



Province of Alberta

ALBERTA SENATE ELECTION ACT

Statutes of Alberta, 2019
Chapter A-33.5

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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.

Regulations

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

	Alta. Reg.	<i>Amendments</i>
Alberta Senate Election Act		
Senate Election Grants	103/2020	
Senate Election and Local Authorities Election Forms	104/2020	
Senate Nominee	105/2020	

ALBERTA SENATE ELECTION ACT

Chapter A-33.5

Table of Contents

1	Interpretation
	Part 1
	General
2	Definitions
3	Submission to Privy Council
4	Application of Election Act
5	Authorization to commence election
6	Issue of writ
7	Eligibility for nomination
8	Nomination of candidates
9	Official agents of candidates
10	Filing nomination papers
11	Deposit of candidate
12	Information to be provided to candidate
13	Election by acclamation
14	Necessity of election
15	Withdrawal of candidate
16	Death of candidate
17	Close of nominations
18	Contents of ballots
19	Printing of ballots
20	Conduct of official tabulation
21	Announcement of official results
22	Disclaimer
23	Appeal and recount
24	Publication of elected candidates
25	Application of Part 7 of Election Act
26	Archives
27	Regulations

Part 2
Election Held in Conjunction with Provincial Election or on Date Fixed by Order

- 28 Application of this Part
- 29 Application of Election Act
- 30 List of electors
- 31 Appointment of returning officers
- 32 Publication of election proclamation
- 33 Voting procedure
- 34 Exception to section 111(5)(d) of Election Act
- 35 Exception to section 118(1) of Election Act

Part 3
Election Held in Conjunction with Municipal Elections

- 36 Application of this Part
- 37 Application of Local Authorities Election Act
- 38 Councils to conduct vote
- 39 Electors list
- 40 Electors in summer village
- 41 Appointment of officers
- 42 Voting subdivisions and stations
- 43 Publication of election proclamation
- 44 Marking of ballots
- 45 Exception to section 45 of Local Authorities Election Act
- 46 Entries in elector register
- 47 Advance vote
- 48 Official count of returning officer
- 48.1 Ballot boxes for recount
- 49 Retention of ballot boxes
- 49.1 Ministerial powers
- 50-52 Related and consequential amendments

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

Interpretation

1(1) In this Act,

- (a) “candidate” means a person

- (i) who is endorsed as an official candidate of a registered political party for the purposes of an election under this Act, or
 - (ii) who, after the commencement of the campaign period, declares the person's candidacy as an independent candidate at the election under this Act;
- (b) "council" means the council of a municipality as described in the *Municipal Government Act*;
- (c) "elected authority" means
- (i) a council under the *Municipal Government Act*,
 - (ii) the council of the City of Lloydminster, or
 - (iii) a board of trustees under the *Education Act*;
- (d) "election officer" means an election officer under the *Election Act* or an officer under the *Local Authorities Election Act*, as the case may be;
- (e) "electoral division" means an electoral division under the *Electoral Divisions Act*;
- (f) "registered federal political party" means a political party registered under the *Canada Elections Act* (Canada);
- (g) "Senate nominee" means a person declared elected under this Act.
- (2) For the purposes of this Act, a document that is required to be filed with the Chief Electoral Officer is filed when it is accepted by the Chief Electoral Officer.
- (3) Except as provided in this Act, words and phrases used in this Act have the meanings given to them in the *Election Act*.

2012 cE-0.3 s286.1;2019 cA-33.5 s1

Part 1 General

Definitions

2 In this Part and in the provisions of the *Election Act* referred to in section 4 that apply for the purposes of this Part, unless the context provides otherwise,

- (a) “deputy returning officer” means a deputy returning officer under the *Election Act* or a deputy under the *Local Authorities Election Act*, as the case may be;
- (b) “polling day” means polling day as defined in the *Election Act* or election day as defined in the *Local Authorities Election Act*, as the case may be;
- (c) “polling place” means a polling place as defined in the *Election Act* or a voting station as defined in the *Local Authorities Election Act*, as the case may be;
- (d) “returning officer” means a returning officer under the *Election Act* or a returning officer or a substitute returning officer under the *Local Authorities Election Act*, as the case may be.

Submission to Privy Council

3(1) The Government of Alberta shall submit the names of the Senate nominees to the Queen’s Privy Council for Canada as persons who may be summoned to the Senate of Canada for the purpose of filling vacancies relating to Alberta.

(2) A person remains as a Senate nominee until

- (a) the person is appointed to the Senate of Canada,
- (b) the person resigns as a Senate nominee by submitting a resignation in writing to the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act,
- (c) the person is no longer aligned with the registered federal political party referred to in the person’s nomination papers,
- (d) the person’s term as a Senate nominee expires,
- (e) the person files a disclaimer under section 22,
- (f) the person takes an oath or makes a declaration or acknowledgment of allegiance, obedience or adherence to a foreign power, or does an act whereby the person becomes a subject or citizen, or entitled to the rights or privileges of a subject or citizen, of a foreign power,
- (g) the person is adjudged bankrupt or insolvent, or applies for the benefit of any law relating to insolvent debtors, or becomes a public defaulter,

- (h) the person is convicted of treason or convicted of a felony or of any infamous crime, or
- (i) the person ceases to be eligible to be nominated as a candidate under section 7,

whichever occurs first.

Application of Election Act

4(1) Subject to sections 23 and 25, for the purposes of this Part, sections 57, 58, 68, 144 to 147, 148(1) to (6), 148.1, 151 and 152, and Parts 7 to 9, except sections 185(2)(c) and 207, of the *Election Act* apply to an election under this Act as if it were a general election under the *Election Act*.

(2) Parts 4.1, 5 and 6 of the *Election Act* apply with respect to this Part and Part 2.

(3) Except as provided in section 1(1)(a), words and phrases used in this Part and Part 2 have the meanings given to them in the *Election Act*.

Authorization to commence election

5(1) An election under this Act may be commenced at any time by the passing of an order of the Lieutenant Governor in Council

- (a) setting out whether the election under this Act is to be held
 - (i) in conjunction with a general election under the *Election Act*,
 - (ii) separately on a date provided for in the order, or
 - (iii) in conjunction with the general elections under the *Local Authorities Election Act*;
- (b) authorizing the Lieutenant Governor to issue a writ of election in the prescribed form addressed to the Chief Electoral Officer and prescribing the date of the writ;
- (c) setting out the maximum number of persons to be elected at 3, unless another number is prescribed in the order;
- (d) appointing nomination day;
- (e) appointing the day on which voting is to take place if voting is necessary.

(2) Nothing in this Act precludes the holding of an election under this Act in conjunction with a referendum.

(3) Where an election under this Act is to be held in conjunction with a general election under the *Election Act*,

- (a) in the case of a general election held in accordance with section 38.1(2) of the *Election Act*, the order under subsection (1) shall be made at any time during the period commencing February 1 in the year in which the general election is held and ending on the day the writs are issued for the general election,
- (b) in the case of a general election held other than in accordance with section 38.1(2), the order under subsection (1) shall be made not later than 3 days after the day the writs are issued for the general election,
- (c) nomination day shall be the same day as the day appointed as nomination day for the general election under the *Election Act*, and
- (d) polling day, if voting is necessary, shall be the same day as the day on which voting is to take place for the general election under the *Election Act*.

(4) Where an election under this Act is to be held separately on a date provided for in the order under subsection (1), the order

- (a) shall appoint the 10th day after the date of the writ issued under subsection (1)(b) as nomination day or, if that day is a holiday, the next following day not being a holiday, and
- (b) shall provide that, if voting is necessary, the 28th day after the date of the writ is the day on which voting is to take place or, if the 28th day is a holiday, the next following day not being a holiday.

(5) Where an election under this Act is to be held in conjunction with a general election under the *Local Authorities Election Act*, the order under subsection (1)

- (a) shall be made not later than 14 days before nomination day,
- (b) shall appoint nomination day as the day determined in accordance with section 25 of the *Local Authorities Election Act*, and

- (c) shall appoint election day as the day set out in section 11(1)(a) of the *Local Authorities Election Act*, if voting is necessary.

Issue of writ

6 On receipt of a writ under section 5, the Chief Electoral Officer shall endorse on it the date on which the Chief Electoral Officer received it and shall

- (a) advise each returning officer that a writ has been issued, and
- (b) transmit a copy of the writ to each returning officer.

Eligibility for nomination

7 A person is eligible to be nominated as a candidate in an election under this Act if

- (a) on the day the nomination paper is filed, the person
 - (i) meets the qualifications set out in section 23 of the *Constitution Act, 1867*,
 - (ii) is not a member of the House of Commons or Senate of Canada, and
 - (iii) is not a member of the Legislative Assembly,
- (b) in the case of an election under this Act that is being held in conjunction with a general election under the *Election Act*, the person is not a candidate at the general election under that Act,
- (c) in the case of an election under this Act that is being held in conjunction with the general elections under the *Local Authorities Election Act*, the person is not a candidate at a general election under that Act,
- (d) the person is not prohibited from being nominated as a candidate for an election under the *Election Act* by reason of section 56(c.2), 57, 58, 178 or 181 of that Act,
- (e) the person is not prohibited from being nominated as a candidate for an election under this Act by reason of section 56(c.2), 57, 178 or 181 of the *Election Act*, as those sections apply to this Act, and

- (f) the person has been ordinarily resident in Alberta continuously from the day 6 months immediately preceding polling day.

Nomination of candidates

8(1) At any time during the period referred to in section 59(1.01)(a) or (b) of the *Election Act*, as the case may be, any 500 or more electors may nominate a person eligible to be a candidate as a candidate by signing a nomination paper in the prescribed form and filing it with the Chief Electoral Officer.

(2) The nomination paper referred to in subsection (1) must be filed at any time prior to 2 p.m. on the date appointed as nomination day.

(3) The signatures of the electors nominating a candidate must be witnessed by another elector who shall complete the required affidavit prior to the filing of the nomination papers.

Official agents of candidates

9(1) Each person being nominated as a candidate shall appoint an elector to be the person's official agent on the person's nomination and must include the name and contact information of the person so appointed in the appropriate place on the nomination paper.

(2) No candidate shall act as an official agent.

(3) The duties of an official agent are those prescribed by the candidate.

(4) The official agent shall not perform the duties of the chief financial officer unless the official agent is the candidate's chief financial officer.

(5) If it becomes necessary to appoint a new official agent, the candidate shall immediately notify the Chief Electoral Officer in writing of the name and contact information of the person so appointed.

Filing nomination papers

10(1) A nomination paper is not valid and shall not be accepted for filing by the Chief Electoral Officer unless the original nomination paper is submitted for filing and

- (a) it contains a properly completed affidavit of the attesting witness or witnesses, as the case may be, to the signatures of the nominating electors,

- (b) it is signed by the candidate,
- (c) it states an address within Alberta at which documents may be served and notices given respecting the candidate,
- (d) it contains the appointment, name and contact information of the official agent immediately followed, subject to clause (e), by the signature of the person being nominated,
- (e) the person being nominated confirms by affidavit
 - (i) that the person is eligible under section 7 for nomination,
 - (ii) that the person consents to the person's nomination,
 - (iii) the appointment of the person's official agent,
 - (iv) if the candidate is aligned with a registered federal political party, the name of that registered federal political party, and
 - (v) that the person is an officially endorsed candidate of a registered political party or is an independent candidate,and the affidavit is filed with the nomination paper,
- (f) the person being nominated provides the Chief Electoral Officer with identification in a form prescribed by the Chief Electoral Officer,
- (g) it is accompanied with a deposit of \$4000, and
- (h) it is filed with the Chief Electoral Officer prior to 2 p.m. on the date appointed as nomination day.

(2) If the person being nominated is a candidate of a registered political party, the person shall, at the time of filing the person's nomination paper, file a certificate in the prescribed form stating that the person is a candidate for that registered political party.

(3) If the person being nominated is aligned with a registered federal political party, the person shall, at the time of filing the person's nomination paper, file a certificate in the prescribed form stating that the person is aligned with that registered federal political party and the political party affiliation, if any, of the candidate attested to by one of the principal officers of the registered federal political party.

(4) On the filing of a valid nomination paper, the Chief Electoral Officer shall give a receipt in the prescribed form, which is proof of receipt of the deposit and of the filing of the nomination paper.

2019 cA-33.5 s10;2020 c19 s2

Deposit of candidate

11(1) The Chief Electoral Officer shall not accept a deposit tendered under section 10(1)(g) unless it consists of

- (a) Bank of Canada notes,
- (b) a certified cheque,
- (c) a bank or postal money order, or
- (d) a combination of any of those forms.

(2) The deposit received under section 10(1)(g) must be refunded to the chief financial officer of the candidate if the required return is filed within the time period referred to in section 43(2) of the *Election Finances and Contributions Disclosure Act*.

(3) If a candidate dies after being nominated and prior to the closing of the polling places on polling day, the deposit must be refunded to the candidate's chief financial officer.

(4) A deposit that is not refunded under this section must be deposited in the General Revenue Fund.

2019 cA-33.5 s11;2020 c19 s3

Information to be provided to candidate

12 The Chief Electoral Officer, on filing the nomination paper of a candidate, shall provide to the candidate the name and contact information of each returning officer.

Election by acclamation

13 If the number of candidates nominated by the closing of nominations equals or is less than the number of persons to be elected, the Chief Electoral Officer shall

- (a) immediately declare the candidate or candidates elected, and
- (b) make the Chief Electoral Officer's return in the prescribed form certifying the election of the candidate or candidates.

Necessity of election

14 An election under this Act is necessary if the number of candidates nominated by the closing of nominations exceeds the number of persons to be elected.

Withdrawal of candidate

15(1) At any time after the filing of a candidate's nomination paper but not later than 96 hours before the opening of the polls on polling day, the candidate may withdraw by filing with the Chief Electoral Officer a declaration to that effect signed by the candidate and having the candidate's signature witnessed.

(2) If after a candidate withdraws the number of candidates equals or is less than the number of persons to be elected, the Chief Electoral Officer shall proceed in accordance with section 13.

(3) If

- (a) a candidate withdraws after the ballots are printed, and
- (b) there remain more candidates than the number of persons to be elected,

the Chief Electoral Officer shall advise each returning officer of the withdrawal and, if there is sufficient time, the returning officer shall prepare a notice of withdrawal and distribute a copy to each deputy returning officer, who shall post it in a conspicuous location in the deputy returning officer's polling place.

(4) When there is insufficient time to prepare and distribute a notice of withdrawal under subsection (3), the Chief Electoral Officer, when advising the returning officers of the withdrawal, shall instruct each of them to cause a notice of the withdrawal to be prepared by hand, and each deputy returning officer shall post the notice in a conspicuous location in the deputy returning officer's polling place.

Death of candidate

16(1) If at any time after the filing of a candidate's nomination paper and prior to the closing of the polls a candidate dies and the number of candidates equals or is less than the number of persons to be elected, the Chief Electoral Officer shall

- (a) immediately declare the candidate or candidates elected, and
- (b) make the Chief Electoral Officer's return in the prescribed form certifying the election of the candidate or candidates.

(2) If

- (a) a candidate dies after the ballots are printed, and
- (b) there remain more candidates than the number of persons to be elected,

the Chief Electoral Officer shall advise each returning officer of the death and, if there is sufficient time, the returning officer shall prepare a notice of the death and distribute a copy to each deputy returning officer, who shall post it in a conspicuous location in the deputy returning officer's polling place.

(3) When there is insufficient time to prepare and distribute a notice of death under subsection (2), the Chief Electoral Officer, when advising the returning officers of the death, shall instruct each of them to cause a notice of the death to be prepared by hand, and each deputy returning officer shall post the notice in a conspicuous location in the deputy returning officer's polling place.

Close of nominations

17(1) At 2 p.m. on the date appointed as nomination day the Chief Electoral Officer shall, at the place fixed for the filing of nominations,

- (a) declare the nominations closed,
- (b) announce the names of all officially nominated candidates,
- (c) announce the name and contact information of each candidate's official agent, and
- (d) announce the polling date and the date and time at which the official results of the election will be announced.

(2) On complying with subsection (1), the Chief Electoral Officer shall, as soon as possible,

- (a) make a list of the candidates available to each candidate or each candidate's official agent, and
- (b) publish the names and contact information of the candidates' official agents in the form and manner determined by the Chief Electoral Officer.

(3) If a new official agent is appointed under section 9(5), the Chief Electoral Officer shall publish, in the same manner as provided for in subsection (2), the name and contact information of the newly appointed official agent.

Contents of ballots

18(1) Every ballot used in an election under this Act must contain a brief explanatory note stating the maximum number of candidates who can be voted for in order not to make the ballot void.

(2) Each ballot must set out, in a type of at least 12 point capital letters, the name of each candidate together with

- (a) the name of the registered federal political party set out in the candidate's nomination paper with which the candidate is aligned, or
- (b) the word "Independent" if the candidate is not aligned with a registered federal political party.

(3) The names of the candidates must be in a type of at least 12 point capital letters and set out on the ballot as follows:

- (a) the candidate's
 - (i) given name,
 - (ii) middle name,
 - (iii) initials, or
 - (iv) nickname, subject to subsection (6),
or any combination of them, must appear;
- (b) the candidate's surname must appear following the given name, initials or nickname, as the case may be;
- (c) the candidates' names must be listed on the basis of the alphabetical order of their surnames and, where 2 or more candidates have identical surnames, those candidates' names must be listed on the basis of the alphabetical order of their given names;
- (d) no titles, degrees, prefixes or suffixes may be included with a name.

(4) For the purpose of subsection (3)(a)(ii), only one middle name is permitted.

(5) Notwithstanding subsections (2) and (3), where the name of the registered federal political party or of a candidate does not fit on the ballot, the ballots must be printed, in their entirety, in a type that is up to 2 points smaller than that required by subsections (2) and (3).

(6) The Chief Electoral Officer may disallow the use of a name, other than a person's legal name, or nickname having regard to the integrity of the election.

(7) Subject to the regulations, the ballot must be in a form established by the Chief Electoral Officer.

2019 cA-33.5 s18;2020 c19 s4

Printing of ballots

19(1) The Chief Electoral Officer shall have the ballots for use in the election printed.

(2) The person printing the ballots shall deliver to the Chief Electoral Officer with the printed ballots a completed and executed Affidavit of Printer in the prescribed form.

(3) The Chief Electoral Officer shall provide each returning officer with a sufficient quantity of ballots and shall maintain a record of the number provided.

(4) Each returning officer shall maintain a record of the quantity of ballots provided to the deputy returning officers.

(5) Subsections (1) to (4) do not apply to an election under this Act held in conjunction with a general election under the *Local Authorities Election Act* if a bylaw is passed for an alternative voting equipment under section 84 of the *Local Authorities Election Act*, but the ballot must conform with section 18(1) to (6).

Conduct of official tabulation

20(1) Each returning officer shall, within 8 days after the vote has taken place, submit to the Chief Electoral Officer the Statement of Official Results prepared by the returning officer.

(2) The Chief Electoral Officer shall add together the results of the counts set out in the Statements of Official Results prepared by the returning officers in order to determine which candidate or candidates received the most votes.

(3) The Chief Electoral Officer shall give written notice to each candidate or each candidate's official agent of the place, date and hour of commencement of the addition referred to in subsection (2).

(4) On completing the addition, the Chief Electoral Officer shall provide to each candidate or each candidate's official agent a Certificate and Return in the prescribed form indicating the number of votes for each candidate, the name of the candidate or candidates to be declared elected pursuant to section 21 and, if there is an

equality of votes for 2 or more candidates, that the election is subject to a recount under this Act.

(5) On complying with subsection (4), the Chief Electoral Officer shall prepare the Tabulation of Official Results.

Announcement of official results

21(1) The Chief Electoral Officer shall declare which candidate or candidates are elected.

(2) Where only one person is to be elected, the candidate found to have received the largest number of votes shall be declared elected.

(3) Where more than one person is to be elected, the candidate found to have received the largest number of votes shall be declared elected and the candidate found to have received the next largest number of votes shall be declared elected and so on until the number of candidates to be elected at the election under this Act are declared elected.

(4) If a candidate cannot be declared elected because there is an equality of votes for 2 or more candidates, the Chief Electoral officer shall declare that the results of the election are subject to a recount under this Part.

(5) The Chief Electoral Officer shall retain the Statements of Official Results and the Tabulation of Official Results for a period of 21 days after announcing the official results of the election under this Act to allow for possible appeals or applications for a recount of the votes.

Disclaimer

22(1) A candidate who has been declared elected under this Act may, by filing a disclaimer in the prescribed form with the Chief Electoral Officer, request

- (a) that the candidate's name not be submitted to the Queen's Privy Council for Canada, or
- (b) that, if the candidate's name has been submitted, the submission of the candidate's name be withdrawn.

(2) Subject to subsection (3), if a disclaimer is filed under subsection (1), the election of that candidate is void and if there were more candidates than the number of persons declared elected, the Chief Electoral Officer shall declare elected the candidate found to have received the next largest number of votes.

(3) The filing of a disclaimer under subsection (1) does not affect any application for an appeal or recount by another candidate or the right of that other candidate to be declared elected if that application or appeal is successful.

Appeal and recount

23(1) Notwithstanding section 144 of the *Election Act*, for the purposes of this Act,

- (a) an application for a recount must be filed and served on the Chief Electoral Officer not later than 8 days after the date the Chief Electoral Officer announces the results of the official count and declares one or more candidates elected,
- (b) a recount may be made in relation to the addition of the results contained in the Tabulation of Official Results referred to in section 20(5),
- (b.1) the recount with respect to any ballots counted by tabulator shall be a review of the tabulation results,
- (c) the Chief Electoral Officer shall be given notice of the time and place appointed for the recount,
- (d) a reference in section 144(3) of the *Election Act* to section 138 shall be read as a reference to section 21 of this Act, and
- (e) the Chief Electoral Officer shall file an application for a recount if a declaration has been made under section 21(4).

(2) Notwithstanding section 145 of the *Election Act*, for the purposes of this Act,

- (a) where a recount of the votes is required, the Chief Electoral Officer shall attend at the time and place appointed for the recount but the Court of Queen's Bench shall determine which election officers, if any, are also required to attend,
- (b) where the application is limited to a decision of a returning officer, only the returning officer and the Chief Electoral Officer are required to attend, and
- (c) the Chief Electoral Officer shall bring all the ballot boxes and documents required for the purposes of disposing of the matter.

(3) Notwithstanding section 146 of the *Election Act*, a reference in that section, except in subsection (6), to a returning officer shall be read as a reference to the Chief Electoral Officer.

(4) The judge shall verify and, if necessary, amend the Tabulation of Official Results.

(5) Notwithstanding section 147 of the *Election Act*, for the purposes of this Act, on conclusion of a recount, the judge shall immediately certify the result to the Chief Electoral Officer, who shall, on the 3rd day after that certification, unless the Chief Electoral Officer is served with a notice of appeal within that period, declare elected the candidate or candidates found to have received the largest number of votes pursuant to the recount.

(6) Notwithstanding section 148 of the *Election Act*, for the purposes of this Act,

- (a) a reference in section 148(2) of the *Election Act* to a returning officer shall be read as a reference to the Chief Electoral Officer,
- (b) where a notice of appeal has been filed, on determination of the appeal, the Registrar of the Court of Appeal shall immediately certify the result to the Chief Electoral Officer, who shall then declare elected the candidate or candidates found to have received the largest number of votes pursuant to the appeal,
- (c) no later than 60 days after the determination of the appeal to the Court of Appeal, the Registrar of the Court of Appeal shall return the ballots to the Chief Electoral Officer, and
- (d) if a decision of the Court of Appeal is successfully appealed to the Supreme Court of Canada, then on receipt by the Chief Electoral Officer of a certified copy of the judgment of that Court, the Chief Electoral Officer shall declare elected the candidate or candidates found to have received the largest number of votes pursuant to the appeal.

2019 cA-33.5 s23;2020 c19 s5

Publication of elected candidates

24(1) Subject to subsection (2), 8 days after the candidate or candidates are declared elected the Chief Electoral Officer shall submit a notice of the name of the candidate or candidates declared elected under this Act for publication in the next issue of The Alberta Gazette.

(2) If there is an appeal in accordance with sections 144 to 148 of the *Election Act* as those sections apply to this Act, the names of the persons declared elected must be published after the expiration of the appeal period.

Application of Part 7 of Election Act

25 For the purposes of this Act,

- (a) the reference in section 185(1) of the *Election Act* to “a candidate as the member of the Legislative Assembly for an electoral division” shall be read as a reference to “a candidate at an election under this Act”, and
- (b) the reference in section 185(2)(b) of the *Election Act* to “section 150” shall be read as a reference to section 24 of this Act.

Archives

26 The Chief Electoral Officer shall provide a copy of the writ, the Tabulation of Official Results and the Statements of Official Results to the Provincial Archives after each election under this Act.

Regulations

27(1) The Lieutenant Governor in Council may make regulations

- (a) fixing the term of a Senate nominee;
- (b) respecting the duties and functions of a Senate nominee;
- (c) respecting the remuneration and expenses to be paid to a Senate nominee;
- (d) respecting the performance and accountability of a Senate nominee;
- (e) respecting grants and other amounts that are payable to elected authorities and other bodies conducting a vote under Part 3;
- (f) respecting forms, including the form of ballot, notices, declarations and oaths to be used for the purpose of an election under this Act;
- (f.1) in the case of an election under this Act to which Part 2 applies, providing that section 111 of the *Election Act* applies with the modifications set out in the regulations or specifying or setting out provisions that apply in respect of such an election in addition to, or instead of, section 111 of the *Election Act*;
- (f.2) in the case of an election under this Act to which Part 3 applies, providing that section 85 of the *Local Authorities*

Election Act applies with the modifications set out in the regulations or specifying or setting out provisions that apply in respect of such an election in addition to, or instead of, section 85 of the *Local Authorities Election Act*;

- (g) respecting any matter not provided for or not sufficiently provided for in this Act, but any regulation made under this subsection ceases to have effect after the last day of the next session of the Legislature;
- (h) for the purpose of remedying any confusion in the application of or difficulty in applying the following to an election under this Act:
 - (i) the provisions of the *Election Act* referred to in section 4;
 - (ii) the provisions of the *Local Authorities Election Act* referred to in section 37.

(2) Where an election under this Act is held in conjunction with a general election under the *Election Act*, a form, oath or notice prescribed under the *Election Act* may be combined with a form, oath or notice, as the case may be, prescribed under this Act, and the form, oath or notice is valid for both the general election under the *Election Act* and the election under this Act.

(3) Where an election under this Act is held in conjunction with general elections under the *Local Authorities Election Act*, a form, oath, statement or notice prescribed under the *Local Authorities Election Act* may be combined with a form, oath, statement or notice, as the case may be, prescribed under this Act, and the form, oath, statement or notice is valid for both the general elections under the *Local Authorities Election Act* and the election under this Act.

(4) Regulations made under the *Local Authorities Election Act* apply to an election under this Act held in accordance with Part 3 as if it were a general election under the *Local Authorities Election Act*.

2019 cA-33.5 s27;2020 c19 s6

Part 2

Election Held in Conjunction with Provincial Election or on Date Fixed by Order

Application of this Part

28 Where an election under this Act is to be held in conjunction with a general election under the *Election Act* or separately on a

date provided for in an order under section 5, Part 1 and this Part apply to the election under this Act.

Application of Election Act

29(1) Except as provided in this Part and the regulations, sections 4.1, 4.11, 4.12, 19.1 and 20, Part 3 and sections 133, 134, 136, 137(1) to (4) and (7), 140 to 143, 151 and 152 of the *Election Act* apply to an election under this Act held in conjunction with a general election under the *Election Act* or held separately on a date fixed in an order under section 5 as if it were a general election under the *Election Act*.

(2) For the purposes of this Part,

- (a) sections 39, 40, 55, 56, 59 to 67, 82, 83, 101, 111(5)(a) and 126 to 131 of the *Election Act* do not apply, and
- (b) sections 134.1 and 134.2 of the *Election Act* do not apply unless the election under this Act is held in conjunction with a general election under the *Election Act*.

2019 cA-33.5 s29;2020 c19 s7

List of electors

30 The list of electors compiled and revised under the *Election Act* is to be the list of electors for an election under this Act.

Appointment of returning officers

31 The returning officers appointed under the *Election Act* are to be the returning officers for the purposes of an election under this Act.

Publication of election proclamation

32(1) The Chief Electoral Officer shall, as soon as possible following the making of the order referred to in section 5, publish a proclamation in the prescribed form in respect of each electoral division containing the following:

- (a) the place and hours fixed for the nomination of candidates and the date fixed for the closing of nominations;
- (b) the place, dates and hours fixed for voting at an advance poll if voting is necessary;
- (c) the date of polling day and the hours at which the polling places will open and close if voting is necessary;

- (d) the place, date and time for announcing the results of the official tabulation, that date being the 10th day after polling day;
- (e) the name of the returning officer and the contact information for the returning officer's office.

(2) A returning officer shall post a copy of the following in the returning officer's office:

- (a) the proclamation referred to in subsection (1);
- (b) a map of the electoral division, including the numbered polling subdivisions;
- (c) a list of the locations of polling places;
- (d) a statement of the availability of barrier-free accessibility to the office of the returning officer and to the advance polling places.

(3) The Chief Electoral Officer shall, as soon as possible, publish the information referred to in subsection (1) and the information referred to in subsection (2)(b) and (d) on the Chief Electoral Officer's website and in any other manner determined by the Chief Electoral Officer that provides electors with adequate notice of the election under this Act.

(4) If any of the information published under subsection (3) is or becomes inaccurate, the Chief Electoral Officer shall

- (a) publish details of the correction on the Chief Electoral Officer's website and in any other manner in which the Chief Electoral Officer has published the information under subsection (3), and
- (b) immediately provide to all candidates or their official agents written details of the correction.

Voting procedure

33(1) The deputy returning officer shall, without inquiring or ascertaining for whom a voter intends to vote, instruct the voter to

- (a) proceed to one of the polling booths and there, with the marker provided, mark the voter's ballot by placing an "X" in the space opposite the name of the candidate or candidates of the voter's choice,

- (b) refold the ballot so that the initials, the words “Senate Election” and the year of the election on the back of the ballot can be seen without unfolding it, and
 - (c) hand the folded ballot to the deputy returning officer.
- (2) An elector may not vote for more than the number of persons to be elected.
- (3) The deputy returning officer shall, without unfolding the ballot and in full view of the voter and all present, ascertain by examining the initials that the ballot is the same ballot the deputy returning officer provided to the voter, and return the ballot to the voter so that the voter may place the ballot in the ballot box.
- (4) Notwithstanding subsection (3), on being requested by the voter, the deputy returning officer shall place the ballot in the ballot box.

2019 cA-33.5 s33;2020 c19 s8

Exception to section 111(5)(d) of Election Act

34 Notwithstanding section 111(5)(d) of the *Election Act*, for the purposes of this Part, the deputy returning officer shall reject and place in a rejected ballot envelope any ballot that contains votes for more candidates than the number of persons to be elected.

Exception to section 118(1) of Election Act

35 Notwithstanding section 118(1) of the *Election Act*, for the purposes of this Part, a voter may mark only the name of the candidate or candidates, as the case may be.

Part 3

Election Held in Conjunction with Municipal Elections

Application of this Part

36 Where an election under this Act is to be held in conjunction with the general elections under the *Local Authorities Election Act*, Part 1 and this Part apply to the election under this Act.

Application of Local Authorities Election Act

37(1) Except as provided in this Part, sections 5, 13 to 20, 35(2) and (4), 36 to 40, 45 to 49, 52 to 61, 64 to 68, 69, 72 to 87, 88(1), 89 to 94, 100 to 102, 148 to 150 and 152 to 158.1 of the *Local Authorities Election Act* apply to an election under this Act held in conjunction with the general elections under the *Local Authorities*

Election Act as if it were a general election under the *Local Authorities Election Act*.

(2) Except as provided in section 1(1)(a), words and phrases used in this Part have the meanings given to them in the *Local Authorities Election Act*.

Councils to conduct vote

38(1) Where an election under this Act is to be held in accordance with this Part, every council, except the council of a summer village, and every Metis settlement council shall conduct a vote of the electors residing in the municipality or Metis settlement, as the case may be, for the purposes of the election under this Act.

(2) The council shall conduct the vote notwithstanding that a general election under the *Local Authorities Election Act* is not required in that municipality on that day.

(3) If the council has entered into an agreement with one or more elected authorities in the same area for the conduct of a general election under the *Local Authorities Election Act*, the elected authority that is responsible for the conduct of the general election under the agreement shall conduct the vote for the purposes of the election under this Act and has all the rights, powers and duties of the council to conduct the vote.

(4) The Minister responsible for the *Local Authorities Election Act* is responsible for conducting the vote of the electors residing in an improvement district, special area, summer village, the portion of the City of Lloydminster located in Alberta or Indian reserve and for the purposes of an election under this Act has all the rights, powers and duties of a council to conduct the vote, including the authority to appoint returning officers and other election officers.

(5) The Minister responsible for the *Local Authorities Election Act* may enter into an agreement

- (a) with any elected authority and band council of an Indian band in the area or in an area adjacent to the improvement district, special area, summer village, the portion of the City of Lloydminster located in Alberta or Indian reserve, or
- (b) with the advisory committee of an improvement district or special area or the council of a summer village

to conduct the vote on the Minister's behalf, and the elected authority, band council of an Indian band, advisory committee and council are authorized to enter into such an agreement.

(6) An elected authority, band council of an Indian band, advisory committee or council that enters into an agreement under subsection (5) has all the rights, powers and duties of the Minister to conduct the vote.

(7) In accordance with the regulations under section 27, payments must be made to elected authorities, band councils of Indian bands and other bodies that conduct a vote for the purposes of an election under this Act.

Electors list

39(1) The list of electors, if any, for a municipality compiled and revised under the *Local Authorities Election Act* shall be the list of electors for conducting a vote for the purposes of an election under this Act in that municipality.

(2) Where an election under this Act is to be held in accordance with this Part in a Metis settlement, a list of electors must be compiled and revised in accordance with the *Local Authorities Election Act* for the purposes of the election.

Electors in summer village

40 In the case of a summer village, only residents of the summer village are entitled to vote at an election under this Act.

Appointment of officers

41(1) The officers and constables appointed under the *Local Authorities Election Act* for the general elections under that Act are officers for the purposes of an election under this Act.

(2) The officers have the duties and the necessary powers under the *Local Authorities Election Act* to conduct an election under this Act, except where inconsistent with this Act.

Voting subdivisions and stations

42(1) The voting subdivisions and voting stations established for the purposes of the general elections under the *Local Authorities Election Act* are the voting subdivisions and voting stations for the purposes of the election under this Act.

(2) Where an elected authority, band council of an Indian band, advisory committee or council has entered into an agreement with the Minister under section 38(5) to conduct a vote on the Minister's behalf in one or more local areas, the elected authority, band council, advisory committee or council, as the case may be, may combine those local areas and divide them into one or more subdivisions.

(3) For the purpose of subsection (2), “local area” means a municipality, improvement district, special area or Indian reserve or a park as defined in the *Canada National Parks Act* (Canada).

2019 cA-33.5 s42;2020 c19 s9

Publication of election proclamation

43(1) The Chief Electoral Officer shall, as soon as possible following the date of the order referred to in section 5, issue a proclamation in the prescribed form in respect of each municipality containing the following:

- (a) the place and hours fixed for the nomination of candidates and the date fixed for the closing of nominations;
- (b) if voting is necessary, the date of election day and a statement that the voting stations will be open from 10 a.m. until 8 p.m. on election day, or open from an earlier time as allowed by an elected authority;
- (c) the place, date and time for announcing the results of the official tabulation, that date being the 10th day after election day;
- (d) the name of the returning officer and the contact information of the returning officer.

(2) The proclamation referred to in subsection (1) shall be published by

- (a) posting a copy of it in the office of the returning officer, and
- (b) publishing the information referred to in subsection (1)(a) to (d) on the Chief Electoral Officer’s website and in any other manner determined by the Chief Electoral Officer that provides electors with adequate notice of the election.

(3) A returning officer may post additional copies of the proclamation at other places in the municipality where the returning officer considers they will be reasonably safe from damage and will serve to provide information to the public.

(4) If any of the information published under subsection (2)(b) is or becomes inaccurate, the Chief Electoral Officer shall

- (a) publish details of the correction on the Chief Electoral Officer’s website and in any other manner in which the Chief Electoral Officer has published the information under subsection (2)(b), and

- (b) immediately provide to all candidates or their official agents written details of the correction.

Marking of ballots

44(1) On receiving a ballot from the officer presiding at the voting station, the elector shall forthwith proceed into the voting compartment provided and shall mark the ballot by placing an “X” on the right hand side opposite the name of the candidate or candidates of the elector’s choice.

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

(2) After marking the ballot, the elector shall fold the ballot so as

- (a) to conceal the names of the candidates and the marks on the face of the ballot, and
- (b) to expose the initials of the officer 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 officer supervising at the ballot box.

(3) The officer supervising at the ballot box shall, without unfolding the 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.

(4) After the ballot is deposited in the ballot box, the elector shall forthwith leave the voting station.

(5) If a bylaw is passed in a local jurisdiction for the use of alternative voting equipment under section 84 of the *Local Authorities Election Act*, subsections (1), (2) and (3) do not apply in that local jurisdiction.

2019 cA-33.5 s44;2020 c19 s10

Exception to section 45 of Local Authorities Election Act

45 Notwithstanding section 45 of the *Local Authorities Election Act*, for the purposes of this Part, the deputy returning officer shall post a copy of the bulletin referred to in section 90(1) of the *Election Act*.

Entries in elector register

46(1) For the purposes of this Part, a reference to “Senate candidate” shall be included in the register referred to in section 59 of the *Local Authorities Election Act*.

(2) The officer shall, with respect to each elector who receives a ballot, denote on the register that the elector received a ballot for the purpose of voting under this Act.

2019 cA-33.5 s46;2020 c19 s11

Advance vote

47 If an advance vote is being held in a local jurisdiction under section 73 of the *Local Authorities Election Act*, the advance vote provisions apply with respect to an election under this Act.

Official count of returning officer

48(1) The returning officer may publish unofficial results of the counting of ballots after an election under this Act as the results are received from voting stations.

(2) Each returning officer shall add together the ballot accounts as prepared by the deputy returning officers.

(3) On complying with subsection (2), the returning officer shall prepare the prescribed Statement of Official Results.

(4) The returning officer shall reject any ballot that contains votes for more candidates than the number of persons to be elected.

2019 cA-33.5 s48;2020 c19 s12

Ballot boxes for recount

48.1 Where an election under this Act is to be held in accordance with this Part, every council, Metis settlement council, elected authority, band council of an Indian band, advisory committee of an improvement district or special area or the council of a summer village that has conducted a vote under section 38 must provide the ballot boxes to the Chief Electoral Officer to allow for a judicial recount under section 23.

2020 c19 s13

Retention of ballot boxes

49 For the purposes of this Part, notwithstanding section 101 of the *Local Authorities Election Act*, the sealed ballot boxes used for an election under this Act shall be retained for at least

- (a) 3 months after receiving them from the returning officer, or
- (b) in the case of a judicial recount or an appeal under sections 144 to 148 of the *Election Act*, 3 months after the final determination of the recount or appeal,

after which the retained documents and information contained in the ballot boxes shall be destroyed.

Ministerial powers

49.1 The Minister responsible for the *Local Authorities Election Act* may give directions in order to remove any difficulty or impossibility of applying the provisions of the *Local Authorities Election Act* referred to in section 37 to an election under this Act.

2020 c19 s14

50 to 52 (*These sections amend other Acts; the amendments have been incorporated into those Acts.*)



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