piece of identification referred to in subsection (1)(b)(i), or

(ii) if subsection (1)(b)(ii) applies, the number and types of identification required by the bylaw,

and

(b) vouches for him or her by making a statement in the presence of an officer at the voting station in the prescribed form.

(3) An elected authority may, by a bylaw passed no later than 6 months prior to nomination day of a year in which an election is to be held, provide for the number and types of identification that are required to be produced by a person to verify the person's name

and current address for the purpose of determining whether the person is eligible to vote.

(4) An elected authority may, by a bylaw passed no later than 6 months prior to nomination day of a year in which an election is to be held, provide for the number and types of identification that are required to be produced by a person who wishes to vote by a special ballot to verify the person's name and current address for the purpose of determining whether the person is eligible to vote.

(5) A bylaw under subsection (3) or (4)

(a) may specify identification in addition to that referred to in subsection (1)(b)(i), and

(b) may provide for the number and types of identification that are required to be produced to also verify the person's age.

(6) Any bylaw passed under subsection (3) or (4) providing for the number and types of identification that are required to be produced to verify the person's name and current address for the purpose of determining whether the person is eligible to vote must provide that a returning officer shall accept one piece of identification referred to in subsection (1)(b)(i)(A) or (B) for that purpose.

(7) When an elected authority intends to pass a bylaw under subsection (3) or (4) it must

(a) advertise the proposed bylaw in accordance with section 53.1, and

(b) include in the notice of election day under section 35 the proposed number and types of identification to be required.

(8) A scrutineer may not vouch for a person under subsection (2).

(9) A person who attends a voting station for the purpose of voting may not vote unless the requirements of subsection (1) or (2) are met.

RSA 2000 cL-21 s53;2006 c22 s27;2012 c5 s109

Advertising a section 53 bylaw

53.1(1) Notice of a bylaw to be passed under section 53 must

(a) be published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates, or

(b) be mailed or delivered to every residence in the area to which the proposed bylaw relates.

(2) A notice under subsection (1) must be advertised before second reading of the proposed bylaw.

(3) A notice under subsection (1) must contain

(a) a statement of the general purpose of the proposed bylaw and the proposed requirements for the number and types of identification that must be produced to verify elector name and current address and, if applicable, age,

(b) the address where a copy of the proposed bylaw may be inspected, and

(c) an outline of the procedure to be followed by anyone wishing to file a petition in respect of the proposed bylaw, as provided for in the *Municipal Government Act*.

(4) A certificate of a designated officer as defined in the *Municipal Government Act* certifying that something has been advertised in accordance with this section is proof, in the absence of evidence to the contrary, of the matters set out in the certificate.

(5) The certificate is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.

2006 c22 s28;2012 c5 s110

Person objected to

54(1) If a candidate or the candidate's official agent or scrutineer objects to a person who makes a statement, a deputy shall note in the voting register the reason for the objection and the name of the candidate or official agent or scrutineer making the objection and shall initial the objection.

(1.1) A candidate, official agent or scrutineer may only make an objection under subsection (1) at the time the person makes the statement under section 53(1)(b) or (2), 77 or 78.

(2) If a returning officer on reasonable and probable grounds believes that a person is not eligible to be an elector, the returning officer must note in the voting register the reason for the belief and initial it.

RSA 2000 cL-21 s54;2003 c27 s19;2006 c22 s29;2012 c5 s111

Secrecy of vote

55(1) Voting shall be by secret ballot.

(2) While an elector is in a voting compartment for the purpose of marking the elector's ballot, no other person may, except as permitted in section 78, enter the voting compartment or be in a

position from which the person can see how the elector marks the elector's ballot.

(3) Except as provided in section 78, it is an offence for an elector to show the elector's ballot to any person so as to allow the elector's vote to be known.

(4) Notwithstanding subsections (2) and (3), an elector may be accompanied in a voting compartment by a minor if the deputy consents.

RSA 2000 cL-21 s55;2003 c27 s20

Maintenance of secrecy

56 No person shall be required to disclose in any legal proceedings whether the person has voted for a particular candidate or voted for or against a particular bylaw or question.

1983 cL-27.5 s56

Number of votes

57(1) Subject to subsection (2), an elector in an election may vote once for each of the persons the elector chooses to vote for.

(2) An elector may not vote for more than the number of persons to be elected to the office.

(3) In an election an elector may vote once on each bylaw or question.

1983 cL-27.5 s57;1997 c15 s17

Voting time for employees

58(1) An employee who is an elector shall, while the voting stations are open on election day, have 3 consecutive hours for the purpose of casting the employee's vote.

(2) If the hours of the employee's employment do not allow for 3 consecutive hours, the employee's employer shall allow the employee any additional time for voting that is necessary to provide the employee the 3 consecutive hours, but the additional time for voting is to be granted at the convenience of the employer.

(3) No employer shall make any deduction from the pay of an employee nor impose on the employee or exact from the employee any penalty by reason of the employee's absence from the employee's work during the 3 consecutive hours or part of it.

(4) Subsections (1), (2) and (3) do not apply if the employer provides for the attendance of an employee who is an elector at a voting station while it is open during the hours of the employee's employment with no deduction from the employee's pay and without exacting any penalty.

1983 cL-27.5 s58

Entries in voting register

59 The deputy shall record on the voting register that an elector has received a ballot for any one or more of the following that are applicable to the election:

(a) chief elected official;

(b) councillors;

(c) public school trustees or representatives;

(d) separate school trustees or representatives;

(e) bylaw or question.

1983 cL-27.5 s59;1989 c17 s17;1991 c23 s2(25);
1994 cM-26.1 s642(42);1997 c15 s18

Initialling of ballot

60 When a deputy issues a ballot to an elector, it must be folded and initialled by the deputy so that the initials are visible without opening the ballot.

1983 cL-27.5 s60;1991 c23 s2(26)

Explanation of manner of voting

61 A deputy may, and on request shall, explain to an elector as concisely as possible the proper method of voting in accordance with the instructions to electors.

1983 cL-27.5 s61;1991 c23 s2(27)

Marking of ballots

62 On receiving the ballots that an elector is entitled to receive from a deputy, the elector shall forthwith proceed into the voting compartment provided and shall mark each of the elector's ballots

(a) by placing an "X" on the right hand side opposite the name of the candidate of the elector's choice, or within the division on the paper containing the name of the candidate of the elector's choice, and

(b) in the case of a ballot for a bylaw or question, by placing an "X" within the division of the paper marked "for" or "against", or within the division of the paper marked "yes" or "no",

whichever way the elector desires to vote.

1983 cL-27.5 s62;1991 c23 s2(28)

Disposal of marked ballot

63(1) After marking a ballot, the elector shall fold the ballot so as

(a) to conceal the names of the candidates or the bylaw or question, and the marks on the face of the ballot, and

(b) to expose the initials of the deputy issuing the ballot at the voting station,

and immediately after leaving the voting compartment shall, without delay and without showing the front to anyone, deliver the ballot so folded to the deputy who is supervising at the ballot box.

(2) The deputy supervising at the ballot box shall, without unfolding a ballot or in any way disclosing the marks made by the elector on the ballot, verify the initials on the ballot and deposit the ballot at once in the ballot box.

(2.1) Notwithstanding subsection (2), the deputy supervising at the ballot box may permit an elector to deposit the elector's ballot into the ballot box.

(3) After the elector's ballots are deposited in the ballot box, the elector shall forthwith leave the voting station.

RSA 2000 cL-21 s63;2003 c27 s21

Person deemed to have voted

64 A person whose ballot is deposited in a ballot box is deemed to have voted.

RSA 2000 cL-21 s64;2006 c22 s30

Replacement of spoiled ballot

65(1) An elector who has inadvertently dealt with the elector's ballot in a manner that it cannot be conveniently used as a ballot may,

(a) on returning it to the deputy, and

(b) on establishing the fact of the inadvertence to the satisfaction of the deputy,

receive another ballot in the place of the ballot so returned.

(2) The deputy shall immediately write the word "spoiled" on the returned ballot and shall preserve it.

1983 cL-27.5 s65

Elector declining to vote

66 If an elector returns a ballot and states that the elector is declining to vote, the elector is not entitled to another ballot for that office, and the deputy who is supervising at the ballot box shall deposit the declined ballot in the ballot box.

1983 cL-27.5 s66;1989 c17 s17;1991 c23 s2(30)

Persons at voting station

67(1) Except for the returning officer, deputy, constable, candidates, official agents or scrutineers authorized to attend at the voting station and the electors who are for the time being actually engaged in voting, no other person is entitled to be present, nor shall any other person be permitted to be present, in the voting station during the time appointed for voting.

(2) Notwithstanding subsection (1), the presiding deputy at the voting station may authorize a person temporarily to observe the voting procedures from a location within the voting station designated by the presiding deputy.

(3) The presiding deputy shall not designate a location under subsection (2) that would allow the observer to see how electors mark their ballots.

(4) A person permitted to be present in the voting station pursuant to subsection (2) shall leave the voting station on the request of the presiding deputy.

RSA 2000 cL-21 s67;2006 c22 s31

Prohibited removal of ballots

68(1) No person who has received a ballot from the deputy shall take the ballot out of the voting station.

(2) Any person who, having received a ballot from the deputy, leaves the voting station without first delivering it to the deputy in the manner provided by this Act, forfeits the person's right to vote at that election and the deputy shall record in the voting register an entry to the effect that the person left the voting station without first delivering the ballot.

1983 cL-27.5 s68;1989 c17 s17

Official agent

68.1(1) Each person nominated as a candidate may, on the nomination form, appoint an elector to be the candidate's official agent.

(1.1) If it becomes necessary to appoint a new official agent, the candidate shall immediately notify the returning officer in writing of the contact information of the new official agent.

(2) A person who has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the *Canada Elections Act* (Canada) is not eligible to be appointed as an official agent.

(3) No candidate shall act as an official agent for any other candidate.

(4) The duties of an official agent are those assigned to the official agent by the candidate.

2006 c22 s32;2012 c5 s112

Candidate's scrutineer

69(1) If, at any time during voting hours, a person who is at least 18 years old presents to the presiding deputy a written notice, in a form acceptable to the returning officer,

(a) signed by a candidate, and

(b) stating that the person presenting the notice is to represent that candidate as the candidate's scrutineer at the voting station,

the person presenting the notice shall be recognized by the presiding deputy as the scrutineer of the candidate.

(1.1) A person who has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the *Canada Elections Act* (Canada) is not eligible to be recognized as a scrutineer.

(2) Before a person is recognized as a scrutineer, the person shall make and subscribe before the presiding deputy at the voting station a statement in the prescribed form.

(3) The presiding deputy shall not permit a candidate to have an official agent or a scrutineer present while the candidate is present in a voting station during voting hours.

(3.1) The presiding deputy shall not permit a candidate to have both an official agent and a scrutineer present at the same time in a voting station during voting hours.

(4) A candidate or official agent personally may

(a) undertake the duties that the candidate's scrutineer may undertake, and

(b) attend any place that the candidate's scrutineer is authorized by this Act to attend.

(5) The presiding deputy may designate the place or places at a voting station where a candidate, an official agent or a scrutineer of a candidate may observe the election procedure, and in designating the place or places, the presiding deputy shall ensure that the candidate, official agent or scrutineer can observe any person making a statement under section 53(1)(b) or (2), 77 or 78.

(6) When, in the provisions of this Act that relate to the election of a member of an elected authority, expressions are used requiring or authorizing an act or thing to be done or implying that an act or thing is to be done in the presence of an official agent, a scrutineer or a candidate, the expression is deemed to refer to the presence of those an official agents and scrutineers

(a) that are authorized to attend, and

(b) that have in fact attended at the time and place where that act or thing is being done,

and if the act or thing is otherwise properly done, the non-attendance of an official agent or a scrutineer at that time and place does not invalidate it.

RSA 2000 cL-21 s69;2006 c22 s33;2012 c5 s113

Bylaw scrutineers

70(1) At any time fixed for a vote on a bylaw or question under this Act, the returning officer, if requested in writing by 2 or more electors, shall appoint, in writing, those persons named in the request as scrutineers to attend at the voting stations on behalf of the persons interested in promoting the passing of the bylaw or voting in the affirmative on the question and, if so requested by 2 or more electors, shall appoint, in writing, those persons named in the request to attend as scrutineers on behalf of the persons interested in opposing the passage of the bylaw or voting in the negative on the question.

(2) A person named in a request under subsection (1) shall not be appointed unless the person is at least 18 years old.

(2.1) A person who has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the *Canada Elections Act* (Canada) is not eligible to be appointed under subsection (1).

(3) The presiding deputy shall not permit more than one scrutineer for each side of a bylaw or question to be present at the same time at a voting station or at a counting of the votes.

(4) The presiding deputy may designate the place or places at a voting station where a scrutineer may observe the conduct of the election.

(5) Before any scrutineer is appointed, the scrutineer shall make and subscribe before the presiding deputy a statement in the prescribed form.

RSA 2000 cL-21 s70;2003 c27 s22;2006 c22 s34

Proof of appointment

71 If a person is appointed as a scrutineer under section 70, the person shall

(a) before being admitted as a scrutineer to the voting station during voting hours, or

(b) before being permitted to attend at the voting station for the counting of votes,

produce to the person in charge of the voting station the person's appointment as a scrutineer and take and subscribe to the statement under section 16 in the prescribed form.

RSA 2000 cL-21 s71;2003 c27 s23;2006 c22 s35

Interpreter

72(1) If an elector is unable to read or does not understand the English language, the deputy may allow an interpreter to read or to translate the statement as well as any question necessary for the proper purposes of the election put to the elector, and the elector's answers.

(2) Before acting as an interpreter, the interpreter shall make a statement in the prescribed form.

RSA 2000 cL-21 s72;2003 c27 s24

Advance vote

73(1) An elected authority may by resolution provide for holding an advance vote on any vote to be held in an election.

(2) No advance vote shall be held within 24 hours of election day.

(3) If a resolution is enacted under subsection (1), the returning officer must determine the days and hours when the advance vote is to be held.

1983 cL-27.5 s73;1985 c38 s17;1997 c15 s20

Notice of advance vote

74(1) Notice of the days, the locations of the voting stations and the hours fixed for an advance vote shall be given in the form prescribed for use under section 35 by publishing a notice at least

one week before the date set for the advance vote in a newspaper or other publication circulating in the area, or by mailing or delivering a notice to every residence in the local jurisdiction at least one week before the date set for the advance vote.

(2) On complying with subsection (1), the returning officer may publish, mail and deliver additional notices and give notice by any other method as many times as the returning officer considers appropriate.

1983 cL-27.5 s74;1985 c38 s18;1992 c24 s1

Advance vote stations

75(1) When an advance vote is authorized, the returning officer shall establish the number of advance voting stations the returning officer considers necessary.

(2) If there are wards in a local jurisdiction, the presiding deputy shall maintain separate ballot boxes for each elected authority.

(3) A vote held at an advance voting station must be conducted in the same manner as a vote on election day except that

(a) a fresh ballot box must be used on each day of the advance vote, and

(b) on the completion of each day of the advance vote, the ballot box used that day must be sealed so that no ballots can be deposited in it without breaking the seal, and the ballot box must remain like that and be stored in a secure place until it is opened for the counting of ballots at the close of the voting stations on election day.

RSA 2000 cL-21 s75;2003 c27 s25

76 Repealed 2006 c22 s36.

Elector's statement

77 Subject to section 83(3) or (4), every person applying to vote at an advance voting station, before being permitted to vote, shall be required by a deputy to make a statement in the prescribed form, which shall be kept by the deputy with the other records of the voting station.

1983 cL-27.5 s77;1985 c38 s21;1991 c23 s2(37)

Vote by special ballot

77.1(1) An elector who is unable to vote at an advance vote or at the voting station on election day because of

(a) physical incapacity,

(b) absence from the local jurisdiction, or

(c) being a returning officer, deputy returning officer, constable, candidate, official agent or scrutineer who may be located on election day at a voting station other than that for the elector's place of residence

may apply to vote by special ballot.

(2) An elected authority may, by resolution passed prior to nomination day, provide for special ballots and provide that the application for special ballots may be made by any one or more of the following methods:

(a) in writing;

(b) by telephone;

(c) by telecopier;

(d) in person;

(e) by e-mail.

(2.1) If an elected authority has made a resolution described in subsection (2), an elector may apply to the returning officer of the elector's local jurisdiction for a special ballot, by a method provided for in the resolution, at any time between the day after the day when the resolution is passed to provide for special ballots and the closing of voting stations on election day.

(2.2) Repealed 2012 c5 s114.

(2.3) If an elected authority passes a resolution described in subsection (2), the elected authority must notify the Minister of the resolution by nomination day.

(2.4) An application for a special ballot must include the following:

(a) first and last name of the elector;

(b) municipal address of the residence of the elector;

(c) school elector status, if the elector is voting for a school board trustee;

(d) mailing address to which the special ballot is to be sent;

(e) contact telephone number;

(f) contact e-mail address, if the elector is unavailable by telephone;

(g) reason why a special ballot is requested.

(3) On receipt of an application under this section, if the elected authority by resolution before nomination day provides for special ballots, the returning officer or deputy must

(a) enter in the special ballot elector register

(i) the elector's name and the elector's place of residence, and

(ii) the name and number of the voting subdivision for the elector's place of residence,

and

(b) cause the appropriate forms to be provided to the applicant.

(4) The returning officer must, on request, make available to any candidate or a candidate's official agent or scrutineer in the voting station the names and addresses of those electors in the voting station who have applied for and been provided with the appropriate forms under this section.

2003 c27 s27;2006 c22 s37;2012 c5 s114

Voting by special ballot

77.2(1) On receipt of the appropriate forms pursuant to section 77.1(3), the elector must vote by either writing or printing, in a legible manner, the names of the candidates of the elector's choice, or by any other method provided for by the elected authority but if there is to be a vote on a bylaw or question, the wording must be determined in accordance with section 44 and be supplied as part of the appropriate forms.

(2) After marking the appropriate forms, the elector must

(a) place them in the ballot envelope,

(b) seal the ballot envelope,

(c) place the ballot envelope in the certificate envelope,

(d) complete and sign Part 1 of the certificate and seal the certificate envelope,

(d.1) attach a copy of the elector's identification that meets the requirements of

(i) section 53(1)(b)(i) if the elected authority has not passed a bylaw under section 53(3) or (4), or

(ii) the bylaw if the elected authority has passed a bylaw under section 53(3) or (4),

(e) place the certificate envelope in the outer envelope, and

(f) seal the outer envelope.

(2.1) A copy of the elector's identification, as described in subsection (2)(d.1), may be used only

(a) if subsection (2)(d.1)(i) applies, to verify the elector's name and current address for the purpose of determining whether the elector is eligible to vote, or

(b) if subsection (2)(d.1)(ii) applies, to verify the elector's name and current address and, if applicable, age for the purpose of determining whether the elector is eligible to vote,

and the returning officer must ensure that the copy and the information it contains are not disclosed or used for any other purpose.

(3) The outer envelope, when sealed, must be forwarded so that it reaches the returning officer not later than the close of the voting station on election day or by the time and date set out in a resolution under subsection (3.1).

(3.1) An elected authority may, by resolution, set a time and date earlier than the closing of the voting station on election day for when an outer envelope must be received by a returning officer.

(4) On receipt of the outer envelope, the returning officer must open the outer envelope, remove from it the certificate envelope and determine

(a) whether the name on the certificate envelope is the same as that of an individual already recorded in the special ballot elector register under this section,

(b) whether Part 1 of the certificate is properly completed, and

(c) whether the elector has attached a copy of the elector's identification that meets the requirements of

(i) section 53(1)(b)(i) if subsection (2)(d.1)(i) applies, or

(ii) the bylaw if subsection (2)(d.1)(ii) applies.

(5) On determining that the elector is recorded in the special ballot elector register, that Part 1 of the certificate is properly completed and that the copy of the elector's identification meets the requirements of

(a.01) section 53(1)(b)(i) if subsection (2)(d.1)(i) applies, or

(a.02) the bylaw if subsection (2)(d.1)(ii) applies,

the returning officer must

(a) sign Part 2 of the certificate,

(b) if the elector's name appears on the list of electors, if any, for the voting station in which the elector is entitled to vote, enter opposite the name of that person on the list of electors the word "special",

(c) if the elector's name does not appear on the list of electors, if any, for the voting station in which the elector is entitled to vote, enter the elector's name on the list of electors and, opposite the name, the word "special",

(d) record in the special ballot elector register in the appropriate column the date and time the returning officer received the certificate envelope,

(e) open the certificate envelope, remove from it the sealed ballot envelope and place the sealed ballot envelope in a sealed ballot box marked "special ballot", and

(f) enter in the special ballot elector register, in the appropriate column, the word "voted" and the reason for using the special ballot, that is, physical incapacity, absence, election officer, candidate, official agent or scrutineer.

(5.1) If the returning officer is not satisfied

(a) that Part 1 of the certificate is properly completed,

(b) that the copy of the elector's identification meets the requirements of

(i) section 53(1)(b)(i) if subsection (2)(d.1)(i) applies, or

(ii) the bylaw if subsection (2)(d.1)(ii) applies,

(c) that the elector has not already been entered on the special ballot elector register, or

(d) that the elector has not already returned a special ballot,

the returning officer must retain the certificate envelope unopened, attach the copy of the elector's identification, if any, to the certificate envelope, treat the ballot in the envelope as a rejected ballot and mark the certificate envelope accordingly.

(5.2) If the returning officer cannot determine whether a certificate is valid under subsection (5) or rejected under subsection (5.1) or the returning officer is of the opinion that the special ballot does not meet the requirements of this Act, the returning officer must forthwith notify a person appointed by the Minister under subsection (5.3) and set the unopened certificate envelope aside in a secure ballot box to be reviewed by that person.

(5.3) The Minister must, by order, appoint one or more persons to be available to review questionable certificates under subsection (5.2) and declare them either valid or rejected.

(5.4) On being notified under subsection (5.2), a person appointed under subsection (5.3) must review the questionable certificate, complete the prescribed form declaring the certificate either valid or rejected, submit the form to the returning officer and submit a copy of the form to the local jurisdiction and the Minister.

(5.5) If the certificate is declared valid under subsection (5.4), the returning officer must treat the ballot as a ballot to which subsection (5) applies.

(5.6) If the certificate is declared rejected under subsection (5.4), the returning officer must treat the ballot as a ballot to which subsection (5.1) applies.

(6) At the close of the voting station on election day, the returning officer must deliver the special ballot box to the deputy of the voting station of the electors who have voted under this section in the local jurisdiction and advise the deputy of the names of the electors who have so voted, and the deputy must proceed in accordance with section 85 as if the ballot box were from an advance poll.

(7) After completing the count of the ballots, the deputy must record the results on the prescribed form.

(8) Subject to this section and section 77.1, the voting procedures for a special ballot must as nearly as possible follow the provisions of this Act except that the returning officer may use one special ballot box for the local jurisdiction, ward or subdivision.

(9) If the appropriate forms for voting by special ballot have been provided under section 77.1 to an elector but the special ballot is not returned to a returning officer under this section before the close of voting on election day or before the time and date set out in a resolution under subsection (3.1), the returning officer must record the special ballots on the ballot account referred to in section 88(1) as not returned.

2003 c27 s27;2006 c22 s38;2012 c5 s115

Late receipt of special ballot

77.3 If an outer envelope is received by a returning officer after the close of the voting station on election day or by the time and date set out in a resolution under section 77.2(3.1), the ballot it contains must be considered a rejected ballot and the outer envelope must be retained unopened by the returning officer, who must record on it the reason for its rejection.

2003 c27 s27;2006 c22 s39

Incapacitated elector at voting station

78(1) The deputy, at the request of an elector who is incapacitated by blindness or another physical condition from marking the elector's ballot in the usual manner, shall mark the vote of that elector on the elector's ballot in the manner directed by that elector, and shall immediately deposit the ballot in the ballot box.

(2) The deputy shall not act under subsection (1) until the elector has made the prescribed statement.

(3) The deputy, if requested by an elector described in subsection (1) who is accompanied by a friend or relative who is at least 18 years of age, shall permit that friend or relative, on making the prescribed statement, to accompany the elector into a voting compartment for the purpose of marking the elector's ballot and the ballot when marked shall be delivered by the elector or the friend or relative to the deputy to be deposited in the ballot box.

(4) The deputy shall not permit an elector to vote under subsection (3) until the elector and the elector's friend have made the prescribed statements.

(5) If an elector who is blind is not accompanied by a friend into a voting compartment under subsection (3), the deputy must, if requested by the elector at least 3 months before election day,

(a) provide the elector with a blind voter template in the prescribed form, and

(b) instruct the elector in its use.

(5.1) If an elector is physically unable to enter a voting compartment, the deputy may set up a voting compartment for the elector elsewhere in the voting station or at the closest point of access to the voting station that the elector is able to attend.

(6) No candidate, official agent or scrutineer shall be present in the voting compartment at the marking of a ballot under this section.

(7) When a ballot has been marked pursuant to this section, the deputy shall enter in the voting register opposite the name of the voter and in the appropriate column either "voter assistance" or "template".

RSA 2000 cL-21 s78;2003 c27 s28;2006 c22 s40

Incapacitated elector at home

79(1) An elected authority may by resolution provide for the attendance of 2 deputies at the residence of an elector, during the hours an advance voting station is open or other times as may be fixed by the resolution, in order to take the votes of an elector who, because of physical incapacity, is unable to attend a voting station or an advance voting station to vote.

(2) When a resolution has been passed under subsection (1), an elector described in subsection (1) may request the returning officer to have 2 deputies attend at the elector's residence to take the elector's vote within the time fixed by the resolution.

(3) If the returning officer is satisfied that an elector is unable to attend a voting station or an advance voting station because of physical incapacity, the returning officer shall include that elector's name and address on a list.

(4) When the returning officer has completed the list in accordance with this section, the returning officer shall

(a) advise each applicant that the applicant's application has been accepted or rejected, as the case may be, and in the event of rejection, give reasons for it,

(b) inform each elector whose application has been accepted of the date and the approximate time at which 2 deputies will attend at the elector's residence, and

(c) appoint sufficient deputies to give full effect to this section.

(5) All attendances by deputies under this section shall be made during the hours fixed by the resolution and no vote shall be taken at any other time.

(6) A ballot box used in an election under this section must be sealed on completion of the voting so that no ballots can be deposited in it without breaking the seal and it shall remain sealed until opened to allow the deposit of ballots in each subsequent residence that is attended for the taking of votes or until opened for the counting of ballots at the close of the voting stations on election day.

(7) Every residence where a vote is taken under this section is a voting station and the voting procedures shall as nearly as possible follow the provisions of this Act.

RSA 2000 cL-21 s79;2003 c27 s29

Institutional vote eligibility and staff

80(1) The elected authority by resolution or the returning officer, if authorized by resolution of the elected authority, may designate the location of one or more institutional voting stations for an election in addition to voting stations designated under section 37.

(2) An elector who on election day

(a) is confined to a hospital, auxiliary hospital or nursing home in the local jurisdiction, or

(b) is a resident in the local jurisdiction in a seniors' accommodation facility,

that is established as an institutional voting station for the election is eligible to vote at that institutional voting station.

(3) The returning officer may appoint at least 2 deputies to take the votes of the electors referred to in subsection (2).

(4) If an elected authority provides for the holding of an advance vote, the returning officer may appoint the number of deputies that the returning officer considers necessary to take the votes on the day the advance vote is held of any residents of seniors' accommodation facilities that are located in the local jurisdiction.

RSA 2000 cL-21 s80;2003 c27 s30

Attendance at an institutional vote

81(1) If an institutional vote is provided for, the returning officer shall fix the times on election day at which the votes in the institutions shall be taken, and the presiding deputies, accompanied by candidates, official agents and scrutineers, if present, and by an official of the institution, if available, shall take the votes of any of those patients and residents who express a desire to vote.

(2) Despite subsection (1), candidates and a candidate's official agent and scrutineer may attend an institutional vote only if the

vote is conducted at a fixed location in a public area of the institution and may not attend voting conducted in the room of a resident of the institution.

(3) Despite subsection (1), the presiding deputy shall not permit a candidate to have an official agent or a scrutineer present while the candidate is present at an institutional vote.

(4) Despite subsection (1), a candidate may not have both an official agent and a scrutineer attend an institutional vote at the same time.

RSA 2000 cL-21 s81;2003 c27 s31;2006 c22 s41

Institutional vote procedure

82(1) Every institution at which a vote is taken is a voting station and the voting procedures shall as nearly as possible follow the provisions of this Act, except that

(a) repealed 2003 c27 s32,

(b) the ballot boxes shall not be opened until the close of the voting stations on election day.

(2) The deputy shall post a copy of the notice prescribed under section 35 in at least one conspicuous place in the institution, not fewer than 2 days before the day on which the vote is to be taken.

RSA 2000 cL-21 s82;2003 c27 s32

Deputy's and constable's votes

83(1) Subject to subsection (3), the returning officer, on the request of an elector who has been appointed deputy or constable to attend at a voting station during the whole of election day other than where that elector is entitled to vote, shall provide the elector with a certificate stating that the elector is eligible to vote at the voting station where the elector is to be stationed during election day.

(2) On the production of the certificate, the deputy or constable may vote at the voting station where the deputy or constable is stationed, instead of the voting station where the deputy or constable would otherwise have been eligible to vote, and a deputy shall attach the certificate to the voting register.

(3) If, in a local jurisdiction where a ward system is in effect, an elector is appointed a deputy or constable to attend at a voting station in a ward other than the one in which that elector is eligible to vote, the returning officer may provide the elector with a certificate making the elector eligible to vote at an advance voting station, and the elector may vote at the advance voting station

without the necessity of making the statement required by section 77.

(4) If an elector is appointed as an officer in a local jurisdiction other than the one in which that elector is eligible to vote, the returning officer of the local jurisdiction that appointed the elector as an officer shall provide the elector with a certificate making the elector eligible to vote at an advance vote and the elector may vote at an advance voting station for the local jurisdiction of which the elector is an elector without the necessity of making the statement required by section 77.

(5) Section 58 does not apply to an officer.

RSA 2000 cL-21 s83;2003 c27 s33

Voting machines

84(1) An elected authority may by bylaw provide for the taking of the votes of the electors by means of voting machines, vote recorders or automated voting systems.

(2) Notwithstanding any other provision of this Act, the bylaw referred to in subsection (1) shall prescribe

(a) the form of the ballot,

(b) directions for the marking of a ballot by an elector, and

(c) directions for the voting procedures to be used including the procedures to be followed

(i) in the taking of the votes by any of the means provided for in subsection (1),

(ii) in the examination of the ballots, by machine or otherwise, to determine which votes should be declared void,

(iii) in the counting, by machine or otherwise, of the votes taken by any of the means provided for in subsection (1), and

(iv) if a returning officer makes a recount pursuant to section 98, in the recounting, by machine or otherwise, of the votes taken by any of the means provided for in subsection (1),

and the bylaw shall as nearly as possible follow the provisions of this Act.

(3) Sections 75, 85 and 103 to 115 do not apply when the votes of the electors are taken by any of the means provided for in subsection (1).

RSA 2000 cL-21 s84;2006 c22 s42

Part 3
Post-vote Procedure

Counting of votes

85(1) Immediately after the close of the voting station, the presiding deputy shall in the presence of

(a) at least one and any additional officers that the deputy considers necessary, and

(b) the candidates, official agents or scrutineers, if any,

ensure that each ballot box is opened and that the votes are counted.

(2) A deputy shall not permit more than the candidate or the candidate's official agent or scrutineer, or more than one official agent or scrutineer of either side of a vote on any bylaw or question to be present at the same time in a voting station during the counting of the votes.

RSA 2000 cL-21 s85;2006 c22 s43

Void ballots

86(1) A deputy shall examine the ballots and reject any ballot

(a) that does not bear the initials of the officer,

(b) on which more votes are cast than an elector is entitled to cast,

(c) on which anything is written or marked by which an elector can be identified,

(d) that has been torn, defaced or otherwise dealt with by an elector so that the elector can be identified,

(e) that is not marked by an "X", or

(f) on which no vote has been cast by an elector,

and the rejected ballots shall not be counted.

(2) On the back of a ballot a deputy shall

(a) endorse "rejected" if the deputy rejects it as void, and

(b) endorse "rejection objected to" if any objection is made to the deputy's decision,

and shall initial each endorsement.

(3) Notwithstanding subsection (1)(e), if a vote, though incorrectly marked on a ballot, clearly indicates for whom or what the elector intended to vote, the deputy may count that ballot.

RSA 2000 cL-21 s86;2006 c22 s44

Note of objection

87(1) A deputy shall in the prescribed form make note of any objection made by a candidate or the candidate's official agent or scrutineer or in the case of a bylaw or question by any person authorized to attend, to any ballot found in the ballot box and shall decide any question arising out of the objection.

(2) Every objection shall be numbered and a corresponding number shall be placed on the back of the ballot and initialled by a deputy.

RSA 2000 cL-21 s87;2006 c22 s45

Ballot account

88(1) A deputy shall count the ballots marked for each candidate on the ballots not rejected and the presiding deputy shall prepare a ballot account in the prescribed form with the following information:

(a) the name of the local jurisdiction;

(b) the name or number of the voting subdivision and voting station;

(c) the date of the election;

(d) the name of each candidate and the number of valid ballots marked for each;

(e) the number of ballots supplied;

(f) the number of valid ballots;

(g) the number of valid ballots objected to;

(h) the number of rejected ballots;

(i) the number of ballots rejected because no vote was cast by an elector;

(i.1) the number of special ballots not returned;

(j) the number of unused ballots;

(k) the number of spoiled ballots;

(l) the number of ballots not accounted for;

(m) the number of persons objected to under section 54.

(2) In the case of a vote on a bylaw or question, a deputy shall count the number of ballots marked for and against the bylaw, or in the affirmative and negative on the question, and the presiding deputy shall prepare a ballot account in the prescribed form with the following information:

(a) the name of the local jurisdiction;

(b) the name or number of the voting subdivision and voting station;

(c) the date of the election;

(d) the number of ballots supplied;

(e) the question or a description of the bylaw and the number of valid ballots marked for the bylaw or in the affirmative on the question;

(f) the question or a description of the bylaw and the number of valid ballots marked against the bylaw or in the negative on the question;

(g) the number of valid ballots objected to;

(h) the number of rejected ballots;

(i) the number of ballots rejected because no vote was cast by an elector;

(j) the number of unused ballots;

(k) the number of spoiled ballots;

(l) the number of ballots not accounted for.

RSA 2000 cL-21 s88;2006 c22 s46

Signatures to ballot account

89(1) The ballot account shall be signed by at least 2 deputies involved in the count and may be signed by those of the candidates or their official agents or scrutineers present who desire to sign it.

(2) A deputy, on being requested to do so, shall as soon as practicable provide a copy of the ballot account to persons authorized to sign the ballot account.

RSA 2000 cL-21 s89;2006 c22 s47

Certificate in voting register

90(1) Every presiding deputy at the close of the voting station shall certify in words, in the prescribed form, the number of persons who registered to vote at the voting station at which the deputy was designated to preside.

(2) Every presiding deputy at the close of the voting station on election day must make a copy of each voter register on which an objection has been noted under section 54.

(3) After the close of voting stations on election day and prior to the disposition of election materials under section 101, any person who may object under section 54 may, in the presence of the secretary or returning officer during regular business hours, view the copy of the voter register on which objections have been noted.

RSA 2000 cL-21 s90;2006 c22 s48

Packets of ballots

91(1) At the completion of the counting of the ballots, the presiding deputy shall make up into separate packets

(a) the valid ballots;

(b) the valid ballots objected to together with the notes of objections made to the ballots found in the ballot box;

(c) the rejected ballots, including those on which no vote has been cast by an elector;

(d) the spoiled ballots;

(e) the unused ballots;

(f) the voting register together with the prescribed form referred to in section 90;

(g) the list of electors, if any.

(2) Repealed 2003 c27 s34.

RSA 2000 cL-21 s91;2003 c27 s34

Sealing ballot packets

92 Each packet of ballots shall be sealed and each packet must be marked on the outside with

(a) a short statement of the contents of the packet,

(b) the date of the election,

(c) the name of the deputy, and

(d) the voting subdivision name or number.

1983 cL-27.5 s92;1991 c23 s2(51);1997 c15 s27

Securing election documents

93 The presiding deputy shall then place all the packets containing ballots, the voting register, the special ballot certificate envelopes and copies of special electors' identification, if any, all statements made on voting day and the list of electors, if any, in the ballot box and the ballot box shall be closed and sealed with a deputy's seal so that it cannot be opened without breaking the seal and marked on the outside with the voting station name or number.

RSA 2000 cL-21 s93;2003 c27 s35;2006 c22 s49;2012 c5 s116

Delivery of ballot box and ballot account

94(1) The presiding deputy personally shall as soon as practicable deliver to the returning officer the sealed ballot box, the ballot account and the copies made under section 90 of the voter registers on which objections have been noted.

(2) Notwithstanding subsection (1), if the presiding deputy is unable to deliver the items personally to the returning officer, the presiding deputy shall deliver them to a person chosen by the presiding deputy for the purpose, and shall obtain a receipt for them.

(3) The person chosen under subsection (2) shall personally deliver the items to the returning officer as soon as practicable and obtain a receipt for them.

RSA 2000 cL-21 s94;2006 c22 s50

Election results

95(1) At any general election or by-election the candidate or candidates receiving the highest number of votes shall be declared to be elected and in the event of an equality of votes, section 99 applies.

(2) Unless another enactment provides otherwise, if more than 50% of the persons voting vote in favour of the bylaw or affirmatively on the question, then the bylaw or question is deemed to be assented to by the electors.

1983 cL-27.5 s95;1985 c38 s29;1994 cM-26.1 s642(42)

Declaration of vote result

96(1) In the case of a vote on a bylaw or question, when there is only one voting station, the returning officer shall declare the result of the vote immediately after the returning officer completes the counting of the ballots.

(2) In the case of a vote on a bylaw or question, if there is more than one voting station, the returning officer, after the returning officer has received the ballot boxes from all the voting stations and without opening any of the sealed packets of ballots, shall calculate the number of ballots marked for and against the bylaw or question from the ballot account of the number of ballots given and shall declare the result in accordance with section 97(2).

(3) The returning officer shall, on declaring the result, certify the percentage of persons who have voted in the affirmative and exclude from the total number of ballots all ballots that have not been counted.

(4) On complying with subsections (1) to (3), the returning officer shall forward a signed statement showing the number of votes for and against a bylaw or question to the secretary and the relevant Minister's Deputy Minister.

1983 cL-27.5 s96;1991 c23 s2(54)

Declaration of election result

97(1) The returning officer may publish unofficial results of the counting of ballots after an election as the results are received from voting stations.

(2) The returning officer shall, at 12 noon on the 4th day after election day, at the office of each local jurisdiction for which an election was held,

(a) announce or cause to be announced, or

(b) post or cause to be posted

a statement of the results of the voting for candidates, including a declaration that the candidate receiving the highest number of votes for each office to be filled is elected.

(3) The returning officer shall, if the result was announced, post in some conspicuous place a statement signed by the returning officer showing the number of votes for each candidate.

(4) On complying with subsection (2), the returning officer shall forward a signed statement showing the number of votes for each

candidate and indicate each candidate declared to be elected to the secretary and the relevant Minister's Deputy Minister.

1983 cL-27.5 s97;1985 c38 s30;1991 c23 s2(55)

Recount

98(1) The returning officer may make a recount of the votes cast at one or more voting stations if

(a) a candidate or an official agent or a scrutineer of a candidate recognized pursuant to section 69 or, in the case of a vote on a bylaw or question, a scrutineer appointed pursuant to section 70(1) shows grounds that the returning officer considers reasonable for alleging that the record of the result of the count of votes at any voting station is inaccurate,

(b) the returning officer considers that the number of

(i) valid ballots objected to, or

(ii) rejected ballots other than those on which no vote has been cast by an elector,

was sufficient to affect the result of the election if they had not been counted or rejected, as the case may be, or

(c) the returning officer is of the opinion that there may have been an administrative or technical error that may cause an error in the count of votes.

(2) If the returning officer makes a recount, the returning officer shall

(a) 12 hours before the recount, notify

(i) any candidates who may be affected by the recount or, in the case of a vote on a bylaw or question, one scrutineer in support of the passage of the bylaw or voting in the affirmative on the question and one scrutineer in opposition to the passage of the bylaw or voting in the negative on the question, and

(ii) those officers that the returning officer considers necessary to assist in the recount,

(b) break the seal of the ballot box, and

(c) proceed to count the ballots contained in it in the same manner as the deputy presiding at the voting station is directed to do.

(3) After the recount, the returning officer shall

(a) correct the ballot account if necessary,

(b) place in the ballot box all the documents contained in it at the time the returning officer broke the seal, and

(c) close the ballot box and seal it with the returning officer's seal.

(4) An application under this section may be made during the 44 hours immediately following the closing of the voting stations but may not be made afterwards.

(5) The returning officer shall complete the recount

(a) in the case of an election other than a vote on a bylaw or question, prior to the time set for the declaration of the results under section 97(2), or

(b) in the case of a vote on a bylaw or question, within 96 hours of the close of the voting stations on election day.

(6) A declared vote under section 99 at the original count of ballots shall be counted at the recount of ballots only if the recount confirms the equality of votes among the same candidates as at the original count.

(7) If the recount results in an equality of votes different from the result of the original count and it is necessary to determine which candidate is elected, section 99 applies.

(8) If votes have been taken and counted under section 84, a reference in this section to a voting station is deemed to include the place where the votes were counted.

RSA 2000 cL-21 s98;2006 c22 s51;2012 c5 s117

Equality of votes

99 If it appears on the calculation of the votes that 2 or more candidates for any office have received the same number of votes, and if it is necessary for determining which candidate is elected, the returning officer shall write the names of those candidates separately on blank sheets of paper of equal size and of the same colour and texture, and after folding the sheets of paper in a uniform manner and so that the names are concealed, shall deposit them in a receptacle and direct some person to withdraw one of the sheets, and the returning officer shall declare the candidate whose name appears on the withdrawn sheet to have one more vote than the other candidate.

1983 cL-27.5 s99

Delivery of election material

100(1) As soon as practicable after the election, the returning officer shall deliver to the secretary the sealed ballot boxes, the ballot account and the nomination papers, and the secretary is subsequently responsible for their delivery when required.

(1.1) The secretary must retain the ballot account and the nomination papers until the term of office to which they relate has expired.

(2) The nomination papers and ballot account may be inspected by an elector during regular business hours in the presence of the secretary.

RSA 2000 cL-21 s100;2003 c27 s36

Disposition of election material

101 The secretary, unless otherwise ordered by a judge, shall retain copies of voter registers, if any, made under section 90 and the ballot boxes with their seals unbroken for 6 weeks from the date of voting and then shall cause the ballot boxes to be opened and their contents destroyed, and cause copies of voter registers, if any, to be destroyed, in the presence of 2 witnesses and each of the 2 witnesses shall take an affidavit that the witness has witnessed the destruction of the contents of the ballot boxes.

RSA 2000 cL-21 s101;2006 c22 s52

Order for inspection of ballots

102(1) No person may inspect the contents of a ballot box in the custody of the secretary except on order of a judge.

(2) An order referred to in subsection (1) may be granted on evidence on oath, satisfactory to the judge, that the inspection or production of the contents of a ballot box is required for the purpose of

(a) maintaining a prosecution for an offence in relation to the election,

(b) taking proceedings under this Act to contest an election return, or

(c) preparing an application for a recount.

(3) The order shall

(a) state the time and place for inspection of the papers,

(b) name the persons to be present at the inspection, and

(c) name the other persons entitled to be present at the inspection,

and may prescribe any conditions the judge considers advisable.

1983 cL-27.5 s102;1985 c38 s32

Part 4
Recount Procedure

Judicial recount application

103(1) At any time within 19 days after the close of the voting stations on election day, any elector may apply to the Court for a recount, after the elector has

(a) filed an affidavit with the clerk of the Court alleging reasonable grounds for believing that the returning officer or a deputy or other officer presiding at the voting station, in counting the ballots given at the election, improperly counted or rejected ballots, and

(b) deposited with the clerk of the Court $300 in cash, or by certified cheque or by money order, as security for the payment of costs and expenses.

(2) The deposit of $300 shall not be paid out by the clerk without the order of a judge.

RSA 2000 cL-21 s103;2003 c27 s37;2009 c53 s104

Notice of application

104 At least 3 days prior to the application for a recount, a copy of the application and the affidavit filed shall be served by the applicant on the secretary, the returning officer and all candidates for the affected office.

RSA 2000 cL-21 s104;2009 c53 s104

Recount appointment

105 On the hearing of the application for a recount, a judge may appoint a time and place to recount the ballots and cause a notice in writing to be given to the secretary, to all candidates for the affected office and to any other person the judge may direct, of the time and place where the ballots will be recounted.

1983 cL-27.5 s105

Persons permitted at recount

106(1) The judge, the clerk of the Court, the secretary, the returning officer, each candidate notified to attend the recount, each notified candidate's official agent, scrutineer and solicitor and persons permitted by the judge may be present at the recount.

(2) The secretary shall be present at the recount with the sealed ballot boxes and the ballot account used at the election.

RSA 2000 cL-21 s106;2006 c22 s53

Recount

107(1) At the time and place appointed, the judge shall, in the presence of the parties in attendance, proceed to open all the seals of the packets containing the ballots and count or cause to be counted all the ballots received by the secretary from the returning officer as having been cast in the election complained of.

(2) In counting the ballots, care shall be taken not to disclose how any elector has voted.

1983 cL-27.5 s107

Examination of ballots

108(1) The judge shall examine the ballots that are objected to and recount the ballots.

(2) Any ballot

(a) that lacks the initials of an officer,

(b) on which votes are cast for more candidates than are to be elected to the office,

(c) on which anything is written or marked by which the elector could be identified, or

(d) that has been torn, defaced or otherwise dealt with, with the result that an elector could be identified,

is void and shall not be counted.

(3) The judge shall take a note of any objection made by a candidate or by the candidate's official agent or scrutineer to a ballot, and shall decide any question arising out of the objection, and the decision of the judge is final.

RSA 2000 cL-21 s108;2006 c22 s54

Recess during recount

109(1) The judge shall, as far as practicable, proceed continuously with the recount except during any hours excluded by the judge.

(2) During the excluded time, the judge shall take precautions for the security of the ballots and documents.

1983 cL-27.5 s109

Statement after recount

110(1) The judge shall, after counting the votes marked for each candidate on the ballots not rejected, prepare a written statement that includes the number of ballots marked for each candidate and the number of ballots rejected and not counted by the judge.

(2) The statement shall be made under the following headings:

(a) names of candidates;

(b) number of ballots for each candidate;

(c) ballots that lack initials of deputy;

(d) ballots on which votes are cast for more candidates than are to be elected to the office;

(e) ballots on which anything is written or marked by which an elector could be identified;

(f) ballots that have been torn, defaced or otherwise dealt with, with the result that an elector could be identified;

(g) ballots rejected as unmarked or void.

(3) If the ballot box for a voting station has been lost or destroyed, the judge shall use the ballot account and allow the candidates named in it the number of votes shown by it as given for those candidates.

1983 cL-27.5 s110

Equality of recount votes

111(1) If the judge has counted an equality of ballots for 2 or more candidates for the same office, and if it is necessary for determining which candidate is elected, the judge shall write the names of those candidates separately on blank sheets of paper of equal size and of the same colour and texture, and after folding the sheets of paper in a uniform manner and so that the names are concealed, shall deposit them in a receptacle and direct the clerk of the Court or some other person to withdraw one of the sheets, and the judge shall declare the candidate whose name appears on the withdrawn sheet to have one more vote than the other candidate or candidates.

(2) Subsection (1) does not apply if the candidates having received an equality of ballots also had an equality of ballots at the time of the calculating of ballots by the returning officer, in which case the judge shall declare the candidate who previously has been declared

to have received one more ballot still to have one more ballot than the other candidate.

1983 cL-27.5 s111

Certification of recount

112 On the completion of the recount or as soon as the judge has ascertained the result of the voting, the judge shall replace the ballots in the respective ballot boxes and return the boxes to the secretary and shall forthwith certify the result to the secretary, who shall forthwith post a statement in the secretary's office declaring the result.

1983 cL-27.5 s112

Costs of recount

113(1) All costs, charges and expenses of and incidental to an application for a recount, and to the proceedings consequent on it, shall be defrayed by the local jurisdiction, applicant, persons served with a notice, or any of them, in the manner and in the proportion that the judge determines, having regard to any costs, charges or expenses that, in the opinion of the judge, have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part of the applicant or any person served with a notice.

(2) The costs may, if the judge so orders, be assessed and reviewed in the same manner and according to the same principles as costs are assessed and reviewed under the *Alberta Rules of Court*.

RSA 2000 cL-21 s113;2009 c53 s104

Payment of costs

114 The payment of any costs ordered by the judge may, on the filing of the order of the judge and a certificate showing the amount at which the costs were assessed and an affidavit of non-payment, be enforced by writ proceedings taken pursuant to a writ of enforcement issued in respect of that order.

RSA 2000 cL-21 s114;2009 c53 s104

Bylaw vote recount

115 Sections 103 to 114 apply to a recount of the votes for and against a bylaw or question.

1983 cL-27.5 s115

Part 5
Controverted Elections

Bribery

116 A person commits the offence of bribery

(a) who directly or indirectly by himself or herself or by any other person on his or her behalf,

(i) gives, lends or agrees to give or lend or offers or promises money or valuable consideration, or gives or procures or agrees to give or procure or offers or promises an office, place or employment to or for an elector or to or for a person on behalf of an elector or any person, in order to induce an elector or a person to vote or to refrain from voting at an election, or

(ii) corruptly does an act described in subclause (i) because a person has voted or has refrained from voting at an election,

(b) who directly or indirectly by himself or herself or by any other person on his or her behalf, makes a gift, loan, offer, promise or agreement described in clause (a) to or for a person in order to induce that person to procure or defeat or endeavour to procure or defeat

(i) the election of a candidate,

(ii) the passing of a bylaw,

(iii) the result of a vote on a question, or

(iv) the vote of an elector at an election,

(c) who in return for a gift, loan, offer, promise or agreement procures or defeats or engages or promises or endeavours to procure or defeat

(i) the election of a candidate,

(ii) the passing of a bylaw,

(iii) the result of a vote on a question, or

(iv) the vote of an elector at an election,

(d) who

(i) advances or pays or causes to be paid money to or for the use of any other person with the intent that the money or part of it be expended in bribery at an election, or

(ii) knowingly pays or causes to be paid any money to a person in discharge or repayment of any money wholly or in part expended in bribery at an election,

(e) who, being an elector, before or during an election directly or indirectly by himself or herself or by any other person on his or her behalf receives, agrees to, accepts or contracts for any money, gift, loan or valuable consideration, office, place or employment for the elector or any other person for

(i) voting or agreeing to vote,

(ii) refraining or agreeing to refrain from voting, or

(iii) voting or agreeing to vote for or against a particular candidate, bylaw or question,

at an election, or

(f) who after an election directly or indirectly by himself or herself or by any other person on his or her behalf receives any money or valuable consideration because some person

(i) has voted or refrained from voting,

(ii) has induced any other person to vote or refrain from voting, or

(iii) has voted for or against or has induced any other person to vote for or against a candidate, bylaw or question,

at an election.

1983 cL-27.5 s116

Undue influence

117 A person commits the offence of undue influence who

(a) directly or indirectly by himself or herself or by any other person on his or her behalf,

(i) makes use of or threatens to make use of any force, violence or restraint,

(ii) inflicts or threatens the infliction personally or by or through any other person of any injury, damage, harm or loss, or

(iii) in any manner practises intimidation,

on or against any person in order to induce or compel any person to vote or refrain from voting, or to vote for or against a particular candidate, bylaw or question, at an election, or on account of an elector having voted or refrained from voting at an election, or

(b) by abduction, duress or any fraudulent device or contrivance

(i) impedes, prevents or otherwise interferes with the free exercise of the franchise of an elector, or

(ii) compels, induces or prevails on an elector to give or refrain from giving the elector's vote, or to vote for or against a candidate, bylaw or question, at an election.

1983 cL-27.5 s117

Allowable election expenses

118(1) In any election under this Act, the following expenses shall be held to be lawfully incurred and the payment of them is not a contravention of this Act:

(a) the actual personal expenses of the candidate;

(b) the cost of acquiring premises, accommodation, goods or services used for proper election campaign purposes;

(c) bona fide payments for the fair cost of printing and advertising;

(d) reasonable and ordinary payment to any person for the hire of transportation used

(i) by a candidate or speakers in travelling to and from public meetings, or

(ii) by any person in connection with and for the proper purposes of an election.

(2) With respect to an election of a school board trustee under this Act, an elected authority may, by a bylaw passed prior to April 15 of a year in which a general election is held require that candidates prepare and disclose to the public statements of all their campaign contributions and campaign expenses and may prescribe how campaign contributions not used for campaign expenses must be used.

(2.1) If a bylaw is passed under subsection (2), the elected authority may require that the statements of campaign contributions and campaign expenses be audited in accordance with generally accepted auditing standards.

(2.2) If a bylaw is passed under subsection (2), a person eligible to vote in the election may request to examine the statements of campaign contributions and campaign expenses during regular business hours and in the presence of the returning officer, deputy or secretary.

(3) A bylaw passed under subsection (2)

(a) shall define "campaign contributions" and "campaign expenses", and

(b) may prescribe forms

for purposes of the bylaw.

(4) A person who contravenes a bylaw passed under this section is guilty of an offence and liable to a penalty of not more than $1000, and on conviction the penalty enures to the benefit of the local jurisdiction in respect of which the election was conducted.

RSA 2000 cL-21 s118;2006 c22 s55;2009 c10 s2

Oral evidence

119 When on an application in the nature of a quo warranto a question is raised relating to whether the candidate, elector or other person has been guilty of bribery or undue influence, oral evidence shall be used to prove the offence, and evidence by affidavit may not be used to prove the offence.

RSA 2000 cL-21 s119;2011 c14 s17

Forfeiture of seat

120 A candidate elected at an election who is found guilty, on the hearing of a motion in the nature of a quo warranto, of bribery or of using undue influence

(a) forfeits the elected office, and

(b) is ineligible to be nominated as a candidate until after 2 general elections have taken place following the candidate's conviction.

1983 cL-27.5 s120

Penalty for bribery or undue influence

121(1) A person adjudged guilty of bribery or undue influence is liable to a fine of not more than $5000 or to imprisonment for not more than 2 years or to both a fine and imprisonment and the fine must be paid to the local jurisdiction on behalf of which the election was conducted.

(2) The judge shall direct that, in default of payment of the penalty within the time fixed by the judge, the person adjudged guilty of bribery or undue influence be imprisoned for the period the judge directs, not exceeding 30 days, or until the penalty is sooner paid.

(3) If the person adjudged guilty of bribery or undue influence fails to pay the penalty within the time fixed by the judge, the judge shall issue a warrant for the person's arrest and imprisonment.

1983 cL-27.5 s121;1997 c15 s29

Report of bribery or undue influence convictions

122(1) A judge who finds a person guilty of bribery or undue influence shall report that finding forthwith to the secretary.

(2) The secretary shall enter in a book to be kept for that purpose the names of all persons who have been reported to the secretary by the judge pursuant to subsection (1).

1983 cL-27.5 s122

Witnesses

123(1) A witness is bound to attend before a judge

(a) on being served with a notice signed by the judge or by the solicitor of either party directing the witness's attendance, and

(b) on payment of the proper fees, expenses and allowances in accordance with the *Alberta Rules of Court*,

and in default of attendance the witness may be punished for contempt of court.

(2) No person shall be excused from answering any questions put to the person

(a) on the hearing of an application in the nature of a quo warranto, or

(b) in a proceeding touching or concerning an election or the conduct of a person in relation to an election,

on the ground that the answer to the question will tend to incriminate the person.

(3) No incriminating answer given to any question in proceedings under this Act shall be used against the person who gave the answer in proceedings, under this or any other Act, except in a prosecution for perjury or for the giving of contradictory evidence.

(4) No person who has voted at an election shall be required to state in evidence in any legal proceedings whether the person has voted for or against a particular candidate, bylaw or question.

RSA 2000 cL-21 s123;2009 c53 s104

Limitation of action

124 No proceedings against a person for bribery or undue influence may be commenced after 6 weeks from the election day in respect of which the offence is alleged to have been committed.

1983 cL-27.5 s124

Recovery of penalties

125(1) No pecuniary penalty or forfeiture imposed by this Act for an act of bribery or undue influence at an election is recoverable if it appears

(a) that the person charged and another person or other persons were together guilty of the act charged either as giver or receiver or as accomplices, or otherwise, and

(b) that the person charged has previously prosecuted in good faith the other person or persons or any of them for that act.

(2) Subsection (1) does not apply if the judge certifies that it clearly appears to the judge that the person charged took the first step toward the commission of the offence charged and was in fact the principal offender.

1983 cL-27.5 s125

Trial of an election

126(1) If the validity of an election of a member of an elected authority or the member's right to hold the seat is contested, or if the validity of a vote on a bylaw or question is contested, the issue may be tried by the Court.

(2) The issue may be raised before the Court by

(a) a candidate at the election,

(a.1) the elected authority,

(b) any elector

(i) if the right to sit is by acclamation, or

(ii) if the right to sit is contested on the grounds that a member of the elected authority is ineligible, disqualified or has forfeited the member's seat since the member's election,

or

(c) an elector who gave or tendered the elector's vote at the election.

RSA 2000 cL-21 s126;2006 c22 s56

Fiat for application

127(1) For the purposes of this section and sections 128 to 138, "respondent" means the party against whom an application is made.

(2) If within 6 weeks after an election the person raising an issue shows by affidavit to a judge reasonable grounds

(a) for supposing that the election was not legal or was not conducted according to law,

(b) for supposing that an unsuccessful candidate was not eligible for nomination and that the results of the election would have been different had that candidate not run,

(c) for contesting the validity of the election of a member of the elected authority, or

(d) for contesting the validity of the result of a vote on a bylaw or question,

the judge may grant a fiat authorizing the person raising the issue, on entering into a sufficient recognizance as provided by subsection (4), to apply for judicial review for an order in the nature of a quo warranto to determine the matter.

(3) If at any time the person raising the issue shows to a judge by affidavit reasonable grounds for supposing that a member of an elected authority other than a member of council has become disqualified since the member's election and has not resigned the member's seat, the judge may grant a fiat authorizing the person raising the issue, on entering into a sufficient recognizance as provided by subsection (4), to apply for judicial review for an order in the nature of a quo warranto to determine the matter.

(4) The recognizance to be allowed as sufficient by the judge shall be entered into before the judge or before a commissioner for oaths by

(a) the person raising the issue, in the sum of $300, and

(b) 2 sureties on affidavits of justification, each in the sum of $100,

and shall be conditioned to prosecute the application with effect to pay to the respondent any costs that may be adjudged to the respondent against the person raising the issue.

(5) When the sufficiency of the sureties has been determined and the recognizance has been allowed as sufficient by the judge, the

judge shall note or endorse on it and on the fiat allowing service of the application the words "recognizance allowed" and shall initial it.

RSA 2000 cL-21 s127;2009 c53 s104

Application requirements

128(1) An application may either state

(a) the return day of the application, being not fewer than 7 clear days after the day of the service of it, or

(b) that the application will be made on the 8th day after the day of service of the copy of the application.

(2) The person raising the issue shall in the person's application set out the person's name in full, the person's place of residence and the interest, as a candidate, elector or otherwise, that the person has in the election and shall also state specifically under distinct heads

(a) all the grounds of objection to the validity of the election complained against,

(b) if the person raising the issue claims that the person or any other person or persons should have been declared elected, the grounds in favour of the validity of the election of the person raising the issue or of the other person or persons,

(c) the grounds of forfeiture or disqualification of the respondent,

(d) if the person raising the issue claims that the result of the voting on the bylaw should be reversed, the grounds in support of that contention, and

(e) if the person raising the issue makes any other claim, the grounds in support of that claim.

RSA 2000 cL-21 s128;2009 c53 s104;2011 c14 s17

Filing of documents

129 Before serving the application, the person raising the issue shall file all affidavits and material on which the person intends to rely, except where oral evidence is to be taken, in which case the person shall name in the application the witnesses whom the person proposes to examine.

RSA 2000 cL-21 s129;2009 c53 s104

Service of application

130(1) The application shall be served on the persons and in the manner that the judge directs.

(2) Service of the application shall be made within 2 weeks from the date of the fiat granted by the judge unless otherwise ordered by the judge.

RSA 2000 cL-21 s130;2009 c53 s104

Application to try validity of election

131 When the person raising the issue alleges that the person personally or some other person or persons have been elected, the application shall be to try the validity both of the election complained of and of the alleged election of the person raising the issue or of the other person or persons.

RSA 2000 cL-21 s131;2009 c53 s104

Combination of applications

132 If any of the grounds of objection apply equally to 2 or more persons declared elected, the person raising the issue may proceed by one application against all those persons.

RSA 2000 cL-21 s132;2009 c53 s104

Grounds not allowed

133(1) On the hearing of the application, the person raising the issue shall not be allowed

(a) to object to the voting on the bylaw or question,

(b) to object to the election of the respondent,

(c) to attack the respondent's right to sit, or

(d) to support the election of any person alleged to have been elected,

on any ground not specified in the application.

(2) Notwithstanding subsection (1), the judge in the judge's discretion may entertain any substantial ground of objection to or any substantial contention in support of

(a) the voting on a bylaw or question, or

(b) the validity of the election or of the right to sit of either or any of the parties who may appear in evidence before the judge.

RSA 2000 cL-21 s133;2009 c53 s104

Production of election material

134 The judge may require the secretary to produce any ballots, books, lists of electors and other lists and any other records of the election and documents in the secretary's possession and connected with the election that the judge considers necessary.

1983 cL-27.5 s134

Adding parties

135 The judge may, if the judge thinks proper at any stage of the proceedings, make an order adding the returning officer, deputy or any other person as a party.

1983 cL-27.5 s135

Intervention

136 The judge may allow any person described in section 126(2) to intervene in the proceedings and to prosecute or defend and may grant a reasonable time for that purpose, and an intervening party is as liable to pay and as entitled to receive costs as any other party to the proceedings.

1983 cL-27.5 s136

Hearing

137(1) The judge shall without formal pleadings hear and determine

(a) the validity of the voting on the bylaw or question or in the election, or

(b) the right of the respondent to sit,

and may inquire into the facts on affidavit or affirmation or by oral testimony.

(2) If the validity of an election is contested before a judge on the grounds of

(a) a contravention of this Act or of any other Act applicable to

(i) the election,

(ii) the procedure at the voting station, or

(iii) the counting of the votes,

(b) a mistake in the use of any of the forms required in connection with the election, or

(c) any other irregularity,

the judge, in the judge's discretion, may adjudge the election invalid.

(3) If the validity of an election is contested before a judge on the grounds mentioned in subsection (2) and it appears to the judge that the election was conducted substantially in accordance with the requirements of this Act and that the contravention, mistake or irregularity did not materially affect the result of the election, the judge may adjudge the election valid.

RSA 2000 cL-21 s137;2009 c53 s104

Invalid election

138(1) If the election of a candidate complained of is adjudged invalid, the judge shall, by the judgment, order the respondent to be removed and the respondent's office vacated, and if the judge determines that any other person was elected the judge shall forthwith order the other person to be admitted to the office.

(2) If the voting on a bylaw or question complained of is adjudged invalid, the judge shall, by the judgment, declare the voting on the bylaw or question invalid and may order a new election to be held or make any order the judge considers just having regard to all the circumstances.

(3) If the judge determines

(a) that the election of all members of an elected authority is invalid, or

(b) that all members of an elected authority have become disqualified,

the judge shall forthwith order a new election to be held and the order shall be directed to the secretary, who on receipt of the order has all powers in connection with the holding of the election that are conferred by law on the elected authority for filling vacancies on the elected authority.

(4) Notwithstanding subsection (3), the relevant Minister may make any regulations for the conduct of the election not inconsistent with any Act that the relevant Minister considers proper and the secretary shall conform in all respects to those regulations.

(5) The *Regulations Act* does not apply to regulations made under subsection (4).

1983 cL-27.5 s138

Liability for costs

139(1) If an election has been held invalid owing to the improper refusal of a returning officer or deputy to receive ballots tendered by electors or to give ballot papers to electors, the judge may in the judge's discretion order that the costs of the proceedings to unseat the candidate declared elected, or to declare the bylaw or any part of it or a vote on a question invalid, or any other costs, be paid by the returning officer or deputy.

(2) Nothing in subsection (1) affects any right of action against a returning officer or deputy or relieves the returning officer or deputy from any other penalty or punishment to which the returning officer or deputy may be liable.

1983 cL-27.5 s139

Liability for costs

140 If it appears to the judge that an election is invalid by reason of any act of non-feasance or misfeasance on the part of

(a) the returning officer, or

(b) a deputy,

the judge may in the judge's discretion order that the costs of the proceedings to unseat the person declared elected, or to declare the voting on the bylaw or question, or any part of it, invalid, or any other costs, be paid by the local jurisdiction in and for which the election was held.

1983 cL-27.5 s140;1991 c23 s2(59)

Form and effect of order

141 After the adjudication of the case, an order shall be drawn up in the usual manner that shall state concisely the ground and effect of the decision, and the order

(a) may at any time be amended by the judge in regard to any matter or form, and

(b) has the same force and effect as a writ of mandamus formerly had in similar cases.

1983 cL-27.5 s141

Return of judge's order

142(1) The judge, immediately after the judge's decision, shall return the judge's order to the proper office of the Court to be kept as a record of the judgment of the Court.

(2) The judgment of the Court may be enforced in the same manner as an ordinary order of mandamus of the Court and a writ

of enforcement may be issued under it to recover any costs awarded by the judgment.

1983 cL-27.5 s142;1994 cC-10.5 s140

Disclaimer after application

143 A candidate

(a) whose election is complained of, unless the election is complained of on the ground of bribery or undue influence on the part of that person, or

(b) other than a member of council, whose seat is attacked on the ground that the candidate has become ineligible or disqualified,

may within 7 days after service on the candidate of an application described in section 128 cause to be delivered to, or may transmit by prepaid registered mail directly to the clerk of the Court and also to the person raising the issue, or that person's solicitor, a disclaimer signed by the candidate in the prescribed form.

RSA 2000 cL-21 s143;2009 c53 s104

Effect of disclaimer

144(1) A disclaimer delivered

(a) before the election, or

(b) before the person disclaiming is complained of,

relieves the person making it from all liability to costs.

(2) A disclaimer delivered or transmitted under this Act operates as a resignation and the vacancy so created shall be filled in the manner provided by this Act.

(3) A disclaimer delivered to the returning officer before election day may be posted by the returning officer in the voting stations.

RSA 2000 cL-21 s144;2003 c27 s38

Delivery of duplicate disclaimer

145 A person disclaiming after service on the person of an application for judicial review for an order in the nature of a quo warranto shall deliver a duplicate of the person's disclaimer to the secretary, and the secretary shall forthwith communicate it to the elected authority.

RSA 2000 cL-21 s145;2009 c53 s104

Right of appeal

146 An appeal against the decision of a judge lies to the Court of Appeal and the proceedings appertaining to it shall be as nearly as

possible the same as in an appeal in other cases from a decision of the Court of Queen's Bench.

1983 cL-27.5 s146

Regulations

147 The Minister may make regulations respecting the form of any notices, orders or other proceedings to be issued, given, made or taken under this Part.

RSA 2000 cL-21 s147;2011 c14 s17

Part 5.1
Municipal Election Finance and Contribution Disclosure

Definitions

147.1(1) In this Part,

(a) "campaign contribution" means any money, personal property, real property or service that is provided to or for the benefit of a candidate or the candidate's election campaign without fair market value compensation from that candidate but does not include services provided by a volunteer who voluntarily performs the services and receives no compensation, directly or indirectly, in relation to the services or time spent providing the services;

(b) "campaign expense" means any expense referred to in section 118(1);

(c) "campaign period" means

(i) for a candidate in a general election, the period of time from January 1 immediately following a general election to December 31 immediately following the next general election;

(ii) for a candidate in a by-election, the period of time from January 1 immediately following a general election to 60 days immediately following the by-election;

(d) "candidate" means an individual nominated as a candidate for election as a councillor of a municipality under this Act or an individual who intends to be nominated as a candidate for such an election and accepts campaign contributions or incurs campaign expenses;

(e) "employee organization" means any organization other than a trade union that bargains collectively for any employees in Alberta, and for the purposes of this Part all branches in

Alberta of an employee organization are deemed to be one organization;

(f) "person" includes any individual other than a candidate, and any organization other than a corporation, employee organization or trade union;

(g) "prohibited organization" means

(i) a municipality,

(ii) a corporation that is controlled by a municipality and meets the test set out in section 1(2) of the *Municipal Government Act,*

(iii) a non-profit organization that has received since the last general election any of the following from the municipality in which the election will be held:

(A) grants,

(B) real property, or

(C) personal property,

(iv) a Provincial corporation as defined in the *Financial Administration Act*, and includes a management body within the meaning of the *Alberta Housing Act*,

(v) a Metis settlement,

(vi) a school board under the *School Act*,

(vii) a public post-secondary institution under the *Post-secondary Learning Act*,

(viii) any corporation that does not carry on business in Alberta, or

(ix) any organization designated by the Lieutenant Governor in Council as a prohibited organization;

(h) "trade union" means a trade union as defined by the *Labour Relations Code*, the *Public Service Employee Relations Act* or the *Canada Labour Code* (Canada) and that holds bargaining rights for employees in Alberta, and for the purposes of this Part all locals in Alberta of a trade union are deemed to be one trade union.

(2) Corporations that are associated with one another under section 256 of the *Income Tax Act* (Canada) shall be considered as a single corporation for the purposes of this Part but in determining whether and at what time corporations are associated for the purposes of this Part, subsection 256(1) of the *Income Tax Act* (Canada) shall be read as though the words "at any time in the year" were struck out.

(3) Nothing done or omitted to be done by a corporation is a contravention of this Part solely because that corporation subsequently becomes associated with any other corporation.

2009 c10 s3;2010 c9 s1

Candidate self-funded election campaign

147.11(1) Any money up to and including $10 000 paid by a candidate out of the candidate's own funds for the purposes of the candidate's election campaign is not a campaign contribution for the purposes of this Part.

(2) If a candidate's entire election campaign is funded exclusively out of the candidate's own funds, the candidate is not required to

(a) open and deposit the funds in a campaign account at a financial institution in the name of the candidate's election campaign or of the candidate,

(b) file a disclosure statement with the municipality setting out the total amount contributed by the candidate to the candidate's own election campaign, or

(c) file a disclosure statement with the municipality listing the campaign expenses incurred during the candidate's election campaign.

(3) This section does not apply if the candidate receives or accepts any campaign contribution from any other person, corporation, trade union or employee organization.

2010 c9 s1;2012 c5 s118

Limitations on contributions

147.2(1) Campaign contributions by any person, corporation, trade union or employee organization to a candidate shall not exceed $5000 in any year.

(1.1) Money paid by a candidate out of the candidate's own funds to the candidate's election campaign shall not exceed $10 000 in any campaign period.

(2) Repealed 2010 c9 s2.

(3) No prohibited organization, person normally resident outside Alberta or trade union or employee organization other than a trade union or employee organization as defined in this Part shall make any campaign contributions to a candidate.

(4) A corporation, trade union or employee organization that contravenes this section is guilty of an offence and liable to a fine of not more than $10 000.

(5) A person or a candidate who contravenes this section is guilty of an offence and liable to a fine of up to $5000.

2009 c10 s3;2010 c9 ss1,2

Registration of candidates

147.21(1) No candidate may accept campaign contributions, including the funds of the candidate, unless the candidate is registered under this Act with the municipality in which the candidate intends to run.

(2) The municipality shall maintain a register of candidates in relation to each election and shall register in it any candidate who is eligible to be nominated at the time of registration and who files with the municipality an application for registration setting out

(a) the full name and address of the candidate,

(b) the addresses of the place or places where records of the candidate are maintained and of the place to which communications may be addressed,

(c) the names and addresses of the financial institutions to be used by or on behalf of the candidate as depositories for campaign contributions made to that candidate, and

(d) the names of the signing authorities for each depository referred to in clause (c).

(3) When there is any change in the information required to be provided under subsection (2), the registered candidate shall notify the municipality in writing within 48 hours after the change, and on receipt of the notice the municipality shall update the register of candidates accordingly.

(4) Notice under subsection (3) may be sent by fax or electronic mail.

(5) A candidate who contravenes subsection (1) or (3) is guilty of an offence and liable to a fine of not more than $1000.

(6) This section does not apply to a candidate if the candidate's entire election campaign is funded exclusively out of the candidate's own funds up to a maximum of $10 000.

(7) This section applies to a campaign period beginning on or after January 1, 2014.

2012 c5 s119

Duties of candidate

147.3(1) A candidate shall ensure that

(a) a campaign account in the name of the candidate's election campaign or of the candidate is opened at a financial institution for the purposes of the election campaign as soon as possible after

(i) the total amount of campaign contributions from any person, corporation, trade union or employee organization first exceeds $5000 in the aggregate, or

(ii) the total amount of campaign contributions from any person, corporation, trade union or employee organization in combination with any money paid by the candidate out of the candidate's own funds first exceeds $5000 in the aggregate;

(b) if a campaign account has been opened in accordance with clause (a), all contributions of money are deposited into the campaign account;

(c) money in the campaign account shall only be used for the payment of campaign expenses;

(d) contributions of real property, personal property and services are valued;

(e) receipts are issued for every contribution and obtained for every expense;

(f) disclosure statements are filed in accordance with section 147.4;

(g) records are kept of campaign contributions and campaign expenses and are retained by the candidate for a period of 2 years following the date on which disclosure statements were required to be filed under section 147.4;

(h) proper direction is given to the candidate's official agent and any other person who is authorized to incur campaign

expenses and accept or solicit campaign contributions on behalf of the candidate;

(i) a campaign contribution received in contravention of this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;

(j) an anonymous campaign contribution or a campaign contribution not returned to the contributor under clause (i) is paid to the secretary for the municipality in which the election is held.

(2) A candidate who contravenes any of the provisions of this section is guilty of an offence and liable to a fine of not more than $1000.

2009 c10 s3;2010 c9 s2;2012 c5 s120

Campaign disclosure statements

147.4(1) If a candidate's election campaign is funded exclusively from campaign contributions from any person, corporation, trade union or employee organization or is funded from a combination of money paid by the candidate out of the candidate's own funds and campaign contributions from any person, corporation, trade union or employee organization, then, on or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, a candidate shall file with the municipality a disclosure statement in the prescribed form, which must include

(a) the total amount of all campaign contributions received during the campaign period that did not exceed $100 in the aggregate from any single contributor,

(b) the total amount contributed, together with the contributor's name and address, for each contributor whose contributions during the campaign period exceeded $100 in the aggregate,

(c) the total amount of money paid by the candidate out of the candidate's own funds,

(d) the total amount of any campaign surplus, including any surplus from previous campaigns, and

(e) a financial statement setting out the total amount of revenue and expenses.

(1.1) If a candidate does not file nomination papers before the next general election, the candidate shall, within 6 months after the date of the next general election,

(a) if there is a surplus, donate the amount of money disclosed under subsection (1)(d) to a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada) or to the municipality where the candidate was declared elected in a previous general election, or

(b) if there is a deficit, eliminate the deficit.

(1.2) A candidate who has a deficit referred to in subsection (1.1)(b) shall, within 30 days after the expiration of the 6-month period referred to in subsection (1.1), file an amended disclosure statement showing any campaign contributions accepted and any other funds received to eliminate the deficit.

(2) If a candidate becomes aware that any of the information reported in the disclosure statement required under subsection (1) has changed or has not been completely or accurately disclosed, the candidate shall, within 30 days, submit a supplementary statement in the prescribed form to the municipality.

(3) The municipality must ensure that all documents filed under this section are available to the public during regular business hours.

(4), (5) Repealed 2010 c9 s1.

2009 c10 s3;2010 c9 s1;2012 c5 s121

Campaign surplus

147.5(1) On or before March 1 immediately following a general election or, in the case of a by-election, within 120 days after the by-election, if a candidate's disclosure statement shows a surplus, the candidate shall pay the surplus to the municipality.

(2) The municipality shall hold any money received under subsection (1) in trust for the candidate at a financial institution.

(3) If the candidate in respect of whom the money is held under subsection (2) files nomination papers to be a candidate in the next general election or in a by-election called before that time, the municipality shall pay the money and interest calculated at the rate prescribed by the Lieutenant Governor in Council to the candidate for use in that election.

(4) If the candidate in respect of whom money is held in trust under subsection (2) does not file nomination papers before the next general election, the candidate shall, within 6 months of the date of the election, direct the municipality to donate the money and interest on that money calculated at the rate prescribed by the

Lieutenant Governor in Council to a registered charity within the meaning of subsection 248(1) of the *Income Tax Act* (Canada).

(5) If the municipality does not receive a direction under subsection (4), the money and interest on that money calculated at the rate prescribed by the Lieutenant Governor in Council become the property of the municipality.

2009 c10 s3;2010 c9 s1;2012 c5 s122

147.6 Repealed 2012 c5 s123.

Late filing period/penalties

147.7(1) A candidate who contravenes section 147.4 or 147.5 and who fails to

(a) comply with that section within 30 days after the time period provided for in that section, and

(b) pay the municipality a late filing fee of $500,

is guilty of an offence and liable to a fine of not more than $5000.

(2) If a candidate is found guilty of contravening section 147.5, the Court may, in addition to the penalty provided for in subsection (1), order the candidate to pay any surplus to the municipality as soon as possible.

(3) Section 147.5(2) to (5) apply to money paid to a municipality pursuant to a court order under this section.

2009 c10 s3;2012 c5 s124

Effect of non-compliance in relation to disclosure statements

147.8(1) If a candidate fails to file a disclosure statement as required by section 147.4 before the end of the late filing period provided under section 147.7, the secretary shall transmit a report to that effect to council, which shall on its receipt make the report public.

(2) A candidate under subsection (1) may, within the 60-day period following the date on which the report under subsection (1) is made public, apply to the Court for relief.

(3) On hearing the application, the Court may

(a) dispense with compliance with section 147.4, or any provision of it, if it considers that the non-compliance is due to circumstances beyond the control of the candidate and that it is not reasonably possible to comply with the section,

(b) extend the time for compliance with section 147.4, or any provision of it, if it finds mitigating reasons for non-compliance with the section,

(c) make any order that it considers appropriate to secure compliance with as much of section 147.4 as it considers reasonable in the circumstances, or

(d) refuse the application.

(4) A candidate may apply to the Court under this section and name the municipality as the respondent.

(5) The decision of the Court is final and not subject to appeal.

2009 c10 s3;2010 c9 s1

147.9 Repealed 2010 c9 s2.

Regulations

147.91 The Lieutenant Governor in Council may make regulations

(a) designating organizations to be prohibited organizations for the purposes of this Part;

(b) prescribing the interest rate for the purposes of section 147.5.

2009 c10 s3

Application

147.92(1) Sections 147.5, 147.7(2) and (3) and 147.91(b) apply to campaign funds on or after December 1, 2015.

(2) Subsection (1) is deemed to have come into force on February 3, 2010.

2010 c 9 s1;2012 c5 s125

Part 6
Offences

Prohibitions

148(1) No person shall

(a) without authority supply a ballot to any person,

(b) fraudulently put into a ballot box any paper other than a ballot that the person is authorized by this Act to deposit,

(c) fraudulently take a ballot out of the voting station,

(d) without authority destroy, take, open or otherwise interfere with any ballot box or packet of ballots then in use for the purpose of an election.

(2) No person shall

(a) request a ballot in the name of some other person, whether the name is that of a person living or dead or of a fictitious person, or

(b) having voted once, request at the same election a ballot in the person's own name.

(3) No person shall vote knowing that the person has no right to do so.

(4) No person shall make or sign a false statement for any purpose related to an election or vote held or to be held under this Act.

(5) No person shall print or distribute or cause to be printed or distributed in any advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper a form of ballot printed by the returning officer, indicating or showing it to be marked for any candidate or candidates.

(6) Notwithstanding anything in this section, the returning officer may at any time after nomination day cause a facsimile of the ballot for chief elected official, member of an elected authority, bylaw or question to be published as often as the returning officer considers necessary in a newspaper circulating in the area, for the information of the electors.

(7) A person who contravenes subsection (1), (2), (3), (4) or (5) is guilty of an offence and liable to a fine of not more than $10 000 or to imprisonment for not more than 6 months or to both fine and imprisonment.

1983 cL-27.5 s148;1988 c31 s10;1991 c23 s2(61);
1994 cM-26.1 s642(42);1997 c15 s32

Offence

149 A returning officer or deputy who

(a) takes or receives a vote in contravention of this Act,

(b) refuses or wilfully omits to sign the returning officer's or deputy's initials on any ballot,

(c) acts wilfully in contravention of this Act, or

(d) commits a wilful omission,

is guilty of an offence and liable to a fine of not more than $5000 or to imprisonment for not more than 2 years or to both fine and imprisonment.

1983 cL-27.5 s149;1991 c23 s2(62);1997 c15 s33

Offence

150(1) Every returning officer, deputy, candidate, constable, official agent and scrutineer in attendance at a voting station shall maintain and aid in maintaining the secrecy of the voting at the voting station.

(2) No person shall interfere with or attempt to interfere with an elector when the elector is marking the elector's ballot, or shall otherwise attempt to obtain at the voting station information as to which candidate or candidates any elector at that voting station is about to vote or has voted for.

(3) No person shall

(a) during the hours when a voting station is open, canvass or solicit votes in a building where the voting station is located, or

(b) make any communication to an elector in a voting station respecting the election otherwise than through the deputy.

(4) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (3) applies only to the store, office or facility comprising the area used as a voting station.

(5) No person shall display at the voting station or distribute or post in it a specimen ballot paper marked for a candidate or any other material purporting to explain to the electors how to vote or leave or post a ballot or other material in a voting compartment other than the material that is required to be posted in accordance with this Act.

(6) No person shall communicate at any time to any person any information obtained at a voting station as to which candidate any elector at that voting station is about to vote or has voted for.

(7) No returning officer, deputy, official agent or scrutineer in attendance at the counting of the votes shall communicate or attempt to communicate any information obtained at that counting as to which candidate or candidates any vote is given for.

(8) No person shall directly or indirectly induce an elector to display the elector's ballot, after the elector has marked it, so as to

make known to any person the name of any candidate for whom the elector has or has not marked the elector's ballot.

(9) A person who contravenes this section is guilty of an offence and liable to a fine of not more than $5000 or to imprisonment for a term not exceeding 2 years or to both fine and imprisonment.

RSA 2000 cL-21 s150;2006 c22 s57

Offence

151 A candidate for elective office who signs a candidate's acceptance form that contains a false statement is guilty of an offence and liable to a fine of not more than $1000.

1983 cL-27.5 s151

Advertisement distribution

152(1) Subject to subsection (2), a person who, on election day,

(a) displays inside or on the outside of a building used for a voting station, or

(b) distributes within a building used for a voting station,

an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper except those posted by the deputy in accordance with this Act is guilty of an offence and liable to a fine of not more than $500.

(2) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (1) applies only to the store, office or facility comprising the area used as a voting station.

(3) The distribution by or on behalf of a candidate or the candidate's official agent or scrutineer of newspapers, pamphlets or other literature containing articles or reports on matters of public interest is not a contravention of this section.

(4) Where a person displays an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper contrary to subsection (1), the deputy may cause it to be removed, and neither the deputy nor any person acting under the deputy's instructions is liable for trespass or damages resulting from or caused by the removal.

RSA 2000 cL-21 s152;2006 c22 s58

Interference with posted documents

153 A person who, without authorization, takes down, covers up, mutilates, defaces or alters any notice or other document required to be posted under this Act is guilty of an offence and liable

(a) if the person is an officer, to a fine of not more than $1000, and

(b) in any other case, to a fine of not more than $200.

1983 cL-27.5 s155;1997 c15 s36

Improper appointment

154 A person who

(a) procures an appointment as a returning officer, deputy or constable by false pretence, deceit or other improper means, or

(b) acts as a returning officer, deputy or constable without lawful authority,

is guilty of an offence and liable to a fine of not more than $1000.

1983 cL-27.5 s156;1991 c23 s2(66)

Provision of time to vote

155 An employer who directly or indirectly

(a) refuses to allow, or

(b) by intimidation, undue influence or in any other manner interferes with the allowance of,

an employee to have a period of absence for voting provided for under section 58 is guilty of an offence and liable to a fine of not more than $5000 or to imprisonment for not more than 2 years or to both fine and imprisonment.

1983 cL-27.5 s157;1997 c15 s37

Offence

156 A person who obstructs or interferes with the free access of

(a) an enumerator,

(b) a candidate, or

(c) a campaign worker on behalf of a candidate

to a residence in a building containing 2 or more residences or to a residence in a mobile home park is, if the enumerator, candidate or campaign worker produces identification of that person's status as an enumerator, candidate or campaign worker, guilty of an offence and liable to a fine of not more than $1000.

1983 cL-27.5 s158

Penalty

157 A person who is guilty of an offence under this Act for which a penalty is not otherwise provided is liable to a fine of not more than $500.

1983 cL-27.5 s159

Offence re use of information

158 Any person who

(a) uses any information obtained from the permanent electors register for a purpose other than that referred to in section 49 or 50,

(b) uses any information provided to, or obtained by, a secretary under section 49 other than for the purpose of compiling or revising the permanent electors register or preparing a list of electors under section 50(1),

(c) contravenes section 50(3), or

(d) uses any information obtained while carrying out an enumeration pursuant to a bylaw under section 50 other than for the purposes of the enumeration,

is guilty of an offence and liable to a fine of not more than $100 000 or to imprisonment for not more than one year or to both fine and imprisonment.

1997 c15 s38

Part 7
General

Regulations

159(1) The Lieutenant Governor in Council may make regulations providing for any matter not provided for or insufficiently provided for in this Act but any regulation so made ceases to have any effect after the last day of the next session of the Legislature.

(2) The Minister may make regulations

(a) prescribing forms and their contents for use under this Act;

(b) respecting standards for ballot boxes;

(c) respecting identification indicating that a person is an enumerator, a candidate, an official agent, a scrutineer or a campaign worker.

RSA 2000 cL-21 s159;2003 c27 s39;2006 c22 s59

Regulations

160(1) Notwithstanding anything in this Act, the Lieutenant Governor in Council may make regulations

(a) prescribing a system for the conduct and procedure of an election or vote that is not provided for in this Act or that is a modification of a system under this Act;

(a.1) respecting standards for a system described in clause (a) and respecting evidence of compliance with those standards;

(b) prescribing forms for use in connection with a system prescribed by regulations under this subsection;

(c) with respect to a system prescribed by regulations under this subsection, providing for any matter not provided for or insufficiently provided for in this Act;

(d) providing that any person who contravenes any provision of the regulations under this subsection is guilty of an offence and liable to imprisonment for a term not exceeding 6 months or to a fine of not more than $500 or to both fine and imprisonment.

(1.1) A regulation under subsection (1)(a.1) may adopt or incorporate in whole or in part, or with modifications, standards, codes or other bodies of rules that relate to any matter in respect of which a regulation may be made under subsection (1)(a.1) if the standards, codes or other bodies of rules have been published and copies are available.

(2) On the application of an elected authority, the relevant Minister may, by order, on any terms and conditions the relevant Minister may prescribe, authorize the elected authority to pass a bylaw adopting the system for conducting an election prescribed by regulations under subsection (1).

(3) Subject to regulations under subsections (1) and (2), the provisions of this Act apply to an election held under this section.

(4) The *Regulations Act* does not apply to orders under subsection (2).

RSA 2000 cL-21 s160;2003 c27 s40

Bylaws valid

161 A bylaw passed pursuant to this Act remains in force until it is repealed.

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