



SECTION FOUR

RECOMMENDATIONS

Legislation

Recommendations for legislative amendments to the *Election Finances and Contributions Disclosure Act* as published in the 2013 Annual Report, were provided by the Chief Electoral Officer to the Standing Committee on Legislative Offices on July 3, 2014 and discussed further on September 4, 2014. A motion was passed by the Committee on September 10, 2014 to transmit the recommendations to the Minister of Justice and Solicitor General for the preparation of amendments for introduction in the Assembly. No recommendations were considered prior to the 2015 Provincial General Election.

The Committee was also provided with a recommendation for a comprehensive review of electoral legislation to commence within one year of the Provincial General Election. The purpose of a comprehensive review is to write the legislation in plain language to be more easily understood and interpreted, modernize the electoral process and introduce best practices in electoral administration using new procedures and equipment.

Recommendations for legislative amendments were presented to the Special Ethics and Accountability Committee on October 22, 2015 as follows:

	Current Provision	Proposed Revised Provision	Rationale
1.	1(1)(ii) "spoiled ballot" means a ballot that has been dealt with in accordance with section 102;	1(1)(a.1) "ballot marked in error" means a ballot that has been dealt with in accordance with section 102;	Modernize terminology. Rejected ballots are commonly referred to as spoiled ballots, which creates confusion for both voters and election officers. This amendment will eliminate this particular source of confusion. Note: proposal also to change "rejected" ballot to "invalid" ballot (section 1(1)(cc.1)).
2.	1(1)(b.1) "campaign period" means (i) in the case of a general election held in accordance with section 38.1(2), the period commencing on February 1 in the year in which the election is held and ending 2 months after polling day, (ii) in the case of a general election held other than in accordance with section 38.1(2), the period commencing with the issue of a writ for the election and ending 2 months after polling day,	IF CHOOSE fixed election date in March: NO CHANGE 1(1)(b.1) "campaign period" means (i) in the case of a general election held in accordance with section 38.1(2), the period commencing on February 1 in the year in which the election is held and ending 2 months after election day, (ii) in the case of a general election held other than in accordance with section 38.1(2), the period commencing with the issue of a writ for the election and ending 2 months after election day,	Recommending a fixed date in March. If choose fixed election date in October: - amend definition to match section 38.1(2). - add a provision that, if in October and overlap with federal election, then the election must be held on the second Tuesday of March in the following year. For example, the Manitoba <i>Elections Act</i> : Postponing Fixed Date Election: <i>49.1(3) Despite clause (2)(b), if the election period for a general election to be held in October under that clause will, as of January 1 of the year of the election, overlap with the election period for a general election to be held under subsection 56.1(2) or section 56.2 of the Canada Elections Act, the general election must be held instead on the third Tuesday of April in the next calendar year.</i>
3.	NEW	1(1)(e.1) "corporation" means a body or entity incorporated under any enactment of Alberta or any other jurisdiction.	Consistent with "corporation" definition in EFCD.
4.	(w) "polling day" means the day fixed for voting at an election;	1(1)(h.1) "election day" means the day fixed for voting at an election;	Modernize terminology and make it more precise. The distinction between "voting day" and "election day" : "election day" is a defined term and is a single day; voting day is not a defined term and includes all voting days (special ballots, advance votes, etc.).
5.	1(1)(i) "election officer" means a returning officer, election clerk, administrative assistant, supervisory deputy returning officer, registration officer, deputy returning officer, poll clerk, information officer or any other person appointed under section 4(3)(c);	(i) "election officer" means an individual appointed under section 45.1;	Returning officer and election clerk are still to be defined separately (not 16 or 17 years old). Otherwise, individual titles and duties and responsibilities are now to be subsumed in administrative assignments by Chief Electoral Officer (see the proposed section 45.1). Election officers can now be 16 or 17 years old.
6.	1(1)(j)"elector" means a person who on (i) polling day, in the case of an election, or (ii) a date fixed by the Chief Electoral Officer, in the case of an enumeration, is a Canadian citizen, is 18 years of age or older and is, and has been for at least the immediately preceding 6 months, ordinarily resident in Alberta;	1(1)(j)"elector" means an individual who on (i) election day, in the case of an election, or (ii) a date fixed by the Chief Electoral Officer, in the case of an enumeration, is a Canadian citizen, is 18 years of age or older and is, and has been for at least the immediately preceding 6 months , ordinarily resident in Alberta;	Remove "and has been for at least the immediately preceding 6 months" The trial court in <i>Frank v Canada</i> , 2014 ONSC 907 found temporal residency restrictions on voting invalid for infringing section 3 rights of Canadians who had been non-resident for less than 5 years. The ONCA reversed the decision and upheld the restriction. The case is currently under a leave application to the Supreme Court of Canada.
7.	NEW	ADD: (k.1) "emergency" for the purposes of section 4(3.1) means: (i) flood, fire or other natural disaster, (ii) actual or anticipated insurrection, act of terrorism or act of war, or other catastrophic situation that has a significant and material effect on the ability of the Chief Electoral Officer, or of a returning officer, to conduct an election;	See proposed new section 4(3.1) and (3.2) below, which authorize the Chief Electoral Officer to make exceptions "in the event of emergency." This definition sets out the class of anticipated emergency and requires a significant and material effect on the conduct of an election.

	Current Provision	Proposed Revised Provision	Rationale
8.	NONE	ADD: (g.1) "entity" includes a political party, a constituency association and a candidate.	"Entity" is now defined to enable the Chief Electoral Officer, under section 153.1, to impose administrative penalties or letters of reprimand on entities that are regulated under this Act, but for which no current administrative penalty power exists.
9.	1(1)(cc.1) "rejected ballot" means a ballot rejected in accordance with section 111(5), 118(5)(b) or 119;	1(1)(cc.1) "invalid ballot" means a ballot placed into a ballot box but not counted for a candidate under sections 111, 118 or 119;	Modernize terminology. Rejected ballot = invalid ballot = a ballot in the ballot box but not counted for a candidate. Distinguished from "spoiled ballots," a term also modernized.
10.	NONE	ADD: (u.1) "person" includes an individual, a corporation, an entity, and a group as defined in Part 6.1 of the <i>Election Finances and Contributions Disclosure Act</i> ;	Definition from the <i>Interpretation Act</i> . To match proposed definition in EFCDA. Adding these broader entities contemplates that these entities may breach provisions, commit offences and attract administrative penalties. (note: If we eliminate Part 6.1 of the EFCDA (third party advertising), then will need to adjust this definition)
11.	NONE	ADD: (u.2) "political party" means an organization one of whose fundamental purposes is to participate in public affairs by endorsing one or more of its members as candidates and supporting their election.	"Political party" is not currently defined. Political parties come in a variety of sizes, sophistication and corporate status. The proposed definition is from the <i>Canada Elections Act</i> . The definition is designed to ensure bona fide parties, but also to be minimally restrictive, as the Chief Electoral Officer should not decide who is a political party. The legislation can only require a political party to register.
12.	NONE	ADD: (z.2) "record" means a record of information in any form and includes notes, images, audiovisual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records;	Definition borrowed from <i>Freedom of Information and Protection of Privacy Act</i> (Alberta). Updating language from "books and documents" (same since 1978) to "records," in for example, section 4.2(2).
13.	1(1)(z) "polling subdivision" means a polling subdivision referred to in section 14(b);	1(1)(z) "voting area" means a voting area referred to in section 14(b);	Modernize terminology.
14.	NEW	ADD: 1(1.1) For the purposes of this Act, a document that is required to be filed (a) with the Chief Electoral Officer is filed when it is actually received by the Chief Electoral Officer; and (b) with a returning officer is filed when it is actually received by the returning officer.	The EFCDA is proposed to include a similar section. Both returning officers and the Chief Electoral Officer have documents filed with them under this Act.
15.	(x) "polling place" means a place where one or more polling stations are provided for the purpose of voting at an election;	(x) "voting place" means a place where one or more voting stations are provided for the purpose of voting at an election, and	Modernize terminology. "poll" to "vote" Voting place Voting station

	Current Provision	Proposed Revised Provision	Rationale
		includes the parcel of land on which a voting place is located,	Polling subdivision = Voting area
16.	1(1)(v) "poll book" means a poll book referred to in section 100(1);	1(1)(v) "voting record" means a voting record referred to in section 100(1), which may be in electronic form;	Modernize terminology. A poll book can be paper or electronic.
17.	1(1)(y) "polling station" means a place where an elector in a polling subdivision casts the elector's vote;	1(1)(y) "voting station" means a place where an elector in a voting area casts the elector's vote;	Modernize terminology.
18.	NONE	ADD: 1(5) Where this Act requires a document or record to be filed or maintained, the Chief Electoral Officer may specify whether that document or record must be in original form or in electronic form, or both, or either.	The Chief Electoral Officer currently anticipates voting records will be maintained electronically in the future. With this amendment, he retains flexibility to require a hard copy.
19.	3(3) The appointment of the Chief Electoral Officer expires 12 months after polling day for a general election unless the Chief Electoral Officer is reappointed by the Lieutenant Governor in Council prior to that date on the recommendation of the Standing Committee.	3(3) The appointment of the Chief Electoral Officer expires 12 months after voting day of <u>the second general election held since the date of appointment</u> of the Chief Electoral Officer under subsection (1), unless the Chief Electoral Officer is reappointed by the Lieutenant Governor in Council prior to that date on the recommendation of the Standing Committee.	A longer tenure protects the Chief Electoral Officer from becoming a political position, and protects the independence and impartiality of the position from political influences. It also enhances institutional memory and consistency. Between appointments, the Deputy would step in. Currently, Alberta has the shortest term. Factually, the lengths of term for each Alberta Chief Electoral Officer in the past decade or so have been shorter than 4 years. A two-election term is a low bar compared to other Canadian jurisdictions. For example: <ul style="list-style-type: none"> • Tenure: Ontario, PEI and Yukon • 10-year term: Canada, Nova Scotia and New Brunswick • 7-year term: Quebec and Nunavut • 1 year after the second general election: Saskatchewan and BC A two-election term is also more in line with the terms of other independent officers of the Legislature in Alberta: <ul style="list-style-type: none"> • Auditor General – 8 years (s. 2 <i>Auditor General Act</i>) • Ombudsman – 5 years (s. 4 <i>Ombudsman Act</i>) • Ethics Commissioner – 5 years (s. 34 <i>Conflicts of Interest Act</i>) • Info. & Privacy Commissioner – 5 years (s. 46 <i>FOIPPA</i>) • Child & Youth Advocate – 5 years (s. 3 <i>Child & Youth Advocate Act</i>) <i>SEE Other jurisdictions, tenure of CEOs and other Officers of the Legislature.</i>
20.	4(3) The Chief Electoral Officer may, where the Chief Electoral Officer considers it necessary for the efficient conduct of an election, enumeration or plebiscite under this Act, an election under the Senatorial Selection Act or a plebiscite or referendum under any other Act to which this Act applies, (a) extend the time for doing anything under this Act, except (i) the time for the holding of an election, and (ii) the time by which a nomination paper must be filed,	4(3) The Chief Electoral Officer may, where the Chief Electoral Officer considers it necessary for the efficient conduct of an election, enumeration or plebiscite under this Act, an election under the Senatorial Selection Act or a plebiscite or referendum under any other Act to which this Act applies, (a) <u>subject to (3.1)</u> , extend the time for doing anything under this Act, except (i) the time for the holding of an election, and (ii) the time by which a nomination paper must be filed,	Need a mechanism by which the statutory deadlines of filing nomination papers or holding a vote can be extended in the event of extraordinary circumstances that might require even a different voting day. Examples: Slave Lake fire; Calgary floods; Calgary ice storm Safeguards are required before the Chief Electoral Officer can extend time of election or time for filing nomination paper, as historically, one could control the outcome of an election by controlling which time. "emergency" for the purposes of (3.1) is proposed as defined at section 1(1)(k.1).

	Current Provision	Proposed Revised Provision	Rationale
	<p>(b) increase the number of election officers or enumerators,</p> <p>(c) appoint other persons as election officers to carry out duties authorized by the Chief Electoral Officer, for the faithful performance of which those persons are to be sworn,</p> <p>(d) increase the number of polling stations,</p> <p>(e) omit or vary a prescribed form, except the ballot, to suit the circumstances, and</p> <p>(f) generally, adapt the provisions of this Act to the circumstances.</p>	<p>(b) increase the number of election officers or enumerators,</p> <p>(c) appoint other individuals as election officers to carry out duties authorized by the Chief Electoral Officer, for the faithful performance of which those individuals are to be sworn,</p> <p>(d) increase the number of <u>voting</u> stations,</p> <p>(e) omit or vary a prescribed form, except the ballot, to suit the circumstances, and</p> <p>(f) generally, adapt the provisions of this Act to the circumstances.</p> <p>NEW:</p> <p>(3.1) Notwithstanding subsection (3)(a), in the event of an emergency as defined under this Act, the Chief Electoral Officer may extend:</p> <p>(a) the time for the holding of an election or</p> <p>(b) the time by which a nomination paper must be filed.</p> <p>(3.2) If the Chief Electoral Officer wishes to extend the time under (3.1) by more than 48 hours, the Chief Electoral Officer must obtain leave of a justice of the Court of Queen's Bench.</p>	<p>Court process would look like: application + affidavit, then contact Chief Justice and identify date to extend it to.</p>
21.	NONE	<p>ADD:</p> <p>4(3.3) The Chief Electoral Officer may, subject to any conditions the Chief Electoral Officer considers appropriate, empower one or more election officers to administer oaths and take and receive affidavits, declarations and affirmations required for the purposes of this Act.</p>	<p>Empowering election officers (e.g. trainers) to administer the oaths, in addition to returning officers, allows greater flexibility.</p> <p>There is also cost savings by reducing time and travel associated with limiting the oath-administering power to only returning officers. This amendment facilitates administration and efficient staffing in rural areas.</p> <p>(note: also proposing consequential repeal of section 49)</p>
22.	<p>4(5) The Chief Electoral Officer shall, immediately after each enumeration, general election, election under the Senatorial Selection Act, by election or plebiscite or a plebiscite or referendum under any other Act, prepare and have printed a report including</p> <p>(a) a summary of the Chief Electoral Officer's conduct respecting the enumeration, general election, election under the Senatorial Selection Act, by election, plebiscite or referendum, as the case may be,</p> <p>(b) a breakdown of results and a summary of costs, and</p> <p>(c) any recommendations for amendments to this Act or the Senatorial Selection Act, as the case may be.</p> <p>(6) The Chief Electoral Officer shall transmit the report prepared under subsection (5) to the Standing Committee, which shall lay the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, not more than 15 days after the commencement of the next sitting of the Assembly.</p>	<p>REPLACE:</p> <p>4(6) The Chief Electoral Officer may after the end of each year prepare a report on the exercise of the Chief Electoral Officer's functions under this Act, including any recommendations for amendments to this Act, and shall transmit the report to the Standing Committee on Legislative Offices, which shall on its receipt lay the report before the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting of the Assembly.</p>	<p>Gives Chief Electoral Officer the authority to make reports on an annual basis – for instance, where there is no election during the year. The "may" avoids duplication in a year with election reports.</p> <p>The words are borrowed from section 4(2) of the EFCDA, but with "may" rather than "shall."</p>

	Current Provision	Proposed Revised Provision	Rationale
23.	<p>4.1(1) Where the Chief Electoral Officer wishes to test at a by-election the use of election procedures and equipment that are different from what this Act requires, the Chief Electoral Officer shall submit a written proposal to the Standing Committee describing in detail the election procedures and equipment proposed to be tested.</p> <p>(2) If the Standing Committee approves the proposal, with or without changes, the Chief Electoral Officer may test the use of the election procedures and equipment in accordance with the approved proposal.</p> <p>(3) As soon as possible after the proposal is approved, the Chief Electoral Officer shall publish the approved proposal on the Chief Electoral Officer's website.</p> <p>(4) A by-election held in accordance with the details provided in the approved proposal is not invalid by reason of any non-compliance with this Act.</p> <p>(5) To the extent of any conflict between the approved proposal and this Act or a regulation under this Act, the approved proposal prevails and has the force of law with respect to the by-election.</p>	<p>4.1(1) Where the Chief Electoral Officer wishes to test at <u>an election</u> the use of election procedures and equipment that are different from what this Act requires, the Chief Electoral Officer shall submit a written proposal to the Standing Committee describing in detail the election procedures and equipment proposed to be tested.</p> <p>(2) If the Standing Committee approves the proposal, with or without changes, the Chief Electoral Officer may test the use of the election procedures and equipment in accordance with the approved proposal.</p> <p>(3) As soon as possible after the proposal is approved, the Chief Electoral Officer shall publish the approved proposal on the Chief Electoral Officer's website.</p> <p>(4) <u>An election</u> held in accordance with the details provided in the approved proposal is not invalid by reason of any non-compliance with this Act.</p> <p>(5) To the extent of any conflict between the approved proposal and this Act or a regulation under this Act, the approved proposal prevails and has the force of law with respect to the <u>election</u>.</p>	<p>Propose changing "by-election" to "election" in 4.1(1), (4) & (5).</p> <p>When something has been tested at a by-election, the next phase is to test it at general election. Currently there is no authority to actually use successfully tested new equipment before legislation amendment. Elections Alberta would like to be able to test new equipment at a general election if, for instance, the new equipment has been successful in a by-election but is still different from what the Act requires.</p> <p>The proposed change does not negate a restricted application of new equipment testing. Elections Alberta may use it only at advance polls, or in certain electoral divisions. Any equipment testing continues to be subject to approval by the Standing Committee, and publication.</p>
24.	<p>4.2(2) For the purpose of carrying out an inquiry or conducting an investigation under this Act, a representative of the Chief Electoral Officer, on production of the representative's authorization from the Chief Electoral Officer, may at any reasonable time enter any premises referred to in the authorization in which books or documents of a political party, constituency association or candidate relevant to the subject-matter of the investigation are kept and may examine and make copies of the books or documents or remove them temporarily for the purpose of making copies.</p>	<p>4.2(2) For the purpose of carrying out an inquiry or conducting an investigation under this Act, a representative of the Chief Electoral Officer, on production of the representative's authorization from the Chief Electoral Officer, may at any reasonable time enter any premises referred to in the authorization in which <u>records</u> of a political party, constituency association or candidate relevant to the subject-matter of the investigation are kept and may examine and make copies of the <u>records</u> or remove them temporarily for the purpose of making copies.</p>	<p>Propose changing "books and documents" to "records."</p> <p><i>See proposed new definition of "records" at section 1(1)(z.2) above.</i></p>
25.	<p>4.4(2) Information and allegations to which subsection (1) applies may be</p> <p>(a) disclosed to the person or organization whose conduct is the subject of proceedings under this Act;</p> <p>(b) disclosed by a person conducting an investigation to the extent necessary to enable that person to obtain information from another person;</p> <p>(c) adduced in evidence at an inquiry;</p> <p>(d) disclosed where the Chief Electoral Officer believes on reasonable grounds that the disclosure is necessary for the purpose of advising the Minister of Justice and Solicitor General or a law enforcement agency of an alleged offence under this Act or any other</p>	<p>4.4(2) Information and allegations to which subsection (1) applies may be</p> <p>(a) disclosed to the person or organization whose conduct is the subject of proceedings under this Act, <u>(a.1) disclosed to a political party if a candidate or constituency association of that party is under investigation,</u></p> <p>(b) disclosed by a person conducting an investigation to the extent necessary to enable that person to obtain information from another person,</p> <p>(c) disclosed in a report made by the Chief Electoral Officer under section 44(1),</p> <p>(d) adduced in evidence at an inquiry, and</p> <p>(e) disclosed where the Chief Electoral Officer believes on reasonable grounds that the disclosure is necessary for the purpose of advising the Minister of Justice and Solicitor General or a law enforcement agency of an alleged offence under this Act or any other enactment of Alberta or an Act or regulation of Canada.</p>	<p>(a.1) To be consistent with proposed revision of sister section in the EFCDA (section 5.2(2)). This allows parties to assist their candidates or constituency associations, particularly as the matter may affect party affairs.</p> <p>(e) Note: an expanded definition for "law enforcement" proposed (<i>see above</i>).</p>

	Current Provision	Proposed Revised Provision	Rationale
	enactment of Alberta or an Act or regulation of Canada.		
26.	5.1 No proceedings lie against the Chief Electoral Officer, or against a person acting for or under the direction of the Chief Electoral Officer, for anything done, or omitted to be done, in good faith in the exercise or performance of a power, duty or function under this Act, the Election Finances and Contributions Disclosure Act or the Senatorial Selection Act.	5.1(1) For the purposes of this section, "election officer" includes a returning officer and election clerk. (2) No proceedings lie against the Chief Electoral Officer, <u>an election officer</u> or against a person acting for or under the direction of the Chief Electoral Officer <u>or an election officer</u> , for anything done, or omitted to be done, in good faith in the exercise or performance of the intended exercise or performance of a power, duty or function under this Act, the Election Finances and Contributions Disclosure Act or the Senatorial Selection Act.	Currently, returning officers and their staff do not act for or under the direction of the Chief Electoral Officer. Immunity should cover returning officers and all staff acting in good faith.
27.		ADD: 5.2(1) Except as otherwise expressly provided, a decision, act or omission by the Chief Electoral Officer is final and binding on the parties in respect of whom the decision is made and shall not be questioned, reviewed or restrained by any proceeding in the nature of an application for judicial review or otherwise in any court. (2) The standard of review of a count or recount of ballots (a) by a returning officer under section 137; (b) by the Court of Queen's Bench under section 146; and (c) by the Court of Appeal under section 148 is correctness.	This is a privative clause, which signals to a reviewing court: be more deferential to decisions of the Chief Electoral Officer. The Chief Electoral Officer has far greater expertise in electoral matters, a very specialized area, than the court. The Chief Electoral Officer is also a nonpartisan officer of the Legislature. However, in (2), recommend correctness on recounts to resolve ambiguity in courts. The issue of standard of review is mentioned but not determined in the <i>Lucaszkuk</i> judicial recount case (ABCA). Deciding whether a ballot should be counted or not is a matter that should be done anew by the returning officer, or by a judge.
28.	9(1) The Chief Electoral Officer may, 2 years after a general election, appoint a returning officer for each electoral division for the purposes of or in connection with elections, enumerations and plebiscites under this Act and elections under the Senatorial Selection Act. (1.1) If a by-election or plebiscite under this Act or an election under the Senatorial Selection Act is to be conducted under this Act before returning officers are appointed under subsection (1), returning officers may be appointed for the purpose of the by-election or plebiscite or the election under the Senatorial Selection Act. (2) The returning officer for an electoral division must be a resident elector of that electoral division and must not be ineligible under section 46 for appointment. (2.1) Where, in the opinion of the Chief Electoral Officer, the Chief Electoral Officer is unable to appoint a qualified person resident within an electoral division as returning officer for that electoral division, the Chief Electoral Officer may appoint as returning officer an elector resident in any other electoral division as the Chief Electoral Officer considers appropriate.	9(1) The Chief Electoral Officer may shall, at a time of the Chief Electoral Officer's choosing, 2 years after a general election, appoint a returning officer for each electoral division for the purposes of or in connection with elections, enumerations and plebiscites under this Act and elections under the Senatorial Selection Act. (1.1) If a by-election or plebiscite under this Act or an election under the Senatorial Selection Act is to be conducted under this Act before returning officers are appointed under subsection (1), returning officers may be appointed for the purpose of the by-election or plebiscite or the election under the Senatorial Selection Act. (2) The returning officer for an electoral division must be an resident elector of that electoral division and must not be ineligible under section 46 for appointment. (2.1) REPEAL (3) In addition to performing the duties specified in this or any other Act, a returning officer shall (a) from time to time review <u>voting area</u> boundaries on the direction of the Chief Electoral Officer,	This recommendation is based on a desire for greater flexibility in appointing returning officers, particularly when the dates of elections remain subject to the prerogative of the Lieutenant Governor to order dissolution of the Legislature and writs. Making the appointment as required for the purpose of or in connection with elections avoids gratuitous appointments but allows the Chief Electoral officer to plan properly. Repeal (2.1) and revise (2). The rationale for appointing a returning officer within the electoral division is for local knowledge. The intention is to retain that rationale in guidelines/policy. However, greater flexibility avoids mandatory appointment of a less appropriate person who lives in the electoral division.

	Current Provision	Proposed Revised Provision	Rationale
	<p>(3) In addition to performing the duties specified in this or any other Act, a returning officer shall</p> <p>(a) from time to time review polling subdivision boundaries on the direction of the Chief Electoral Officer,</p> <p>(b) make all advance plans and preparations to enable an enumeration, election or plebiscite to be proceeded with expeditiously and efficiently when called in the returning officer's electoral division,</p> <p>(c) keep himself or herself informed and knowledgeable of the requirements of all relevant legislation, and</p> <p>(d) from time to time and when requested by the Chief Electoral Officer, investigate and study enumeration, election and plebiscite practices and procedures for the purpose of effecting increased economy, efficiency and service to electors and candidates.</p> <p>(4) The Chief Electoral Officer shall publish in The Alberta Gazette the name and address of the returning officer appointed for each electoral division.</p> <p>(5) Each returning officer shall, before assuming the returning officer's duties, take the prescribed oath of office and transmit it to the Chief Electoral Officer.</p>	<p>(b) make all advance plans and preparations to enable an enumeration, election or plebiscite to be proceeded with expeditiously and efficiently when called in the returning officer's electoral division,</p> <p>(c) keep himself or herself informed and knowledgeable of the requirements of all relevant legislation, and</p> <p>(d) from time to time and when requested by the Chief Electoral Officer, investigate and study enumeration, election and plebiscite practices and procedures for the purpose of effecting increased economy, efficiency and service to electors and candidates.</p> <p>(4) The Chief Electoral Officer shall publish in The Alberta Gazette the name and address of the returning officer appointed for each electoral division.</p> <p>(5) Each returning officer shall, before assuming the returning officer's duties, take the prescribed oath of office and transmit it to the Chief Electoral Officer.</p>	
29.	<p>11 All returning officers shall, on performance of their duties at the request of the Chief Electoral Officer, be paid</p> <p>(a) an honorarium of the same amount, and</p> <p>(b) fees and expenses at the same rate, prescribed by the Lieutenant Governor in Council.</p>	<p>11 All returning officers shall, on performance of their duties at the request of the Chief Electoral Officer, be paid <u>remuneration, fees and expenses as established by the Chief Electoral Officer.</u></p>	<p>Shifting the responsibility for determining remuneration, fees and expenses away from the Lieutenant Governor in Council, to the Chief Electoral Officer, allows the Chief Electoral Officer greater flexibility in remuneration to attract employees and staff. It also allows the Chief Electoral Officer the authority to engage the necessary employees to conduct an election fairly.</p> <p>The Chief Electoral Officer is always subject to a budget as approved by the Standing Committee.</p>
30.	<p>12 No person who has been appointed or is acting as a returning officer, election clerk or administrative assistant may</p> <p>(a) engage in political activity on behalf of any political party, candidate or constituency association, or</p> <p>(b) make a contribution under the Election Finances and Contributions Disclosure Act, while the person is so appointed or acting.</p>	<p>12 No <u>election officer</u> may</p> <p>(a) engage in political activity on behalf of any political party, candidate or constituency association, or</p> <p>(b) make a contribution under the Election Finances and Contributions Disclosure Act, while the individual is so appointed or acting.</p>	<p>Extend neutrality from only returning officers, election clerks and administrative assistants to everyone hired. It is difficult, for instance, having voting clerks working on a campaign on election day.</p>
31.	NEW	<p>ADD:</p> <p>13(2.1) For an elector or an individual who will be eligible to be an elector to be included in the register, the information referred to in subsection (2)(a), (b), (e) and (f) must be provided.</p>	<p>The information will aid in completeness, currency and accuracy of the register of electors. Recommending this certain information be mandatory. Elections Alberta is unable to update elector information properly for data matching without citizenship, name, address and date of birth information.</p>
32.	<p>13.1(2) The register may be revised by any or all of the following methods:</p> <p>(a) conducting a door-to-door enumeration in accordance with Division 3 of all or some of</p>	<p>13.1(2) The register may be revised by any or all of the following methods:</p> <p>(a) conducting <u>an enumeration</u> in accordance with Division 3 of all or some of</p>	<p>Relaxing "door-to-door" enumeration to simply "an enumeration" allows the Chief Electoral Officer flexibility in determining how an enumeration is most effectively and efficiently done. This would be</p>

	Current Provision	Proposed Revised Provision	Rationale
	the electoral divisions, or portions of any of them, as determined by the Chief Electoral Officer;	the electoral divisions, or portions of any of them, as determined by the Chief Electoral Officer;	particularly important in areas such as high mobility and new growth areas.
33.	13.1(2.1) If information has been collected under the Alberta Personal Income Tax Act with the consent of the taxpayers to whom the information relates for the purpose of updating the list of electors, the Chief Electoral Officer must use that information to revise the register.	13.1(2.1) If information has been collected under the Alberta Personal Income Tax Act with the consent of the taxpayers to whom the information relates for the purpose of updating the list of electors, the Chief Electoral Officer <u>may</u> use that information to revise the register.	Change "must" to a "may". The Chief Electoral Officer may not require use of the taxpayer information if he can get the information other ways.
34.	<p>13.1(3) A public body as defined in the Freedom of Information and Protection of Privacy Act shall, at the request of the Chief Electoral Officer,</p> <p>(a) for the purpose of subsection (2)(c), provide personal information held by that public body, and</p> <p>(b) provide address, mapping, demographic or geographic information, including geospatial information.</p>	<p>13.1(3) A public body as defined in the Freedom of Information and Protection of Privacy Act and in the <u>Health Information Act</u> shall, at the request of the Chief Electoral Officer,</p> <p>(a) for the purpose of subsection (2)(c), provide <u>registration information collected under Part 3 of the Health Information Act</u>, and</p> <p>(b) provide address, mapping, demographic or geographic information, including geospatial information.</p>	<p>Expand the categories of public body to include not just public bodies under the <i>Freedom of Information and Protection of Privacy Act</i>, but "public bodies" under the <i>Health Information Act</i> as well.</p> <p>Note: By limiting information collectible under the <i>Health Information Act</i> to "registration information," that will not include personal health information:</p> <p><i>HIA 1(1)(u) "registration information" means information relating to an individual that falls within the following general categories and is more specifically described in the regulations:</i></p> <p><i>(i) demographic information, including the individual's personal health number;</i></p> <p><i>(ii) location information;</i></p> <p><i>(iii) telecommunications information;</i></p> <p><i>(iv) residency information;</i></p> <p><i>(v) health service eligibility information;</i></p> <p><i>(vi) billing information, but does not include information that is not written, photographed, recorded or stored in some manner in a record;</i></p> <p>Any extra registration information will be used solely to confirm identity (avoid duplication).</p>
35.	13.2 (3) The Chief Electoral Officer may enter into agreements with any person for the purpose of obtaining address, mapping, demographic or geographic information, including geospatial information.	<p>13.2 (3) The Chief Electoral Officer may enter into agreements with any person for the purpose of obtaining address, mapping, demographic or geographic information, including geospatial information.</p> <p>ADD</p> <p>(3.1) In the agreements under subsection (3), the Chief Electoral Officer may agree to exchange information contained in the register of electors, but:</p> <p>(a) only for the purpose of health and emergency information of electors; and</p> <p>(b) the Chief Electoral Officer may include any conditions the Chief Electoral Officer considers necessary.</p>	<p>(3) Alberta identification card coming from Service Alberta. Elections Alberta is the main repository that updates the information for that card.</p> <p>The Chief Electoral Officer must be able to make agreements with departments, agencies, other governments (including municipalities), etc.</p> <p>Agreements under this section will remain subject to confidentiality. The limiting words in section 13.2(3) are that the agreements are only "for the purpose of obtaining ...information."</p> <p>(3.1) The reciprocal sharing is necessarily limited. Election information is collected by the Chief Electoral Officer for electoral purposes and should not be shared for other purposes unless for emergency and health purposes. The information out of Elections Alberta could say, for instance: "x" no longer lives at that address.</p>
36.	<p>13.3(1) A person or the person's agent may, on request and in the manner determined by the Chief Electoral Officer,</p> <p>(a) have access to information in the register about the person to determine whether the information is correct, and</p> <p>(b) have his or her personal information removed from or not included in the register.</p>	<p>13.3(1) An individual or the individual's agent may, on request and in the manner determined by the Chief Electoral Officer,</p> <p>(a) have access to information in the register about the individual to determine whether the information is correct, and</p> <p>(b) have a <u>notation made in the register that the individual does not want to have their information included in the register.</u></p>	<p>Practically: When Elections Alberta takes a name off the register, the preferable route is not to remove their entry entirely, but rather to make a notation in that entry that the individual does not want to be on the register. Removing the entry runs the risk that they will be restored to the register in a subsequent update.</p> <p>The "do not call" column to the register will be passed on to the parties who are given access to the list of electors.</p>

	Current Provision	Proposed Revised Provision	Rationale
	<p>(2) Where a request is made under subsection (1)(b), the Chief Electoral Officer must remove the person's personal information from the register or not include the person's personal information in the register.</p> <p>(3) Any person requesting access to information for the purpose set out in subsection (2) shall complete and sign a declaration.</p>	<p>(2) The Chief Electoral Officer must maintain a column in the register operating as a "do not call" column to indicate that a request has been made under subsection (1)(b).</p> <p>(3) Any person or entity requesting or provided access to information in the register under this Act shall complete and sign a declaration, and shall not use or disclose any individual's information where a notation made under subsection (1)(b) has been made in the register in relation to that individual.</p>	
37.	<p>14 The Chief Electoral Officer shall, from time to time, in consultation with the returning officer for each electoral division,</p> <p>(a) review the boundary of and the number of electors in each subdivision, and</p> <p>(b) if necessary, subdivide the entire electoral division for which the returning officer was appointed into as many sequentially numbered subdivisions as considered necessary for use as polling subdivisions in any general election, by-election, referendum or plebiscite</p> <p>and shall attempt to ensure, as far as possible, that no subdivision contains more than 450 electors.</p>	<p>14 The Chief Electoral Officer shall, from time to time, in consultation with the returning officer for each electoral division,</p> <p>(a) review the boundary of and the number of electors in each subdivision, and</p> <p>(b) if necessary, subdivide the entire electoral division for which the returning officer was appointed into as many sequentially numbered <u>areas</u> as considered necessary for use as <u>voting areas</u> in any general election, by-election, referendum or plebiscite.</p> <p>and shall attempt to ensure, as far as possible, that no subdivision contains more than 450 electors.</p>	<p>Efficient operation of elections requires greater flexibility in defining voting areas. 450 is not a universally desirable number. The voting areas should be determined on the basis of workability, not by a number. As illustration, increased use of advance polls has resulted in reduced numbers of electors appearing to vote on election day.</p>
38.	<p>16 Subject to section 45, a person is eligible to have the person's name included on a list of electors if that person as of a date fixed by the Chief Electoral Officer</p> <p>(a) is a Canadian citizen,</p> <p>(b) is at least 18 years of age,</p> <p>(c) has been or will have been ordinarily resident in Alberta for at least 6 months as of that date, and</p> <p>(d) is ordinarily resident in the electoral division and subdivision for which that person is to have the person's name included on the list of electors.</p>	<p>16 Subject to section 45, an individual is eligible to have the individual's name included on a list of electors if that individual as of a date fixed by the Chief Electoral Officer</p> <p>(a) is a Canadian citizen,</p> <p>(b) is at least 18 years of age,</p> <p>(c) <></p> <p>(d) is ordinarily resident in the electoral division and voting area for which that person is to have the individual's name included on the list of electors.</p>	<p>Delete (c) as potentially infringing section 3 of the Charter. An elector must be ordinarily resident in the electoral division and voting area to be included in the list, on the date the list is going to be produced – this still constrains the right to be on list of electors.</p> <p>Note: It is also difficult to enforce or confirm the 6-month rule. Citizenship and duration of ordinary residence is typically determined by a declaration at the time of registration.</p>

	Current Provision	Proposed Revised Provision	Rationale
39.	<p>18(1) The Chief Electoral Officer shall furnish the information referred to in subsection (2) free of charge to each registered political party and to each member of the Legislative Assembly who is not a member of a registered political party,</p> <p>(a) 2 years after a general election,</p> <p>(b) during the 4th and 5th years after a general election,</p> <p>(c) as soon as possible after the register is updated after the Schedule of electoral divisions in the Electoral Divisions Act is amended or re-enacted, and</p> <p>(d) as soon as possible after the receipt by the Chief Electoral Officer of the Clerk's warrant delivered pursuant to section 32 of the Legislative Assembly Act.</p>	<p>18(1) Subject to section 19.01(2), the Chief Electoral Officer shall furnish the information referred to in subsection (2) free of charge to each registered political party and to each member of the Legislative Assembly who is not a member of a registered political party,</p> <p>(a) 2 years after a general election,</p> <p>(b) <></p> <p>(c) as soon as possible after the register is updated after the Schedule of electoral divisions in the Electoral Divisions Act is amended or re-enacted, and</p> <p>(d) as soon as possible after the receipt by the Chief Electoral Officer of the Clerk's warrant delivered pursuant to section 32 of the <i>Legislative Assembly Act</i>.</p>	Deleting (b): They will get list in the 4 th year because there will be an election anyway with a post-writ list issued under section 19. The 5 th year does not come into play now, with section 38.1(2).
40.	NEW	<p>19.01(1) The Chief Electoral Officer shall issue guidelines</p> <p>(a) requiring registered political parties and members of the Legislative Assembly to establish a policy governing the care, custody and use of information furnished by the Chief Electoral Officer under section 18 or section 19, and</p> <p>(b) setting out required content and enforcement of the policy,</p> <p>and shall publish those guidelines.</p> <p>(2) The Chief Electoral Officer is not obliged to furnish information under section 18 or section 19 to a registered political party or to a member of the Legislative Assembly until the registered political party or member of the Legislative Assembly has provided to the Chief Electoral Officer a copy of a policy setting out requirements of care, custody and use of the information that meets the guidelines issued by the Chief Electoral Officer.</p>	The intention is to require parties and other persons to provide the Chief Electoral Officer with a copy of their policy relating to care, custody and use of the list of electors <i>before</i> they are given the list.
41.	<p>19(1) The Chief Electoral Officer shall, forthwith after polling day for a general election, prepare a post-polling-day list of electors for each polling subdivision in each electoral division.</p> <p>(2) The Chief Electoral Officer shall furnish free of charge</p> <p>(a) to each registered political party, one printed copy or one copy in electronic form, or both, in accordance with the political party's request, of the post-polling-day list of electors for each polling subdivision in each electoral division, and</p> <p>(b) to each member of the Legislative Assembly, one printed copy or one copy in electronic form, or both, in accordance with each member's request, of the post-polling-day list of electors for each polling subdivision</p>	<p>19(1) The Chief Electoral Officer shall, forthwith <u>within a reasonable time</u> after election day for a general election, prepare a post-election-day list of electors for each <u>voting area</u> in each electoral division.</p> <p>(2) The Chief Electoral Officer shall furnish free of charge</p> <p>(a) to each registered political party, one printed copy or one copy in electronic form, or both, in accordance with the political party's request, of the post-election-day list of electors for each <u>voting area</u> in each electoral division, and</p> <p>(b) to each member of the Legislative Assembly, one printed copy or one copy in electronic form, or both, in accordance with each member's request, of the post-election-day list of electors for each <u>voting area</u> in the electoral division that the member represents.</p>	<p>The Chief Electoral Officer recognizes the utility of the updated list for MLAs in their constituency.</p> <p>However, "forthwith" is an uncertain term and leads to an expectation for updated lists that is not possible. The idea is to capture the information gained during voting days. Updating the lists takes significant time to update and prepare in an accurate fashion. Updating the lists includes checking against the declarations. The intent of the section is to furnish lists as soon as the Chief Electoral Officer has a reasonable copy of the lists.</p>

	Current Provision	Proposed Revised Provision	Rationale
	in the electoral division that the member represents.		
42.	<p>19.1(1) A person or registered political party to whom a copy of a list of electors has been furnished under this Act shall take all reasonable steps to protect the list and the information contained in it from loss and unauthorized use.</p> <p>(2) A person or registered political party to whom a copy of a list of electors has been furnished under this Act shall immediately notify the Chief Electoral Officer if the list or information contained in the list has been lost.</p> <p>(3) On being notified under subsection (2), the Chief Electoral Officer shall direct the person or registered political party to take any action the Chief Electoral Officer considers appropriate.</p>	<p>19.1(1) A person or registered political party to whom a copy of a list of electors has been furnished under this Act shall take all reasonable steps to protect the list and the information contained in it from loss and unauthorized use.</p> <p>(2) A person or registered political party to whom a copy of a list of electors has been furnished under this Act shall immediately notify the Chief Electoral Officer if the list or information contained in the list has been lost.</p> <p>(3) On being notified under subsection (2), the Chief Electoral Officer <u>shall take steps or</u> direct the person or registered political party to take <u>steps</u> the Chief Electoral Officer considers appropriate.</p> <p>ADD:</p> <p>(3.1) The Chief Electoral Officer may require the person or registered political party to whom the list has been furnished under this Act to pay the costs and expenses of either</p> <p style="padding-left: 40px;">(a) the Chief Electoral Officer taking steps, or</p> <p style="padding-left: 40px;">(b) the person or registered political party taking steps as directed by the Chief Electoral Officer,</p> <p>or both, under subsection (3), those costs and expenses are a debt due to the Chief Electoral Officer and may be recovered by the Chief Electoral Officer by an action in debt.</p> <p>(3.2) A person or registered political party ceases to have property of a list of electors when the purpose for which the list of electors was furnished to them under this Act expires, and the list of electors belongs again to the Chief Electoral Officer.</p> <p>(3.3) Upon a person or registered political party ceasing to have property of a list of electors furnished to them, the list of electors shall be securely destroyed as according to policy, and that person or registered political party shall be in a position to provide proof of destruction.</p>	<p>Elections Alberta provides parties with the disclaimer form. They are told of the legislative restrictions, and advised to get their people to sign copies of the disclaimer. Elections Alberta does not have knowledge of who individually has access to the lists.</p> <p>Note: Misuse of the list is covered elsewhere (section 163) as an offence.</p> <p>(3.1)-(3.3) Recommend the Chief Electoral Officer retain property in the lists of electors. The persons and registered political parties have only licences to use the lists for purposes authorized under this Act. The corollary is that the Chief Electoral Officer will take extraordinary steps to recover lists of electors.</p>
43.	<p>21(1) The Chief Electoral Officer may, at any time the Chief Electoral Officer considers it advisable, conduct an enumeration of all or some of the electoral divisions, or within an electoral division, as directed by the Chief Electoral Officer.</p> <p>(2) An enumeration is to be conducted during a period determined by the Chief Electoral Officer and is to be followed by at least one day for revisions as determined by the Chief Electoral Officer.</p>	<p>21(1) The Chief Electoral Officer may, at any time the Chief Electoral Officer considers it advisable, conduct an enumeration of all or some of the electoral divisions, or within an electoral division, as directed by the Chief Electoral Officer.</p> <p>ADD:</p> <p>(1.1) The Chief Electoral Officer may conduct an enumeration under section 22 through section 38 of this Act, or may conduct an enumeration by any means the Chief</p>	<p>Enumeration is important to ensure the participation of electors in the vote. The number of names on list of electors frequently determines constituency-based funding.</p> <p>This proposed change allows enumerations by means other than the traditional door-to-door enumeration which can be very costly and is only effective when people answer their doors. The Chief Electoral Officer may develop more efficient methods of obtaining elector information - e.g. provincial mailout, provincial</p>

	Current Provision	Proposed Revised Provision	Rationale
		Electoral Officer determines to be sufficient to meet the purposes of an enumeration. (2) <>	call centre. The returning officers retain the authority to do full or target door-to-door enumerations.
44.	<p>22(1) In conducting an enumeration, the Chief Electoral Officer shall provide maps showing subdivision boundaries for use by the enumerators.</p> <p>(2) The Chief Electoral Officer shall provide each returning officer with sufficient quantities of all necessary forms and materials, including enumerator identification documents, to enable the efficient conduct of the required enumeration.</p> <p>23 Each returning officer shall, in accordance with directions issued by the Chief Electoral Officer, appoint sufficient enumerators for the efficient conduct of the enumeration within the returning officer's electoral division.</p> <p>...</p>	<p>REPLACE WITH:</p> <p>22 An enumeration may be conducted by:</p> <ul style="list-style-type: none"> (a) the Chief Electoral Officer, or (b) a returning officer or returning officers, if the Chief Electoral Officer so directs. <p>23 (1) The Chief Electoral Officer shall appoint, or direct that a returning officer appoint, sufficient enumerators for the conduct of the enumeration.</p> <p>(2) The Chief Electoral Officer shall provide all materials and directions as required for the conduct of the enumeration, and may issue guidelines or rules for enumerations including guidelines or rules respecting:</p> <ul style="list-style-type: none"> (a) forms completed under section 30(2) for each voting area, (b) copies of a map of the electoral division clearly indicating the sequentially numbered voting areas, (c) expense claims, (d) unused enumeration materials, (e) enumerator identification documents, and (f) information to be included in the register of electors prepared in a manner prescribed by the Chief Electoral Officer. <p>(3) An enumeration conducted by a returning officer shall, subject to</p> <ul style="list-style-type: none"> (a) the regulations, and (b) any directions of the Chief Electoral Officer, <p>be conducted in a way the returning officer considers appropriate.</p>	<p>These proposed changes allow flexibility in either (a) the returning officer running an enumeration in the case of traditional full or targeted enumerations, or (b) the Chief Electoral Officer running an enumeration, in cases where it is more efficient to conduct it centrally.</p> <p>The wording in proposed section 23(2) is borrowed from the existing section 38.</p>
45.	<p>24 The following persons may not be appointed or act as enumerators:</p> <ul style="list-style-type: none"> (a) persons who are not electors; (b) members of the Parliament of Canada; (c) members of the Legislative Assembly; (d) candidates; (e) official agents; (f) judges of federal or provincial courts; (g) persons who have within the immediately preceding 10 years been 	<p>24 The following individuals may not be appointed or act as enumerators:</p> <ul style="list-style-type: none"> (a) <> (b) members of the Parliament of Canada; (c) members of the Legislative Assembly; (d) candidates; (e) official agents; (f) judges of federal or provincial courts; (g) individuals who have within the immediately preceding 10 years been 	<p>There is no principled reason why enumerators need to be electors. This amendment will widen the pool of potential enumerators and attract better staff. However, the choice of enumerators will still reside with the hiring returning officer.</p> <p>Note: Recommend removing similar restriction for election officers (see section 46).</p>

	Current Provision	Proposed Revised Provision	Rationale
	convicted of an indictable offence for which the penalty that may be imposed is greater than 2 years' imprisonment.	convicted of an indictable offence for which the penalty that may be imposed is greater than 2 years' imprisonment.	
46.	<p>25(1) Each returning officer shall in accordance with the directions of the Chief Electoral Officer appoint, as an enumerator for each subdivision in the electoral division, one elector resident in that electoral division.</p> <p>(2) The returning officer may, with the approval of the Chief Electoral Officer, appoint as an enumerator for a subdivision a 2nd resident elector for the subdivision if the returning officer considers it necessary for the completion of the enumeration or the security of the enumerator.</p> <p>(3) Repealed 2012 c5 s10.</p> <p>(4) When 2 enumerators are appointed for a subdivision, they shall</p> <p>(a) act jointly and not individually in each step of the preparation of the list of electors,</p> <p>(b) both sign any document that is required to be signed by an enumerator in respect of an enumeration, and</p> <p>(c) report immediately to the returning officer for the electoral division the facts and details of any disagreement between them.</p> <p>(5) The returning officer shall decide any matter under disagreement referred to the returning officer under subsection (4)(c) and immediately communicate that decision to the enumerators.</p> <p>(6) A qualified enumerator may, at the discretion of the returning officer, be appointed as an enumerator for more than one subdivision.</p> <p>(7) If sufficient qualified persons are not available from among those persons resident within an electoral division, the returning officer may appoint as enumerators qualified persons from any other electoral divisions as the returning officer considers appropriate.</p> <p>26 The returning officer shall provide all necessary forms and materials, including identification documents, to each enumerator in the returning officer's electoral division.</p> <p>27(1) If an enumerator is unable or unwilling to act or neglects the enumerator's duties, the returning officer may appoint another enumerator in the enumerator's place.</p> <p>(2) An enumerator replaced under this section shall, on receipt of a written request signed by the returning officer, deliver or give up to the enumerator's successor or any other authorized person the enumerator's identification documents and any enumeration documents and written information the enumerator has obtained respecting the enumeration.</p>	<p>DELETE:</p> <p>25 <></p> <p>26 <></p> <p>27 <></p>	<p>In place of this prescription, the Chief Electoral Officer will enact a set of rules for enumeration. Those rules will include the occupational health and safety content (not working alone, ensuring people know when and where they are going), identification documents, etc. to better ensure staff safety.</p> <p>Note: Elections Alberta is a high "offender" for WCB on dog bites, slips and falls. Rural and inner-city areas are particularly difficult.</p>

	Current Provision	Proposed Revised Provision	Rationale
47.	<p>30(2) Subject to subsection (10), each enumerator shall contact, either in person, by telephone or by mail, as directed by the returning officer, each assigned residence in the subdivision to determine which persons residing in the assigned residence</p> <p>(a) are Canadian citizens,</p> <p>(b) are at least 18 years of age,</p> <p>(c) have been or will have been ordinarily resident in Alberta for at least 6 months, and</p> <p>(d) are ordinarily resident in the electoral division and subdivision for which those persons are to have their names included on the list of electors,</p> <p>as of a date determined by the Chief Electoral Officer, and shall record on the form provided by the Chief Electoral Officer the information referred to in section 13(2)(a) to (f) with respect to those persons.</p>	<p>30(2) Subject to subsection (10), each enumerator shall contact, either in person, by telephone, by mail, <u>or such other means as may be directed by the Chief Electoral Officer</u>, each assigned residence in the subdivision to determine which individuals residing in the assigned residence</p> <p>(a) are Canadian citizens,</p> <p>(b) are at least 18 years of age,</p> <p>(c) <></p> <p>(d) are ordinarily resident in the electoral division and subdivision for which those individuals are to have their names included on the list of electors,</p> <p>as of a date determined by the Chief Electoral Officer, and shall record on the form provided by the Chief Electoral Officer the information referred to in section 13(2)(a) to (f) with respect to those individuals.</p>	<p>In reality these days, the enumeration results are reported to the head office of Elections Alberta. Enumerations are now being done differently and the list of electors, while historically the central entry to the polling booth, is now only one of many ways to show eligibility to vote.</p> <p>The proposed amendment updates the legislation to match what happens practically. This proposed changes allows flexibility to make contact in person, by telephone or by mail, or such other means as may be directed by the Chief Electoral Officer.</p> <p>Delete 30(2)(c) in accordance with proposed definition of "elector."</p>
48.	<p>30(4) An enumerator is not to visit or contact treatment centres, students' residences operated by an educational institution and exempted by the Chief Electoral Officer, temporary work camps, penitentiaries, correctional institutions, remand centres, detention centres, emergency shelters or any similar institutions.</p>	<p>DELETE: 30(4) <></p>	<p>Concepts around where electors reside are changing.</p> <p>The intent is not to ignore such institutions and to, where possible, locate election officers into such places because it is a potential Charter breach <i>not</i> to.</p>
49.	<p>31 (3) Notwithstanding section 30, an enumeration in a designated remote area shall, subject to</p> <p>(a) the regulations, and</p> <p>(b) any directions of the Chief Electoral Officer,</p> <p>be conducted in a way the returning officer considers appropriate.</p>	<p>DELETE 31 (3) <></p>	<p>Delete 31(3)</p> <p>There is no longer a need for a remote area provision, as electors can always vote by Special Ballot.</p>
50.	<p>34 When the returning officer has accepted all the forms completed under section 30(2) and any forms returned under section 30(9) for the subdivisions in the returning officer's electoral division, the returning officer shall publish in one or more newspapers of general circulation in the returning officer's electoral division and on the Chief Electoral Officer's website the dates, times and places for consideration of applications for revisions to the information.</p> <p>35(1) During the period of revision, the returning officer shall make individual information available for confirmation or correction to the individual concerned until the end of the period of time for revisions to the information.</p> <p>(2) The returning officer may make the information available only to the person whom the information is about or to an agent of the person.</p> <p>(3) Any person requesting access to information for the purpose set out in</p>	<p>REPLACE WITH</p> <p>34 An elector may,</p> <p>(a) in the case of an enumeration conducted by a returning officer,</p> <p>(i) request the returning officer to add qualified individual's name to the list and, if the returning officer is satisfied that the name of any qualified individual has been omitted for the voting area in which that individual resides, the returning officer shall add the name to the list and shall attest the addition;</p> <p>(ii) request the returning officer to delete the name of any unqualified individual and, if the returning officer is satisfied that the name of an unqualified individual has been included for a voting area, the returning officer shall delete the name and shall attest the deletion;</p> <p>(iii) request the returning officer to change information about an elector on a list and, if the returning officer is satisfied that any information about an elector is inaccurately stated, the returning officer shall make the necessary changes and shall attest the change;</p>	<p>Propose to eliminate the enumeration revision period, and accordingly the need for advertisements about the revision period.</p> <p>Enumeration used to be the only way to prepare a list of electors, but there are now so many ways to get on the list.</p> <p>The proposed amendment includes all the abilities currently in section 37.</p>

	Current Provision	Proposed Revised Provision	Rationale
	<p>subsection (1) shall complete and sign a declaration.</p> <p>36(1) The returning officer for each electoral division shall attend at the returning officer's office between the hours of 11 a.m. and 9 p.m. during the revision period to consider applications for revisions to the information.</p> <p>(2) If a returning officer considers it necessary, the returning officer may, with the prior approval of the Chief Electoral Officer, fix additional dates, times and places for consideration of applications for revisions to the information.</p> <p>(3) The returning officer shall publish in one or more newspapers of general circulation in the returning officer's electoral division and on the Chief Electoral Officer's website the details of any additional dates, times and places for consideration of applications for revisions so as to give not less than 2 days' notice of the information.</p> <p>37 If, before the time fixed for concluding revisions to the information, the returning officer is satisfied from representations made to the returning officer or by independent inquiry</p> <p>(a) that the name of any qualified person has been omitted for the subdivision to which that person belongs, the returning officer shall add the name and shall attest the addition,</p> <p>(b) that the name of any unqualified person has been included for a subdivision, the returning officer shall delete the name and shall attest the deletion, or</p> <p>(c) that any information about an elector is inaccurately stated, the returning officer shall make the necessary changes and shall attest the change.</p>	<p>(b) in the case of an enumeration conducted by the Chief Electoral Officer,</p> <p>(i) request the Chief Electoral Officer to add a qualified individual's name to the list and, if the Chief Electoral Officer is satisfied that the name of any qualified individual has been omitted for the voting area in which that individual resides, the Chief Electoral Officer shall add the name to the list;</p> <p>(ii) request the Chief Electoral Officer to delete the name of any unqualified individual and, if the Chief Electoral Officer is satisfied that the name of an unqualified individual has been included for a voting area, the Chief Electoral Officer shall delete the name;</p> <p>(iii) request the Chief Electoral Officer to change information about an elector on a list and, if the Chief Electoral Officer is satisfied that any information about an elector is inaccurately stated, the Chief Electoral Officer shall make the necessary changes.</p>	
51.	<p>38(1) Each returning officer shall, with respect to the returning officer's electoral division, submit to the Chief Electoral Officer not later than the date determined by the Chief Electoral Officer,</p> <p>(a) the forms completed under section 30(2) for each polling subdivision,</p> <p>(b) one copy of a map of the electoral division clearly indicating the sequentially numbered polling subdivisions,</p> <p>(c) all expense claims,</p> <p>(d) all unused enumeration materials,</p> <p>(e) all enumerator identification documents, with a satisfactory accounting of any absences, and</p>	<p>38(1) <></p> <p>(2) The returning officer shall review the boundaries of and the number of electors in each <u>voting area</u> of the returning officer's electoral division and, if the returning officer considers it necessary, shall, in consultation with the Chief Electoral Officer, redefine and, if necessary, renumber the <u>areas</u> in accordance with section 14 for use as <u>voting areas</u> in any election, by-election, referendum or plebiscite.</p>	<p>(1) – transplanted to proposed section 23(2), which is the Chief Electoral Officer's general ability to direct enumeration.</p> <p>Keep (2) – map review.</p>

	Current Provision	Proposed Revised Provision	Rationale
	<p>(f) information to be included in the register of electors prepared in a manner prescribed by the Chief Electoral Officer.</p> <p>(2) The returning officer shall review the boundaries of and the number of electors in each subdivision of the returning officer's electoral division and, if the returning officer considers it necessary, shall, in consultation with the Chief Electoral Officer, redefine and, if necessary, renumber the subdivisions in accordance with section 14 for use as polling subdivisions in any election, by-election, referendum or plebiscite.</p>		
52.	<p>38.1(1) Nothing in this section affects the powers of the Lieutenant Governor, including the power to dissolve the Legislature, in Her Majesty's name, when the Lieutenant Governor sees fit.</p> <p>(2) Subject to subsection (1), a general election shall be held within the 3-month period beginning on March 1, 2012 and ending on May 31, 2012, and afterwards, general elections shall be held within the 3-month period beginning on March 1 and ending on May 31 in the 4th calendar year following polling day in the most recent general election.</p>	<p>38.1(1) Nothing in this section affects the powers of the Lieutenant Governor, including the power to dissolve the Legislature, in Her Majesty's name, when the Lieutenant Governor sees fit.</p> <p>(2) Subject to subsection (1), a general election shall be held on the second Tuesday in March, in the 4th calendar year following election day in the most recent general election.</p>	<p>(1) Keep the override, as there is constitutional argument that legislation cannot affect the Crown prerogative.</p> <p>(2) A fixed election date (subject to the Crown prerogative) enables better ability for the Chief Electoral Officer and the returning officers to prepare for an election – e.g. opening 87 offices, hiring and training election staff, and Elections Alberta distributing necessary materials and supplies to returning officers.</p> <p>For fixed election dates: <u>Preferred choice</u>: Second Tuesday in March. This date is preferred to October, as municipalities and, frequently, the federal Parliament, hold elections in October.</p> <p>Earliest Easter was March 23.</p> <p><u>Alternate choice</u>: Third Tuesday in October. If third Tuesday in October, change (2) to:</p> <p><i>(2) Subject to subsection (1), a general election shall be held on the third Tuesday in October, in the 4th calendar year following election day in the most recent general election.</i></p>
53.	NEW	<p>ADD:</p> <p>38.1(3) Election day for an election under subsection (2) is a non instructional school day .</p>	<p>Not having schools operating on an instructional day leads to better parking, and fewer health and safety concerns.</p> <p>Example is in section 306 Quebec <i>Election Act</i>:</p> <p><i>306 Polling day is a holiday for pupils in every school of a school board situated in an electoral division in which an election is held.</i></p> <p><i>Every educational institution shall, on polling day, grant leave to those pupils and students who are electors.</i></p>
54.	NEW	<p>ADD:</p> <p>45.1 (1) The Chief Electoral Officer shall appoint, or shall provide for the appointment by returning officers of, all election officers to perform the functions as set out by the Chief Electoral Officer, including the following functions:</p> <ul style="list-style-type: none"> (a) Erect signs and post bulletins at <u>voting</u> stations and <u>voting</u> places; (b) immediately before opening of voting, (i) show ballot boxes to the individuals present so that they may see that it is empty, 	<p>Historically, the <i>Election Act</i> was the user manual for returning officers. There was originally no independent Chief Electoral Officer, and no centralized administration. Much has changed and enabling legislation will be much more effective to furthering fairness and be much more efficient as well.</p> <p>The flexibility is not so much about what is being done, but who is doing it. Duties are the same; the content is taken from sections 47.1, 54, 71-75, 75.1, 76-77, 77.1, 78, 90, 94, 95, 100, 111, 112, 118 and 124.</p>

	Current Provision	Proposed Revised Provision	Rationale
		<p>(ii) seal the boxes so that they cannot be opened without breaking the seal,</p> <p>(iii) place and maintain the ballot boxes on a desk, table, counter or similar place so that it is raised above the floor and constantly in the view of all individuals present;</p> <p>(c) keep ballot boxes sealed and maintain the security of ballot boxes;</p> <p>(d) maintain the <u>voting record</u> in the prescribed manner;</p> <p>(e) take oaths and declarations as required under this Act, including under section 100;</p> <p>(f) instruct, assist and respond to questions from electors;</p> <p>(g) assist electors who are not on the list of electors in the completion of a declaration referred to in section 100;</p> <p>(h) maintain peace and order in voting stations, voting places and on the premises on which voting places are located;</p> <p>(i) act as justice of the peace where necessary under this Act;</p> <p>(j) perform counts, or assist in counts, of unused ballots, declined ballots, ballots marked in error, valid ballots, invalid ballots</p> <p>(i) in advance voting,</p> <p>(ii) on election day,</p> <p>(iii) in Special Ballot votes, and</p> <p>(iv) in mobile votes;</p> <p>(k) decide on objections to ballots made by individuals attending counts;</p> <p>(l) complete Statements of Vote;</p> <p>(m) provide overall supervision where there are multiple voting stations in a voting place,</p> <p>(n) administer oaths under authority given to them under section 4(3.3);</p> <p>(o) appoint, in the prescribed form, interpreters to translate questions and answers about voting procedures for individuals not conversant in the English language;</p> <p>(p) issue violation tickets under section 153.01;</p> <p>(q) Delegate duties to other election officers as reasonably required;</p> <p>(r) Assist or act in place of another election officer to ensure the duties of the other election officer are performed; and</p> <p>(s) Perform duties as required under this Act or by the Chief Electoral Officer or returning officer, as the case may be.</p> <p>(2) The Chief Electoral Officer shall ensure that election officers are trained sufficiently in order to perform their functions under this Act and as set out by the Chief Electoral Officer.</p> <p>REPEAL: 47.1 (AA) 71-72 (DRO)</p>	<p>Election officers will still have titles to delineate their roles, but the titles and roles will be assigned as an administrative feature, not a legislative feature, to cover all the required duties under the Act and any other practical duties and responsibilities as set by the Chief Electoral Officer.</p> <p>Recommend keeping appointment of returning officers (sections 9-12) and election clerks (sections 47-48) separate. These two positions are appointed directly by the Chief Electoral Officer, not by the returning officers. This separation allows the requirement for returning officers and election clerks to be electors residing in the electoral division.</p> <p>Note: keep section 77.2:</p> <p><i>77.2 Any election officer who is appointed to carry out duties in an electoral division may, at the request of his or her supervisor, be required to carry out the duties of any other officer at any polling place in the electoral division if that other election officer is unable to carry out his or her own duties.</i></p> <p>(3) and (4) are borrowed from existing sections 80 and 85.</p>

	Current Provision	Proposed Revised Provision	Rationale
		<p>73-75 (PC) 75.1 (IO) 76-77 (SDRO) 77.1 (RGO) 78 (interp)</p> <p>(3) The Chief Electoral Officer shall provide all supplies to election officers in sufficient time to enable each of them to adequately and efficiently carry out their duties.</p> <p>(4) The returning officer shall provide to each election officer in charge of a voting area</p> <p style="padding-left: 40px;">(a) one copy of the list of electors for the voting area for use on voting day, and</p> <p style="padding-left: 40px;">(b) a sufficient quantity of the necessary forms and materials to conduct the vote.</p>	
55.	<p>46 The following persons shall not be appointed or act as returning officers, election clerks, administrative assistants, supervisory deputy returning officers, registration officers, deputy returning officers or poll clerks:</p> <p>(a) persons who are not electors;</p> <p>(b) repealed 2010 c8 s15;</p> <p>(c) members of the Parliament of Canada;</p> <p>(d) members of the Legislative Assembly;</p> <p>(e) candidates;</p> <p>(f) official agents;</p> <p>(g) judges of federal or provincial courts;</p> <p>(h) persons who have within the immediately preceding 10 years been convicted of an indictable offence where the penalty that may be imposed for that offence is greater than 2 years' imprisonment.</p>	<p>46 (1) The following individuals shall not be appointed or act as returning officers, election clerks <u>or election officers</u>:</p> <p>(a) <>;</p> <p>(b) repealed 2010 c8 s15;</p> <p>(c) members of the Parliament of Canada;</p> <p>(d) members of the Legislative Assembly;</p> <p>(e) candidates;</p> <p>(f) official agents;</p> <p>(g) judges of federal or provincial courts;</p> <p>(h) individuals who have within the immediately preceding 10 years been convicted of an indictable offence where the penalty that may be imposed for that offence is greater than 2 years' imprisonment.</p>	<p>(a) Delete on similar rationale to deleting the elector requirement for enumerators in section 24. There is increasing difficulty finding people to work as staff. Not requiring them to be citizens creates a bigger pool of people. The returning officer should be an elector, but all other election officers do not exercise discretion. The safeguard is that the choice will still reside with the hiring returning officer.</p> <p>Note: Propose removing "returning officer" and "election clerk" out of definition of "election officer" 1(1)(i) to keep their requirement to be electors.</p>
56.	<p>49(1) An oath or affidavit required under this Act from any person except a returning officer may be sworn before the returning officer for the relevant electoral division.</p> <p>(2) An oath or affidavit required under this Act from any person except a returning officer or election clerk may be sworn before the election clerk for the relevant electoral division.</p>	DELETE	Replacing with proposed section 4(3.3), which expands the ability to swear oaths to any election officer.
57.	<p>50(1) Immediately following receipt of a writ, the returning officer shall have available in the returning officer's office and in any other location as directed by the Chief Electoral Officer one copy of the list of electors transmitted by the Chief Electoral Officer, together with a notice in the prescribed form designating the dates, time and place for consideration of applications for revisions to the list of electors.</p> <p>(2) The period for considering applications for revisions to the list shall</p>	<p>50(1) Immediately following receipt of a writ, the returning officer shall have available in the returning officer's office and in any other location as directed by the Chief Electoral Officer one copy of the list of electors transmitted by the Chief Electoral Officer; together with a notice in the prescribed form designating the dates, time and place for consideration of applications for revisions to the list of electors.</p> <p>(2) <u>Applications for revisions shall continue</u> each day except Sundays and holidays and</p>	<p>Propose eliminating revision period in the returning officer's office. An elector can always get added to the list in the returning officer's office to a certain point, but it is more common to use another of the many ways to change information on a list or get one's name added to list.</p> <p>There will no longer be a commencing date, but will be still a concluding date or deadline – in the proposed new subsection (2)(b).</p>

	Current Provision	Proposed Revised Provision	Rationale
	<p>(a) commence on the 5th day after the date of the writ,</p> <p>(b) continue each day except Sundays and holidays, and</p> <p>(c) conclude on the Saturday of the week preceding the opening of the advance polls.</p> <p>(3) Section 37 applies with all necessary modifications to revisions under this section.</p> <p>(4) At 4 p.m. on the Saturday referred to in subsection (2)(c) or so soon after that hour as all applications of persons present at that hour are disposed of, the returning officer or election clerk shall</p> <p>(a) draw a line immediately under the last name on the list of electors for each polling subdivision, and</p> <p>(b) forthwith date the list and certify that the list of electors is closed to further revision by signing that official's name immediately under the line drawn under the last name on the list.</p>	<p>shall conclude on the Saturday of the week preceding the opening of advance <u>voting</u>.</p> <p>(3) Section 37 applies with all necessary modifications to revisions under this section.</p> <p>(4) At 4 p.m. on the Saturday referred to in subsection (2) or so soon after that hour as all applications of persons present at that hour are disposed of, the returning officer or election clerk shall</p> <p>(a) draw a line immediately under the last name on the list of electors for each polling subdivision, and</p> <p>(b) forthwith date the list and certify that the list of electors is closed to further revision by signing that official's name immediately under the line drawn under the last name on the list.</p>	
58.	<p>52(1) Each returning officer shall, following receipt of the writ, provide polling places at which the polling stations for each polling subdivision within the returning officer's electoral division will be located.</p> <p>(2) A polling place shall be in a location that, in the opinion of the returning officer, is convenient for the electors.</p> <p>(3) Every polling place shall, where practicable, be situated so that it is readily accessible to handicapped persons.</p> <p>(4) A returning officer may utilize as a polling place any public building or any school that is the property of any school district or school division organized under any Act if the building or school is suitable for the purpose.</p> <p>(5) There may be more than one polling station located in a polling place.</p> <p>(6) A polling place or polling station does not need to be located in the polling subdivision but shall be located in the electoral division.</p> <p>(6.1) Notwithstanding subsection (6), with the prior written approval of the Chief Electoral Officer a polling place or polling station may be in an adjacent electoral division if the returning officer is unable to find a suitable place in the electoral division for the polling place or polling station.</p> <p>(7) No polling place may be situated in licensed premises.</p>	<p>52(1) Each returning officer shall, following receipt of the writ, provide <u>voting</u> places at which the <u>voting</u> stations for each <u>voting area</u> within the returning officer's electoral division will be located.</p> <p>(2) A <u>voting</u> place shall be in a location that, in the opinion of the returning officer, is convenient for the electors.</p> <p>(3) Every <u>voting</u> place shall, where practicable, be situated so that it is readily accessible to handicapped individuals.</p> <p>(4) A returning officer may utilize as a <u>voting</u> place any public building or any school that is the property of any school district or school division organized under any Act if the building or school is suitable for the purpose.</p> <p>(5) There may be more than one <u>voting</u> station located in a <u>voting</u> place.</p> <p>(6) A <u>voting</u> place or <u>voting</u> station does not need to be located in the <u>voting area</u> but shall be located in the electoral division.</p> <p>(6.1) Notwithstanding subsection (6), with the prior written approval of the Chief Electoral Officer a <u>voting</u> place or <u>voting</u> station may be in an adjacent electoral division if the returning officer is unable to find a suitable place in the electoral division for the <u>voting</u> place or <u>voting</u> station.</p> <p>ADD: (6.2) With the consent and approval of the Chief Electoral Officer, the returning officer may change the location of a voting place and the voting hours in a voting place.</p>	<p>(6.2) Propose adding for a situation where e.g. sewer backup, the person responsible for opening the voting area fails to show, fire at the polling place the night before, power outage, etc.</p> <p>(6.3) prevents carte blanche changes. The Chief Electoral Officer would be obliged to consider the extent of the disadvantage before giving consent and approval.</p>

	Current Provision	Proposed Revised Provision	Rationale
		<p>(6.3) In determining whether to change the location of a voting place or the voting hours in a voting place, the Chief Electoral Officer must take into account whether the change is required, in order to ensure a fair election, by circumstances relating to that specific location, including potential failure to open a voting place on time, or by occasion of fire, water damage or electrical failure.</p> <p>(7) No <u>voting</u> place may be situated in licensed premises.</p>	
59.	<p>55(1) Each returning officer shall, as soon as possible but not later than the 5th day before nomination day, issue a proclamation containing the following:</p> <p>(a) the place, dates and hours for considering applications for revisions to the lists of electors,</p> <p>(b) the place and hours fixed for the nomination of candidates and the date fixed for the closing of nominations,</p> <p>(c) the place, dates and hours fixed for voting at an advance poll if voting is necessary,</p> <p>(d) the date of polling day and the hours at which the polling places will open and close if voting is necessary,</p> <p>(e) the place, date and time for announcing the results of the official count, that date being the 10th day after polling day, and</p> <p>(f) the name, address and telephone number of the returning officer.</p>	<p>55(1) Each returning officer shall, as soon as possible but not later than the 5th day before nomination day, issue a proclamation containing the following:</p> <p>(a) <></p> <p>(b) the place and hours fixed for the nomination of candidates and the date fixed for the closing of nominations,</p> <p>(c) the place, dates and hours fixed for voting at an advance <u>vote</u> if voting is necessary,</p> <p>(d) the date of <u>election</u> day and the hours at which the <u>voting</u> places will open and close if voting is necessary,</p> <p>(e) the place, date and time for announcing declaring the results of the official count <u>to the Chief Electoral Officer</u>, that date being the <u>7th</u> day after <u>election</u> day, and</p> <p>(f) the name, address and telephone number of the returning officer.</p>	<p>(a) Revisions at the returning officer's office are being removed (see section 50).</p> <p>(e)</p> <ul style="list-style-type: none"> Propose reduce date of announcement of official results, from 10 to 7. 10 days are simply not needed. Even in the electoral division with the initial tie vote in the 2015 Provincial General Election, it took only 3 days to do a full count. Reflect proposed changes in section 138, where the returning officer shall declare results to the Chief Electoral Officer, who shall in turn publish the results.
60.	<p>55 (2.1) A returning officer shall as soon as possible publish the information in the proclamation referred to in subsection (1)(a) to (f) and the information referred to in subsection (2)(b), (d) and (e) in a newspaper of general circulation in the returning officer's electoral division and on the Chief Electoral Officer's website.</p>	<p>55 (2.1) The <u>Chief Electoral Officer</u> shall as soon as possible publish the information in the proclamation referred to in subsection (1)(a) to (f) and the information referred to in subsection (2)(b), (d) and (e) in a newspaper of general circulation in the returning officer's electoral division and on the Chief Electoral Officer's website and <u>in any manner the Chief Electoral Officer deems appropriate</u>.</p> <p>ADD:</p> <p>(2.2) The Chief Electoral Officer may provide directions to returning officers regarding additional publication of the proclamation, or additional copies of the proclamation in the form and manner the Chief Electoral Officer deems appropriate.</p> <p>(4) If any of the information published under subsections (2.1) <u>or (2.2)</u> is or becomes inaccurate for any reason, the returning officer shall</p> <p>(a)publish details of the correction in the <u>same manner</u> newspaper in which the information in the proclamation was published under subsection (2.1) <u>or (2.2)</u> and on the Chief Electoral Officer's website, and</p>	<p>These proposed amendments allow the Chief Electoral Officer to change with the times and with technology with the aim of conveying information in the proclamation in an efficient and effective manner. Any publication is done centrally now. Publication in newspaper of general circulation is no longer necessarily the most efficient or effective way of communicating with electors. The addition of (4.1) puts the responsibility on the Chief Electoral Officer to ensure adequate notice.</p> <p>Note: Elections Alberta does provide a "householder" card to every residence, regardless of whether that residence is listed in the register as housing an elector.</p>

	Current Provision	Proposed Revised Provision	Rationale
		<p>(b)immediately provide to all candidates or their official agents written details of the correction.</p> <p>ADD: (4.1) In all cases of publication of the proclamation in this section, the Chief Electoral Officer or returning officer, as the case may be, shall ensure that electors have adequate notice of an election.</p>	
61.	59(4) At any one time, a person is not eligible to be nominated as a candidate for more than one electoral division.	59(4) At any one time, an individual is not eligible to be nominated as a candidate for more than one electoral division <u>or for more than one registered political party.</u>	<p>To provide clarity that there can be only:</p> <ul style="list-style-type: none"> • One EFCDA registration. • One nomination. • One party. • One name on ballot. <p>The Chief Electoral Officer does not regulate public communication of endorsement, but the one-to-one relationship is necessary for regulation under the <i>Election Act</i> and under the EFCDA.</p>
62.	<p>61(1) A nomination paper is not valid and shall not be filed with the returning officer unless the original nomination paper is submitted for filing and</p> <p>(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,</p> <p>(b) it states an address within Alberta at which documents may be served and notices given respecting the candidate,</p> <p>(c) it contains the appointment, name, address and telephone number of the official agent immediately followed, subject to clause (d), by the signature of the person being nominated,</p> <p>(d) the person being nominated confirms by written Communication</p> <p>(i) that the person is eligible under section 56 for nomination,</p> <p>(ii) that the person consents to the person's nomination,</p> <p>(iii) the appointment of the person's official agent,</p> <p>(iv) that the person is the officially endorsed candidate of a registered political party or is an independent candidate,</p> <p>and the confirmation is filed with the nomination paper,</p> <p>(e) it is accompanied with a deposit of \$500,</p> <p>(f) it is filed with the returning officer prior to 2 p.m. on the date appointed as nomination day.</p> <p>(2) If the person being nominated is to be the candidate of a registered political party, the person shall, at the time of filing the</p>	<p>61(1) A nomination paper is not valid and shall not be filed with the returning officer unless the <u>original</u> nomination paper is submitted for filing and</p> <p>(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,</p> <p>(b) it states an address within Alberta at which documents may be served and notices given respecting the candidate,</p> <p>(c) it contains the appointment, name, address, telephone number and original signature of the official agent immediately followed, subject to clause (d), by the signature of the individual being nominated,</p> <p>(d) the individual being nominated confirms by <u>affidavit and original signature</u></p> <p>(i) that the individual is eligible under section 56 for nomination,</p> <p>(ii) that the individual consents to the individual's nomination,</p> <p>(iii) the appointment of the individual's official agent,</p> <p>(iv) that the individual is the officially endorsed candidate of a registered political party or is an independent candidate,</p> <p>and the confirmation is filed with the nomination paper,</p> <p>ADD: (d.1) the individual being nominated provides <u>to the returning officer identification in a form acceptable to the Chief Electoral Officer to accompany the affidavit;</u></p> <p>(e) DELETE</p>	<p>Maintain the express requirement for an original nomination paper. This will include an original signature by the official agent. The official agent stands in for the candidate and shares much of the same liability, so the signature should be original.</p> <p>(1)(d) – The legislation does not currently require the candidate to sign under the nomination form. This is necessary because being a candidate is a great responsibility and incurs potential liability.</p> <p>Graduating the nominee requirements from a confirmation to an affidavit solves the challenge of identification and signature, as the person will need to swear/affirm and sign as part of the affidavit before a commissioner for oaths.</p> <p>(1)(d.1) The purpose of requiring identification is to check the name, to avoid the mischief of “phantom” candidates who may be nominating themselves to undermine the integrity of the voting process. At the same time, the identification should not be so prescriptive that individuals are barred or discouraged from filing nomination papers, so the amendment includes flexibility in identification.</p> <p>(1)(e) Delete the \$500 deposit here, by consequence of moving it under proposed section 9(2.2) of the EFCDA.</p> <p>(3) The candidate deposit is no longer going through the returning officer, so the receipt will be for other requirements.</p>

	Current Provision	Proposed Revised Provision	Rationale
	<p>person's nomination paper, file a certificate in the prescribed form stating that the nominee is the candidate for that registered political party.</p> <p>(3) On the filing of a valid nomination paper, the returning 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.</p>	<p>(f) all of the above are filed with the returning officer prior to 2 p.m. on the date appointed as nomination day.</p> <p>(2) If the individual being nominated is to be the candidate of a registered political party, the person shall, at the time of filing the individual's nomination paper, file a certificate in the prescribed form stating that the nominee is the candidate for that registered political party.</p> <p>(3) On the filing of a valid nomination paper, the returning 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.</p>	
63.	<p>62(1) The returning officer shall not accept a deposit tendered under section 61(1)(e) unless it consists of</p> <ul style="list-style-type: none"> (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. <p>(2) Repealed 2010 c8 s24.</p> <p>(2.1) The deposit received under section 61 must be refunded to the chief financial officer of the candidate if the required financial statement is filed within the time period referred to in section 43(2) of the Election Finances and Contributions Disclosure Act.</p> <p>(3) If a candidate dies after being nominated and prior to the closing of the polling places on polling day, the deposit shall be refunded to the candidate's chief financial officer.</p> <p>(4) A deposit that is not refunded under this section shall be transmitted to the Chief Electoral Officer for deposit to the General Revenue Fund.</p>	DELETE	The candidate deposit is proposed to be relocated to section 9(2.2) of the EFCDA.
64.	<p>65(1) At any time after the filing of the candidate's nomination paper but not later than 48 hours before the opening of the polls on polling day, the candidate may withdraw by filing with the returning officer a declaration to that effect signed by the candidate and having the candidate's signature witnessed.</p>	<p>65(1) At any time after the filing of the candidate's nomination paper but not later than 48 hours <u>before the opening of voting for the first day of advance voting</u>, the candidate may withdraw by filing with the returning officer a declaration to that effect <u>with an original signature</u> by the candidate and having the candidate's signature witnessed.</p>	<p>Currently, 1(1)(w) "<i>polling day</i>" means the day fixed for voting at an election;</p> <p>The current version worked when there was a single voting day.</p> <p>Today, 48 hours or more before "polling day" can be in the middle of advance polls, which is not consistent for a withdrawal.</p> <p>This may not be adequately fixed by 98(4): <i>98(4) The provisions respecting the conduct of an election on polling day and related matters apply, with all necessary modifications, to the holding of an advance poll.</i></p> <p>Adding the requirement for an original signature to withdraw as a candidate recognizes that withdrawal has a significant impact.</p>
65.	<p>67(2) On complying with subsection (1), the returning officer shall, as soon as possible,</p> <p>(a) make available a list of the candidates to each candidate or each candidate's official agent, and</p>	<p>67(2) On complying with subsection (1), the returning officer shall, as soon as possible,</p> <p>(a) make available a list of the candidates to each candidate or each candidate's official agent, and</p>	The legislation does not require home addresses, and there have been some issues with home addresses being published. At the same time, electors need some kind of contact information. Allowing the Chief Electoral Officer to specify the kind of contact

	Current Provision	Proposed Revised Provision	Rationale
	(b) publish in the prescribed form the names, addresses and telephone numbers of the candidates' official agents in a newspaper of general circulation in the electoral division and on the Chief Electoral Officer's website.	(b) publish in the prescribed form the names and <u>contact information of the candidates' official agents in a form and manner directed by the Chief Electoral Officer and on the Chief Electoral Officer's website.</u>	information required for official agents permits flexibility to ensure electors are able to contact official agents effectively.
66.	70 Each returning officer shall (a) publish once within the 7 days immediately preceding polling day, in one or more newspapers of general circulation in the electoral division and on the Chief Electoral Officer's website, (i) a copy of the map of the electoral division setting out the numbered polling subdivisions, (ii) a list of the locations of the polling places, (iii) a statement of the availability of level access to the office of the returning officer and to the advance polling places, and (iv) a list of qualifications for electors who may use a Special Ballot,	70 Each returning officer shall (a) publish once within the 7 days immediately preceding <u>election</u> day, in a form and manner directed by the Chief Electoral Officer one or more newspapers of general circulation in the electoral division and on the Chief Electoral Officer's website, (i) a copy of the map of the electoral division setting out the numbered <u>voting areas</u> , (ii) a list of the locations of the <u>voting</u> places, (iii) a statement of the availability of level access to the office of the returning officer and to the advance <u>voting</u> places, and (iv) a list of qualifications for electors who may use a Special Ballot,	The proposed change gives the Chief Electoral Officer or returning officers the flexibility to publish in the best manner available. This could be in the newspapers, but it may not be. <i>See the rationale for section 55(2.1) above.</i>
67.	79(1) Each candidate may appoint in the prescribed form not more than 4 electors as scrutineers (a) to represent the candidate at each polling station, (b) to be present at the place to which the ballot box is brought under section 96(1.1), (c) to observe the election procedures on the candidate's behalf, and (d) to be present at the registration officer's station while an elector is completing a declaration under section 95.	79(1) <u>Subject to subsection (2),</u> each candidate may appoint in the prescribed form not more than 4 electors as scrutineers (a) to represent the candidate at each <u>voting</u> station, (b) to be present at the place to which the ballot box is brought under section 96(1.1), (c) to observe the election procedures on the candidate's behalf, and (d) to be present at the registration officer's station while an elector is completing a declaration under <u>section 100</u> . ADD: (2) For the purposes of subsection (1): (a) Only one scrutineer for a candidate may be present at a voting station or the registration station at any one point in time; (b) A voting station is a single voting station over all days of the advance voting, and a registration station is a single registration station over all days of the advance voting; (c) Each candidate may have 4 scrutineers for election day, and 4 scrutineers for each day of an advance vote; and (d) Scrutineers shall take the prescribed oath of secrecy before performing their duties and shall aid in maintaining the secrecy of the voting. (2.1) If an election officer suspects that any contravention of the law governing secrecy in	This section has been interpreted in various ways. The idea is to have only one scrutineer for a candidate present at a voting station at any one time. The reason is so as to not overwhelm the voting station with scrutineers. Limiting the number of scrutineers reduces instances of disruption, intimidation and disenfranchisement in the voting process. The intent of the amendment is to make clear that: <ul style="list-style-type: none"> • There may be 1 scrutineer per candidate at a registration desk, and 1 at all voting stations – this comes from s. 92(1)(f) and (f.1) • A candidate may appoint 4 scrutineers per voting station, but only 1 can be there at any one time. • A candidate may reappoint the individual for another day or another voting station. • A candidate may have 4 scrutineers per voting station for <i>each day</i> of the advance voting. This is a change from the current legislation, as 4 days of advance voting are a single poll, not 4 separate polls. (2) and (2.1) are borrowed from section 93.

	Current Provision	Proposed Revised Provision	Rationale
		relation to voting has occurred, the election officer shall as soon as possible advise the returning officer, who shall immediately notify the Chief Electoral Officer.	
68.	79 (5) A scrutineer shall comply with the code of conduct, and a scrutineer may be removed from the polling place if in the opinion of the supervisory deputy returning officer or deputy returning officer the scrutineer fails to comply with the code.	79 (5) A scrutineer shall comply with the code of conduct, and a scrutineer may be removed from the <u>voting</u> place if in the opinion of the supervisory deputy returning officer or deputy returning officer the scrutineer fails to comply with the code. ADD: (5.1) In the event a scrutineer is removed from the voting place, that scrutineer shall not be replaced, and shall not be reappointed or act as a scrutineer in any electoral division.	(5.1) The intention of the amendment is to oust scrutineers who do not comply with the code of conduct from the whole process, and penalize the candidate who appointed them. Remove "re" from "reappointed," because appointing the same scrutineer in a different electoral division would be a new appointment, not a re-appointment. The proposed wording would catch that event.
69.	80 The Chief Electoral Officer shall provide all supplies not previously delivered to the returning officers in sufficient time to enable each of them to adequately and efficiently carry out the returning officer's duties. 85 The returning officer shall provide to each deputy returning Officer (a) one copy of the list of electors for the deputy returning officer's particular polling subdivision for use on polling day, and (b) a sufficient quantity of the necessary forms and materials to conduct the poll.	DELETE: 80 <> 85 <>	Content relocated to section 45.1(3) and (4).
70.	81(2) The ballot boxes shall be (a) made of a durable material, (b) accompanied with a sufficient number of appropriate seals, and (c) designed in a manner that permits the deposit of ballots but does not permit their removal without breaking the seals after they have been attached.	81(2) The ballot boxes shall be (a) <DELETE> (b) accompanied with <u>appropriate sealing material</u> a sufficient number of appropriate seals , and (c) designed in a manner that permits the deposit of ballots but does not permit their removal without breaking the seals after they have been <u>applied</u> attached.	(a) Delete, as ballot boxes are actually cardboard boxes these days. (b) and (c) Returning officers use special tape these days, not seals. The purpose of seals is to identify when tampered with, but it may not prevent a person from breaking in.
71.	82(1) Each returning officer shall have printed on paper supplied to the returning officer by the Chief Electoral Officer the ballots for use in the election in the returning officer's electoral division. (2) The number of ballots printed shall exceed by at least 25% the number of electors listed in the electoral division. (3) The printer shall deliver to the returning officer with the printed ballots a completed and executed Affidavit of Printer in the prescribed form.	82(1) Each returning officer <u>or the Chief Electoral Officer</u> shall have printed on paper supplied to the returning officer by the Chief Electoral Officer the ballots for use in the election in the returning officer's electoral division. (2) The number of ballots printed shall exceed by at least 25% the number of electors listed in the electoral division. (3) The printer shall deliver, to the returning officer <u>under direction of the Chief Electoral officer, or to the Chief Electoral Officer</u> , with the printed ballots a completed and executed Affidavit of Printer in the prescribed form.	Depending on the type of ballot, ballot printing can be coordinated centrally through the Chief Electoral Officer, or arranged by each of the 87 returning officers.
72.	83(1) On each ballot shall be printed the name of each candidate together with (a) the name of the registered political party for which the candidate is the candidate, or	83(1) On each ballot shall be printed the name of each candidate together with (a) the name of the registered political party for which the candidate is the candidate, or	Change layout of ballot to a simpler design. This will mean fewer opportunities for a printer to make errors. Keep size (width) of paper. Reduce voter confusion by:

	Current Provision	Proposed Revised Provision	Rationale
	<p>(b) the word "Independent" if the candidate is not a candidate for a registered political party</p> <p>in a type of 10 point capital letters.</p> <p>(2) Notwithstanding subsection (1)(a), an abbreviated form of the name of the registered political party or recognizable initials representing that party as directed by the leader of the political party under section 7(1)(b) of the <i>Election Finances and Contributions Disclosure Act</i> may be used.</p>	<p>(b) the word "Independent" if the candidate is not a candidate for a registered political party</p> <p>in a type of minimum <u>12</u> point capital letters.</p> <p>(2) Notwithstanding subsection (1)(a), an abbreviated form of the name of the registered political party or recognizable initials representing that party as directed by the leader of the political party under section 7(1)(b) of the <i>Election Finances and Contributions Disclosure Act</i> may be used.</p>	<ul style="list-style-type: none"> • Smaller circles, as there is less room to "scribble." • Locating the candidate's name closer to the circle in which the voter marks an "x." Propose circles justified to the right of the ballot's edge, with the name flush to it. • Larger fonts, with the candidate's surname larger than the party name (if any). • Set white lines across each candidate's 'box' on the ballot so the ballot is clearly divided into sections, one section per candidate. The lines become necessary with less space and larger fonts. <p>Maintain the integrity of the ballot by, on the back:</p> <ul style="list-style-type: none"> • Do not record the elector number on the ballot. • Identify the electoral division, initials of the election officer, and the name of the printer. • Mark the year, not "date of election" because a date is confusing in relation to advance polls. • Keep the initials of "election officer" to the fold below, in a box; bigger print.
73.	<p>83(3) The names of the candidates shall be printed on the ballot as follows:</p> <p>(a) the candidate's</p> <p>(i) given name,</p> <p>(i.1) middle name,</p> <p>(ii) initials, or</p> <p>(iii) nickname</p> <p>or any combination of them in a type of 10 point capital letters;</p> <p>(b) the candidate's surname shall appear following the given name, initials or nickname, as the case may be, and be in a type of 12 point capital letters;</p> <p>(c) the candidates' names shall be listed on the basis of the alphabetical order of their surnames and, where 2 or more candidates have identical surnames, those candidates' names shall be listed on the basis of the alphabetical order of their given names;</p> <p>(d) no titles, degrees, prefixes or suffixes may be included with a name.</p> <p>(3.01) For the purpose of subsection (3)(a)(i.1), only one middle name is permitted.</p> <p>(3.1) Notwithstanding subsections (1) and (3), where the name of the registered political party or a candidate does not fit on the ballot, the returning officer shall have the ballots printed, in their entirety, in a font that is up to 2 points smaller than that required by subsections (1) and (3).</p> <p>(3.2) The Chief Electoral Officer may disallow the use of a nickname if in the opinion of the Chief Electoral Officer it is a nickname by which the candidate is not generally known or that is unacceptable for any other reason.</p>	<p>83(3) The names of the candidates shall be printed on the ballot as follows:</p> <p>(a) the candidate's</p> <p>(i) given name,</p> <p>(i.1) middle name,</p> <p>(ii) initials, or</p> <p>(iii) <u>subject to subsection (3.2),</u> nickname</p> <p>or any combination of them in a type of <u>minimum 10</u> point capital letters;</p> <p>(b) the candidate's surname shall appear following the given name, initials or nickname, as the case may be, and be in a type of <u>minimum 12</u> point capital letters;</p> <p>(c) the candidates' names shall be listed on the basis of the alphabetical order of their surnames and, where 2 or more candidates have identical surnames, those candidates' names shall be listed on the basis of the alphabetical order of their given names;</p> <p>REPLACE:</p> <p><u>(d) If the candidate proposes that a name other than the candidate's legal name appear on a ballot, the following rules apply:</u></p> <p>(i) no titles, degrees, prefixes or suffixes may be included with a name.</p> <p>(ii) a proposed name may not consist primarily of a combination of punctuation marks or other marks.</p> <p>(iii) a name is not permitted where the only difference between the proposed name and the name of another candidate is</p> <p>(A) the addition or deletion of punctuation marks or spaces,</p> <p>(B) any other change that does not produce a phonetic difference between the proposed name and the name of the other candidate.</p> <p>or</p>	<p>(3)(d) Language is borrowed from the <i>Alberta Business Corporations Regulation</i>. The mischief aimed at is candidates interfering with the integrity of an election. E.g. "Not-Lee"; Rory Blademan.</p>

	Current Provision	Proposed Revised Provision	Rationale
		<p>(iv) the Chief Electoral Officer may refuse a proposed name having regard for the integrity of the electoral process.</p> <p>(3.01) For the purpose of subsection (3)(a)(i.1), only one middle name is permitted.</p> <p>(3.1) Notwithstanding subsections (1) and (3), where the name of the registered political party or a candidate does not fit on the ballot, the returning officer shall have the ballots printed, in their entirety, in a font that is up to 2 points smaller than that required by subsections (1) and (3).</p> <p>(3.1) Notwithstanding subsections (1) and (3), where the name of the registered political party or a candidate does not fit on the ballot, the returning officer shall have the ballots printed, in their entirety, in a font that is up to 2 points smaller than that required by subsections (1) and (3).</p> <p>(3.2) The Chief Electoral Officer may disallow the use of a nickname if in the opinion of the Chief Electoral Officer it is a nickname by which the candidate is not generally known or that is unacceptable for any other reason.</p>	
74.	<p>83</p> <p>(4) Every ballot shall include a counterfoil and stub, and there must be a line of perforations between</p> <p>(a) the ballot and the counterfoil, and</p> <p>(b) the counterfoil and the stub.</p> <p>(5) The ballot, counterfoil and stub shall be in the prescribed form and shall be bound or stitched in books in quantities that the returning officer considers appropriate.</p> <p>(6) The ballots shall be serially numbered with the number of each ballot appearing on the back of both the stub and counterfoil.</p> <p>(7) All ballots shall be as nearly alike as possible.</p> <p>(8) Repealed 2010 c8 s27.</p> <p>(9) Each ballot shall have printed on its back the name of the electoral division and the year of the election.</p>	<p>83</p> <p>(4) Every ballot shall include a counterfoil and stub, and there must be a line of perforations between <u>the ballot and the stub</u>.</p> <p>(5) The ballot, counterfoil and stub shall be in the prescribed form and shall be bound or stitched in books in quantities that the <u>Chief Electoral Officer</u> considers appropriate.</p> <p>(6) <> DELETE</p> <p>(7) All ballots shall be as nearly alike as possible.</p> <p>(8) Repealed 2010 c8 s27.</p> <p>(9) Each ballot shall have printed on its back the name of the electoral division and the year of the election.</p>	<p>Propose removing the counterfoil because:</p> <ul style="list-style-type: none"> There is no counterfoil on a tabulator ballot. The ballot still requires the initials of the election officer issuing the ballot to the elector, to confirm the person casting the ballot is the same person who received that ballot. Initializing ties the ballot to the voting record. To some voters, the counterfoil lends an appearance of being able to track who they are voting for. Removing the counterfoil eliminates this perception. It is less confusing for the elector. It is less difficult to print without a counterfoil. <p>Keep serial number on the stub but not on the ballot (counterfoil).</p>
75.	<p>84 Each returning officer shall maintain a record of</p> <p>(a) the quantity of ballots that are provided to the deputy returning officers in the electoral division, and</p> <p>(b) the serial numbers of the ballots.</p>	<p>84 Each returning officer shall maintain a record of</p> <p>(a) the quantity of ballots that are provided to the <u>election officers for the particular voting area</u>; and</p> <p>(b) <u>any other information required by the Chief Electoral Officer</u>.</p>	<p>(b) Change because there are no serial numbers on tabulator ballots.</p> <p>Every ballot will have election officer initials, and will be recorded as to cast ballots. The important thing is to record the number of ballots. Without serial numbers being recorded, an election officer can still protect the integrity of ballots and protect against ballot box stuffing.</p>

	Current Provision	Proposed Revised Provision	Rationale
76.	86(1) If a returning officer considers it necessary following the revision under section 50, the returning officer may establish additional polling places or polling stations for the convenience of the voters.	86(1) If a returning officer considers it necessary following the revision under section 50 , the returning officer may establish additional <u>voting</u> places or <u>voting</u> stations for the convenience of the voters.	Remove reference to revision period in section 50.
77.	86(2) If additional polling places or polling stations are provided, they shall be as near to the original polling places as possible, and the returning officer shall give immediate notice of the additional polling places or polling stations, as the case may be, to all candidates in the electoral division or their official agents by telephone, confirmed by written notice.	86(2) If additional <u>voting</u> places or <u>voting</u> stations are provided, they shall be as near to the original <u>voting</u> places as possible, and the returning officer shall give immediate notice of the additional voting places or voting stations, as the case may be, to all candidates in the electoral division or their official agents by telephone , confirmed by written notice.	It is often difficult to get hold of people by phone during an election. Sometimes telephone is not the most immediate or effective way to give notice. The initial notice will still be followed up by written notice. "Written notice" would include electronic notice (e.g. e-mail).
78.	87 When there is more than one polling station located in a polling place and no supervisory deputy returning officer has been appointed, the returning officer may designate a deputy returning officer of one of the polling stations to maintain order within the polling place.	87 When there is more than one voting station located in a voting place and no supervisory deputy returning officer has been appointed , the returning officer may designate <u>an election officer</u> at one of the voting stations to maintain order within the voting place.	Change language to reflect flexibility in election officers as per proposed section 45.1.
79.	<p>Pilot for earlier opening of polls at a by-election</p> <p>88.1(1) Notwithstanding section 88(1)(c), where authorized under subsection (3), polling places with respect to a by-election authorized under the regulations to be conducted in accordance with this section shall be open for the purpose of voting from 7 a.m. to 9 p.m. on polling day.</p> <p>(2) In order to assist with the counting of ballots at a poll for a by-election authorized to be conducted in accordance with this section, the Chief Electoral Officer may use vote-counting equipment for the purpose of conducting the unofficial count of votes under this Act.</p> <p>(3) The Lieutenant Governor in Council may make regulations</p> <p>(a) authorizing that a by-election may be conducted in accordance with this section;</p> <p>(b) respecting the modification of procedures under this Act for the unofficial counting of votes.</p> <p>(4) After a by-election that has been authorized to be conducted in accordance with this section has been held, the Chief Electoral Officer shall table a report with the Standing Committee setting out the Chief Electoral Officer's opinion on the following:</p> <p>(a) whether any increase in voter turnout was attributable to the earlier opening of the poll;</p> <p>(b) whether the use of any vote-counting equipment that was used at the by-election was effective and efficient;</p> <p>(c) whether the extended hours had any adverse effect on election officials and their ability to carry out their functions, including whether they caused any difficulty in recruiting persons to work at the poll;</p>	<p>DELETE</p> <p>88.1 <></p>	<p>This was similar to section 4.1, which relates to procedures and equipment. Section 88.1 is for tabulators and extended hours, but those can apply under section 4.1.</p> <p>The proposed deletion is not only to avoid redundancy, however. Under the existing section 88.1, the Lieutenant Governor in Council could issue a regulation at the last minute, at any minute. A political decision should not make rules of when people can vote.</p>

	Current Provision	Proposed Revised Provision	Rationale
	<p>(d) any other matter the Chief Electoral Officer considers appropriate.</p> <p>(5) The Standing Committee shall lay the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, not more than 15 days after the commencement of the next sitting of the Assembly.</p>		
80.	<p>Opening of polling place</p> <p>89(1) Each deputy returning officer shall attend at the polling place at least 30 minutes prior to the opening of the deputy returning officer's polling station.</p> <p>(2) During the 30 minutes immediately prior to the opening of the polling place, candidates, official agents and scrutineers are entitled to inspect the ballots and examine all documents, materials and ballot boxes to be used in the taking of the poll.</p>	<p>Opening of <u>voting</u> place</p> <p>89(1) Each <u>election officer responsible for a voting station</u> shall attend at the voting place at least <u>60</u> minutes prior to the opening of the deputy returning officer's voting station.</p> <p>(2) During the 30 minutes immediately prior to the opening of the voting place, candidates, official agents and scrutineers are entitled to inspect the ballots and examine all documents, materials and ballot boxes to be used in the taking of the vote.</p>	<p>60 minutes in advance, rather than only 30 minutes, permits better organization and better ability to accommodate unexpected events, or to move a voting station as necessary.</p> <p>(2) is unchanged.</p>
81.	<p>Posting of bulletins</p> <p>90(1) Prior to the opening of a polling station, the deputy returning officer shall post in a conspicuous location at the polling station one copy of each of the following prescribed bulletins:</p> <p>(a) Notice as to Secrecy of Voting;</p> <p>(b) Directions for Guidance of Voters.</p> <p>(c) repealed 2010 c8 s29.</p>	<p>Posting of bulletins</p> <p>90(1) Prior to the opening of a <u>voting</u> station, the deputy returning officer shall post in a conspicuous location at the <u>voting</u> station one copy of each of the following prescribed bulletins:</p> <p>(a) Notice as to Secrecy of Voting;</p> <p>(b) Directions for Guidance of Voters.</p> <p>ADD: (c) <u>and such other bulletins required by the Chief Electoral Officer to assist in the effective conduct of the election.</u></p>	<p>There may be bulletins necessary to the integrity or efficiency of the voting process, or to inform voters. These may be required by the Chief Electoral Officer.</p>
82.	<p>91(1) Each polling station shall contain one or more polling booths arranged so that when a voter is in the polling booth the voter is screened from observation and may mark the voter's ballot without interference.</p> <p>(2) In each polling booth there shall be provided for the use of voters marking their ballots</p> <p>(a) a suitable table, desk or shelf, and</p> <p>(b) a suitable marking instrument which shall be properly maintained during polling hours.</p>	<p>91(1) Each voting station shall contain one or more voting booths arranged so that when a voter is in the voting booth the voter is screened from observation and may mark the voter's ballot without interference.</p> <p>(2) In each voting booth there shall be provided for the use of voters marking their ballots</p> <p>(a) a suitable table, desk or shelf, and</p> <p>(b) a suitable marking instrument which shall be properly maintained during voting hours.</p>	<p>"polling booth" → "voting booth" Modernize language to match general change of "polling" to "voting."</p>
83.	<p>Persons entitled to remain in polling place</p> <p>92(1) Only the following persons may remain in a polling place during polling hours:</p> <p>(a) the supervisory deputy returning officer and deputy returning officers;</p> <p>(a.1) the registration officers;</p> <p>(b) the poll clerks;</p> <p>(c) the returning officer or election clerk;</p> <p>(d) the Chief Electoral Officer, members of the Chief Electoral Officer's office staff</p>	<p>Individuals entitled to remain in <u>voting</u> place</p> <p>92(1) Only the following individuals may remain in a <u>voting</u> place during <u>voting</u> hours:</p> <p>(a) <u>the election officers as required by the Chief Electoral Officer to administer and oversee the voting;</u></p> <p>(a.1) <></p> <p>(b) <></p> <p>(c) the returning officer or election clerk;</p> <p>(d) the Chief Electoral Officer, members of the Chief Electoral Officer's office</p>	<p>Currently, official agents have special status to remain at a voting place as long as they like.</p> <p>However, official agents are akin to stand-ins for candidates throughout this Act. Official agents should be on same status as a candidate. There is no reason to let the official agents remain there all day.</p> <p>A practical alternative is that a candidate may appoint the official agent as a scrutineer. In that event, the official agent may remain, but will be subject to the code of conduct for scrutineers, and the official agent will take the oath of secrecy – see section 93(1).</p>

	Current Provision	Proposed Revised Provision	Rationale
	<p>designated by the Chief Electoral Officer and visiting officials from other electoral jurisdictions authorized by the Chief Electoral Officer;</p> <p>(e) the official agents of the candidates;</p> <p>(f) one scrutineer per candidate for each ballot box;</p> <p>(f.1) one scrutineer per candidate at each registration officer's station;</p> <p>(g) the interpreters;</p> <p>(h) peace officers appointed under the <i>Peace Officer Act</i>;</p> <p>(i) the information officers;</p> <p>(j) other election officers authorized by the Chief Electoral Officer.</p>	<p>staff designated by the Chief Electoral Officer and visiting officials from other electoral jurisdictions authorized by the Chief Electoral Officer;</p> <p>(e) <></p> <p>(f) one scrutineer per candidate for each ballot box;</p> <p>(f.1) one scrutineer per candidate at each registration officer's station;</p> <p>(g) <></p> <p>(h) peace officers appointed under the <i>Peace Officer Act</i>;</p> <p>(i) <></p> <p>(j) other election officers authorized by the Chief Electoral Officer.</p>	
84.	92(2) Nothing in this Act restricts a candidate from briefly visiting a polling place during polling hours.	92(2) Nothing in this Act restricts a candidate <u>or a candidate's official agent</u> from briefly visiting a <u>voting</u> place during <u>voting</u> hours.	Proposed amendment is consistent with treating an official agent on the same status as a candidate (see rationale under section 92(1) above).
85.	<p>95(1) An elector who is otherwise eligible to vote but whose name does not appear on the list of electors for the polling subdivision in which the elector is ordinarily resident may vote if</p> <p>(a) the elector produces to the registration officer or deputy returning officer the following proof of his or her identity and current residence:</p> <p>(i) 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</p> <p>(ii) 2 pieces of identification authorized by the Chief Electoral Officer each of which establish the elector's name and at least one of which establishes the elector's current address,</p> <p>and</p> <p>(b) the elector signs a declaration before the registration officer or deputy returning officer stating that the elector</p> <p>(i) qualifies as an elector,</p> <p>and</p> <p>(ii) ordinarily resides in that polling subdivision.</p> <p>(2) An elector may instead prove his or her identity and residence by signing a declaration if he or she is accompanied by an elector whose name appears on the list of electors for the same polling subdivision and that elector</p> <p>(a) provides to the registration officer or deputy returning officer the piece or pieces of identification referred to in subsection (1)(a), and</p> <p>(b) vouches for him or her by signing a declaration.</p> <p>(3) The registration officer or deputy returning officer shall indicate on the</p>	95 <DELETE>	Combined into proposed section 100.

	Current Provision	Proposed Revised Provision	Rationale
	<p>declaration referred to in subsections (1) and (2) the nature of the identification accepted.</p> <p>(4) An elector who has been vouched for at an election may not vouch for another elector at that election.</p> <p>(4.1) Scrutineers may not vouch for an elector.</p> <p>(5) The Chief Electoral Officer shall publish each year, and within 3 days after the issue of a writ, in a manner that he or she considers appropriate, a notice setting out the types of identification that are authorized for the purpose of subsection (1)(a)(ii).</p> <p>(6) The deputy returning officer shall, after receiving a signed declaration under subsection (1)(b) or (2), enter the elector's name and address on the list of electors and enter in the poll book in the appropriate column a check mark or other annotation indicating that the voter signed a declaration or was vouched for, as the case may be.</p>		
86.	<p>96(1) The deputy returning officer, at the request of a voter who is unable to vote in the usual manner due to a physical incapacity or inability to read the ballot, shall</p> <p>(a) assist the voter by marking the voter's ballot in the manner directed by the voter in the presence of the poll clerk, and</p> <p>(b) if requested by the voter, place the ballot so marked in the ballot box.</p> <p>(1.1) Where a voter is unable to access a polling place because of the voter's physical incapacity, the poll clerk, and the other election officers the deputy returning officer considers necessary, shall bring the ballot box to some other place on the site on which the polling place is located.</p> <p>116(1)(a) An elector who is unable to vote at an advance poll or at the poll on polling day on account of</p> <p>(a) physical incapacity,</p> <p>118(5) On determining that the voter is recorded in the Special Ballot Poll Book, that a copy of the prescribed identification document or documents has been included and that part 1 of the certificate is completed, the returning officer or election clerk, as the case may be, shall,</p> <p>(a)...</p> <p>(vi) enter in the Special Ballot Poll Book, in the appropriate columns, a check mark or other annotation indicating that the voter has voted and the reason for using the Special Ballot, that is, physical incapacity, absence, inmate, election officer, candidate, official agent, scrutineer, remote area or another reason prescribed by the Chief Electoral Officer,</p>	<p>96(1) The deputy returning officer, at the request of a voter who is unable to vote in the usual manner due to a physical incapacity <u>disability</u> or inability to read the ballot, shall</p> <p>(a) assist the voter by marking the voter's ballot in the manner directed by the voter in the presence of an election officer, and</p> <p>(b) if requested by the voter, place the ballot so marked in the ballot box.</p> <p>(1.1) Where a voter is unable to access a voting place because of the voter's physical incapacity disability, a number of election officers considered necessary by the election officer responsible for the voting station, shall bring the ballot box to some other place on the site on which the voting place is located.</p> <p>116(1)(a) An elector who is unable to vote at an advance poll or at the poll on <u>voting</u> day on account of</p> <p>(a) physical incapacity disability,</p> <p>118(5) On determining that the voter is recorded in the Special Ballot Poll Book, that a copy of the prescribed identification document or documents has been included and that part 1 of the certificate is completed, the returning officer or election clerk, as the case may be, shall,</p> <p>(a) ...</p> <p>(vi) enter in the Special Ballot Poll Book, in the appropriate columns, a check mark or other annotation indicating that the voter has voted and the reason for using the Special Ballot, that is, physical incapacity disability, absence, inmate, election officer, candidate, official agent, scrutineer, remote area or another reason prescribed by the Chief Electoral Officer,</p>	<p>Change "incapacity" to "disability" in sections 96(1) and (1.1); 116(1)(a); 118(5)(a)(vi).</p>
87.	<p>97 The returning officer shall provide one copy of the list of electors for all assigned polling subdivisions in the electoral division</p>	<p>REPLACE WITH:</p> <p>97 The <u>Chief Electoral Officer</u> shall provide a copy of the list of electors for use at advance polls by <u>election officers</u>.</p>	<p>Currently, the returning officer distributes the lists of electors to the deputy returning officers responsible for each polling subdivision. Under this proposed</p>

	Current Provision	Proposed Revised Provision	Rationale
	for use by the deputy returning officer at the advance poll.		<p>amendment, the Chief Electoral Officer will distribute the lists to "election officers."</p> <p>This will work for vote-anywhere advance voting anywhere in the province, which is a pending development. For vote-anywhere advance voting, the list will be electronic with the entire voting list for the whole province of Alberta available to the election officers taking the votes.</p>
88.	98(1.1) Notwithstanding subsection (1), the Chief Electoral Officer may authorize a returning officer to establish more than 4 polling places.	98(1.1) Notwithstanding subsection (1), the Chief Electoral Officer may authorize <u>or require</u> a returning officer to establish more than 4 <u>voting</u> places.	Allows the Chief Electoral Officer to step in, if necessary.
89.	<p>98(6) Each day at the close of the polling place for an advance poll the ballot box</p> <p>(a) shall be sealed by the deputy returning officer and poll clerk, and</p> <p>(b) may be sealed by any candidate, official agent or scrutineer so desiring,</p> <p>so that it cannot be opened and no ballots can be deposited without breaking those seals.</p> <p>(7) Seals placed on a ballot box shall not be removed from the time they are placed on it until the close of the polling places on polling day except as may be necessary at the opening of the polling place for the advance poll on the Friday and Saturday to permit the deposit of ballots.</p> <p>(8) At the close of the polling place for the advance poll on the final day the deputy returning officer shall, after the seals have been affixed pursuant to subsection (6), take charge of and safely keep the ballot box until the close of polls on polling day, when the ballots shall be counted in accordance with section 111.</p>	<p>98(6) Each day at the close of the voting place for an advance vote the ballot box</p> <p>(a) shall be sealed by the deputy returning officer and poll clerk, and</p> <p>(b) may be sealed by any candidate, official agent or scrutineer so desiring,</p> <p>so that it cannot be opened and no ballots can be deposited without breaking those seals.</p> <p>(7) Seals placed on a ballot box shall not be removed from the time they are placed on it until the close of the voting places on voting day except as may be necessary at the opening of the voting place for the advance vote on the <u>Thursday</u>, Friday and Saturday to permit the deposit of ballots.</p> <p>(8) At the close of the voting place for the advance vote on the final day the deputy returning officer shall, after the seals have been affixed applied pursuant to subsection (6), take charge of and safely keep the ballot box until the close of polls on voting day, when the ballots shall be counted in accordance with section 111.</p>	<p>(8) "Applied" instead of "affixed" to make it consistent with the wording around section 81(2)(b) and with the reality that election officers use sealing tape.</p> <p>(7) Housekeeping: add Thursday before Friday. This was missed when the Wednesday of advance voting was added.</p>
90.	NEW	<p>ADD:</p> <p>98.1(1) If the Chief Electoral Officer determines that, at an election, electronic vote counting equipment or accessible voting equipment is to be used with respect to voting at advance polls, the Chief Electoral Officer, at any time before a writ of election is issued, or not later than 7 days after a writ of election is issued, shall</p> <p>(a) make a directive describing in detail the election procedures and equipment to be used at that election,</p> <p>(b) provide copies of the directive to the leader of each registered political party, and</p> <p>(c) publish the directive on the Chief Electoral Officer's website.</p> <p>(2) An election held in accordance with a directive made under this section is not invalid by reason of any non-compliance with this Act.</p> <p>(3) To the extent of any conflict between a directive made under this section and this</p>	Allows for alternative voting processes to be used at advance voting, with sufficient direction required to be given to parties and the public.

	Current Provision	Proposed Revised Provision	Rationale
		<p>Act, the directive prevails and has the force of law with respect to the election.</p> <p>(4) In this section, "accessible voting equipment" means voting equipment that assists individuals with disabilities to vote.</p>	
91.	<p>100(1) Each elector who presents himself or herself to vote on polling day shall give his or her name and address to the deputy returning officer and if</p> <p>(a) the name of that elector appears on the list of electors for the polling subdivision, or</p> <p>(b) the elector complies with section 95(1) or (2),</p> <p>the poll clerk shall strike the elector's name off the list of electors and enter the name and address in the poll book if it is not already there, and for each name so recorded the poll clerk shall enter a number in consecutive sequence opposite it.</p>	<p>100(1) An elector may vote at a voting station if the elector complies with section 100.1, 100.2, 100.3, 100.4 or 100.5.</p> <p>(2) For the purposes of sections 100, 100.2, 100.3, 100.4 and 100.5, "identification" means</p> <p>(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 the elector's name and current address, or</p> <p>(b) 2 pieces of identification authorized by the Chief Electoral Officer each of which establish the elector's name and at least one of which establishes the elector's current address.</p> <p>(3) The Chief Electoral Officer shall publish each year, and within 3 days after the issue of a writ, in a manner that he or she considers appropriate, a notice setting out the types of identification that are prescribed for the purpose of section (2)(b).</p> <p>(4) The list of electors may be contained within the voting record.</p>	<p>Confirmation of identity and address will now be required from everyone. This is consistent with municipal and federal legislation.</p> <p>Combining current sections 95 and 100 under a single set of provisions simplifies and streamlines identification and vouching processes.</p> <p>The purpose is twofold: (1) facilitate the vote by making it clear to everyone what electors need in order to vote; and (2) protect the integrity of the system.</p> <p>Section 100 is overarching, accompanied by 5 possibilities depending on the elector's name being on the list of electors, or not; and depending on the elector providing the prescribed identification, or not; and depending on the elector's identification matching the information in the list, or not:</p> <ul style="list-style-type: none"> • section 100.1 is when the elector's name is on the list and the elector's identification matches the information on the list. • section 100.2 is when the elector's name is on the list but the elector's identification does not match the information on the list (for example, the list has the correct address but the driver's licence has not been updated). • section 100.3 is when the elector's name is on the list, but the elector does not provide the prescribed identification. • section 100.4 is when the elector's name is not on the list, but the elector provides prescribed identification. • section 100.5 is when the elector's name is not on the list, and the elector does not provide prescribed identification. <p>Other jurisdictions requiring proof (or vouching) of both identity and residence, even if the elector is in the register, include:</p> <ul style="list-style-type: none"> • Canada • Saskatchewan • British Columbia • Northwest Territories <p>(4) Added to provide certainty that the list of electors is one component of the voting record and does not need to be a separate document or record.</p>
92.	NEW	<p>ADD:</p> <p>100.1 Where</p> <p>(a) the name of the elector appears on the list of electors for the voting area,</p> <p>(b) the elector provides identification, and</p> <p>(c) the name and address on the identification match the name and address on the list of electors for the voting area,</p>	<p>100.1 for when:</p> <p>Name on list? Yes.</p> <p>Identification? Yes.</p> <p>Identification matches? Yes.</p>

	Current Provision	Proposed Revised Provision	Rationale
		the election officer responsible for the voting record shall strike the elector's name off the list of electors and give the elector a ballot.	
93.	NEW	<p>ADD: 100.2(1) Where</p> <ul style="list-style-type: none"> (a) the name of the elector appears on the list of electors for the voting area, (b) the elector provides identification, (c) the address on the identification does not match the address on the list of electors for the voting area, and (d) the elector confirms his or her identity and current residence by signing a declaration, <p>the election officer responsible for the voting record shall</p> <ul style="list-style-type: none"> (e) add the elector's name and address to the voting day declarations section of the voting record, (f) enter in the voting record in the appropriate column a check mark or other annotation indicating that the voter signed a declaration, (g) enter a number in consecutive sequence opposite the elector's name, and (h) give the elector a ballot. <p>(2) The election officer taking the declaration in subsection (1)(d) shall indicate on the declaration the nature of the identification accepted.</p>	<p>100.2 is for when: Name on list? Yes. Identification? Yes. Identification matches? No.</p> <p>Then: Elector confirms identity and address by declaration.</p> <p>Names are corrections. Addresses require declarations.</p>
94.	NEW	<p>ADD: 100.3(1) Where:</p> <ul style="list-style-type: none"> (a) the name of the elector appears on the list of electors for the voting area, (b) the elector does not provide identification, (c) the elector is accompanied by another elector whose name appears on the list of electors for the same voting area and that other elector <ul style="list-style-type: none"> (i) provides his or her own identification to an election officer, and (ii) subject to subsections (4) and (5), vouches for the elector by signing a declaration, and (d) the elector confirms his or her identity and current residence by signing a declaration, <p>the election officer responsible for the voting record shall strike the elector's name off the list of electors and give the elector a ballot.</p> <p>(2) The election officer taking the declaration in subsection (1)(c) shall indicate on the</p>	<p>100.3 is for when: Name on list? Yes. Identification? No.</p> <p>Then: Elector confirms identity and address by declaration, and Is vouched for by another elector who does have identification.</p>

	Current Provision	Proposed Revised Provision	Rationale
		<p>declaration the nature of the identification accepted.</p> <p>(3) After receiving signed declarations made under subsection (1)(c) and (1)(d), an election officer shall enter in the voting record in the appropriate column a check mark or other annotation indicating that the voter signed a declaration and was vouched for.</p> <p>(4) An elector who has been vouched for at an election may not vouch for another elector at that election.</p> <p>(5) Scrutineers may not vouch for an elector.</p>	
95.	NEW	<p>ADD: 100.4(1) Where:</p> <ul style="list-style-type: none"> (a) the name of the elector does not appear on the list of electors for the voting area in which the elector is ordinarily resident, (b) the elector provides identification to confirm his or her identity and current residence, and (c) the elector signs a declaration before an election officer stating that the elector <ul style="list-style-type: none"> (i) qualifies as an elector, and (ii) ordinarily resides in that voting area, <p>the election officer responsible for the voting record shall</p> <ul style="list-style-type: none"> (d) enter the elector's name and address to the voting day declarations section of the voting record, (e) enter in the voting record in the appropriate column a check mark or other annotation indicating that the voter signed a declaration, (f) enter a number in consecutive sequence opposite the elector's name, and (g) give the elector a ballot. <p>(2) The election officer taking the declaration in subsection (1)(c) shall indicate on the declaration the nature of the identification accepted.</p>	<p>100.4 is for when: Name on list? No. Identification? Yes.</p> <p>Then: Elector confirms identity and address by identification, and by declaration.</p>
96.	NEW	<p>ADD: 100.5(1) Where:</p> <ul style="list-style-type: none"> (a) the name of the elector does not appear on the list of electors for 	<p>100.5 is for when: Name on list? No. Identification? No.</p> <p>Then:</p>

	Current Provision	Proposed Revised Provision	Rationale
		<p>the voting area in which the elector is ordinarily resident,</p> <p>(b) the elector does not provide identification,</p> <p>(c) the elector is accompanied by another elector whose name appears on the list of electors for the same voting area and that other elector</p> <p>(i) provides his or her own identification to an election officer, and</p> <p>(ii) subject to subsections (3) and (4), vouches for the elector by signing a declaration, and</p> <p>(d) the elector confirms his or her identity and current residence by signing a declaration,</p> <p>the election officer responsible for the voting record shall:</p> <p>(e) enter the elector's name and address in the voting day declarations section of the voting record,</p> <p>(f) enter in the voting record in the appropriate column a check mark or other annotation indicating that the voter signed a declaration and was vouched for,</p> <p>(g) enter a number in consecutive sequence opposite the elector's name, and</p> <p>(h) give the elector a ballot.</p> <p>(2) The election officer taking the declaration in subsection (1)(c)(ii) shall indicate on the declaration the nature of the identification accepted.</p> <p>(3) An elector who has been vouched for at an election may not vouch for another elector at that election.</p> <p>(4) Scrutineers may not vouch for an elector.</p>	Elector is vouched for by another elector who does have identification.
97.	<p>101(1) The deputy returning officer shall, without inquiring or ascertaining for whom the voter intends to vote, instruct the voter to</p> <p>(a) proceed to one of the polling booths and there, with the marker provided, mark his or her ballot by placing an "X" in the white space opposite the name of the candidate of his or her choice,</p> <p>(b) refold the ballot so that the initials, electoral division and year of the election on the back of the ballot and the number on the back of the counterfoil can be seen without unfolding it, and</p> <p>(c) hand the folded ballot to the deputy returning officer.</p> <p>(2) The deputy returning officer, without unfolding the ballot, shall in full view of the voter and all present</p>	<p>101(1) The deputy returning officer shall, without inquiring or ascertaining for whom the voter intends to vote, instruct the voter to</p> <p>(a) proceed to one of the <u>voting</u> booths and there, with the marker provided, mark his or her ballot by placing an "X" in the white space opposite the name of the candidate of his or her choice,</p> <p>(b) refold the ballot so that the initials, electoral division and year of the election on the back of the ballot and the number on the back of the counterfoil can be seen without unfolding it, and</p> <p>(c) hand the folded ballot to the deputy returning officer.</p>	Amendments to reflect the proposal (see section 83) to eliminate the counterfoil.

	Current Provision	Proposed Revised Provision	Rationale
	<p>(a) ascertain by examining</p> <p>(i) the initials, and</p> <p>(ii) the number on the counterfoil,</p> <p>that it is the same ballot the deputy returning officer provided to the voter,</p> <p>(b) remove and tear up the counterfoil, and</p> <p>(c) return the ballot to the voter so that the voter may place the ballot in the ballot box.</p> <p>(3) Notwithstanding subsection (2), on being requested by the voter, the deputy returning officer shall place the ballot in the ballot box.</p>	<p>(2) The deputy returning officer, without unfolding the ballot, shall in full view of the voter and all present</p> <p>(a) ascertain by examining</p> <p>(i) the initials,</p> <p>(ii) the number on the counterfoil,</p> <p>that it is the same ballot the deputy returning officer provided to the voter, and</p> <p>(b) <></p> <p>(c) return the ballot to the voter so that the voter may place the ballot in the ballot box.</p> <p>(3) Notwithstanding subsection (2), on being requested by the voter, the deputy returning officer shall place the ballot in the ballot box.</p>	
98.	<p>Spoiled ballot</p> <p>102(1) If a voter has dealt with the voter's ballot in a manner that may render its use inappropriate, the voter may surrender the ballot to the deputy returning officer and on surrendering it obtain a new ballot.</p> <p>(2) The deputy returning officer shall immediately write the word "spoiled" on the previous ballot returned to the deputy returning officer under subsection (1) and place it in the required envelope to be sent to the returning officer, and the poll clerk shall annotate the poll book accordingly.</p>	<p><u>Ballot marked in error</u></p> <p>102(1) If a voter <u>has marked the voter's ballot in error</u> or has dealt with the voter's ballot in a manner that may render its use inappropriate-unacceptable, the voter may surrender the ballot to the deputy returning officer and on surrendering it obtain a new ballot.</p> <p>(2) The deputy returning officer shall immediately write the words "<u>marked in error</u>" on the previous ballot returned to the deputy returning officer under subsection (1) and place it in the required envelope to be sent to the returning officer, and the poll clerk shall annotate the <u>voting record</u> accordingly.</p>	<p>Poll book → voting record</p> <p>Spoiled ballot → "Ballot marked in error"</p> <p>There is always confusion between a spoiled ballot and a rejected ballot.</p> <p>A spoiled ballot is one that is marked in error, then the voter brings that ballot to the desk, and the voter gets a <i>new ballot</i> to mark and cast. The spoiled ballot is <i>not</i> put into the ballot box. These are proposed to be renamed "ballots marked in error."</p> <p>Note: A rejected ballot is one that was put into the ballot box but determined, upon a count, that it is not valid. These are proposed to be renamed "invalid" ballots.</p>
99.	<p>Elector's declaration</p> <p>104(1) A deputy returning officer shall administer the declaration in the prescribed form to a person if</p> <p>(a) the deputy returning officer doubts the eligibility of that person to vote, or</p> <p>(b) the deputy returning officer is requested to do so by a candidate, official agent or scrutineer and the deputy returning officer is of the opinion that the request is made in good faith.</p> <p>(2) An election officer, candidate, official agent or scrutineer who presents himself or herself for the purpose of voting at the polling subdivision in which that person ordinarily resides may be required by a candidate, official agent or scrutineer before that person votes to sign the declaration before the deputy returning officer or poll clerk located at that polling subdivision.</p>	<p>Elector's declaration</p> <p>104(1) A deputy returning officer shall administer the declaration in the prescribed form to an individual if</p> <p>(a) the deputy returning officer doubts the eligibility of that individual to vote, or</p> <p>(b) the deputy returning officer is requested to do so by a candidate, official agent or scrutineer and the deputy returning officer is of the opinion that the request is made in good faith.</p> <p>(2) An <u>election officer</u> who presents himself or herself for the purpose of voting at the voting area in which that individual ordinarily resides may be required by a scrutineer, before that <u>election officer</u> votes, to sign the declaration before <u>a different election officer in that voting area</u>.</p>	<p>Typically, it is citizenship that is questioned. Limit the request ability to scrutineers as they are the ones with authority to remain.</p> <p>Delete candidates and official agents out of (1)(b). Scrutineers are appointed by candidates or official agents, take an oath and are governed by a code of conduct. Official agents or candidates may be scrutineers.</p> <p>(2) Amend to only address the situation where an election officer is not presiding over his or her own declaration. No need to have special section to deal with electors who are also candidates, official agents, or scrutineers.</p>
100.	<p>Prohibited conduct during polling</p> <p>105(1) No person may</p> <p>(a) interfere or attempt to interfere with a voter who is attempting to mark the voter's ballot,</p>	<p>Prohibited conduct during <u>voting</u></p> <p>105(1) No person <u>or entity</u> may</p> <p>(a) interfere or attempt to interfere with a voter who is attempting to mark the voter's ballot,</p>	<p>(1)(b) Voting places can be churches, schools, malls, strip malls, etc. Expansion to include the parcel of land is intended to cover signage, campaigning and exit polls in the parking lots, etc.</p> <p><i>See section 135(2) as reference.</i></p>

	Current Provision	Proposed Revised Provision	Rationale
	<p>(b) attempt to obtain any information at a polling place regarding which candidate a voter has voted for, is voting for or is about to vote for, or</p> <p>(c) prevent or attempt to prevent a person from exercising the person's right to vote.</p> <p>(2) No person may communicate any information obtained at a polling place regarding which candidate a voter has voted for, is voting for or is about to vote for.</p>	<p>(b) attempt to obtain any information at a <u>voting place or at a parcel of land on which a voting place is located</u>, regarding which candidate a voter has voted for, is voting for or is about to vote for, or</p> <p>(c) prevent or attempt to prevent an individual from exercising the individual's right to vote.</p> <p>(2) No person <u>or entity</u> may communicate any information obtained at a <u>voting place</u> regarding which candidate a voter has voted for, is voting for or is about to vote for.</p>	<p>Keep current content in definition of "voting place": <i>1(1)(x) "voting place" means a place where one or more voting stations are provided for the purpose of voting at an election;</i></p>
101.	<p>Procedure on close of poll</p> <p>111(1) After the closing of the poll, the deputy returning officer shall immediately count the number of spoiled and declined ballots and record the total on the outside of the envelope containing those ballots and then seal it.</p> <p>(2) On complying with subsection (1), the deputy returning officer shall count</p> <p>(a) the number of electors whose names appear on the list of electors, and</p> <p>(b) the number of voters recorded in the poll book as having voted,</p> <p>and shall draw a line immediately under the last name in the poll book and affix the deputy returning officer's initials.</p>	<p>Procedure on close of poll</p> <p>111(1) After the closing of the poll, the deputy returning officer shall immediately count the number of spoiled and declined ballots and record the total on the outside of the envelope containing those ballots and then seal it.</p> <p>(2) On complying with subsection (1), the deputy returning officer shall count</p> <p>(a) the number of electors whose names appear on the list of electors, and</p> <p>(b) the number of voters recorded in the poll book as having voted,</p> <p>and shall draw a line immediately under the last name in the poll book and affix the deputy returning officer's initials.</p>	<p>Returning officers have recommended not sealing the envelopes, to allow putting the right types of ballots in the right envelopes without breaking seals.</p>
102.	<p>111(5) In counting the votes, the deputy returning officer shall reject and place in a rejected ballot envelope any ballot that</p> <p>(a) does not have on its back the name of the electoral division and year of the election,</p> <p>(b) does not indicate a vote for any candidate,</p> <p>(c) in the case of a vote by Special Ballot, does not indicate a vote for any candidate or registered political party, as the case may be,</p> <p>(d) contains votes for more than one candidate,</p> <p>(e) in the case of a vote by Special Ballot, contains votes for more than one candidate or registered political party, as the case may be,</p> <p>(f) is so marked that it is uncertain for which candidate the vote was cast,</p> <p>(g) in the case of a vote by Special Ballot, is so marked that it is uncertain for which candidate or registered political party, as the case may be, the vote was cast,</p> <p>(h) contains a vote for a candidate who has withdrawn,</p> <p>(h.1) in the case of a Special Ballot,</p>	<p>111(5) A ballot cast at a voting station shall only be counted if it clearly indicates the voter's intention to vote for one particular candidate.</p> <p>(5.1) A ballot cast as a Special Ballot shall only be counted if it clearly indicates the voter's intention to vote for one particular candidate or one particular registered political party.</p> <p>(5.2) A ballot shall not be counted if it</p> <p>(a) does not have on its back the name of the electoral division and year of the election,</p> <p>(b) contains a vote for a candidate who has withdrawn,</p> <p>(c) contains any writing or mark enabling the voter to be readily identified, or</p> <p>(d) in the case of a Special Ballot,</p> <p>(i) does not have the prescribed identification document or documents required under section 118(2)(c.1) included in the certificate envelope, or</p> <p>(ii) is treated as a rejected ballot under section 118(5)(b).</p> <p>(6) A deputy returning officer shall not decline to count a ballot solely for the reason of any writing, number or mark made or omitted by the deputy returning officer.</p>	<p>Proposed changes are consistent with <i>Lucaszuk v Kibermanis</i>, 2005 ABCA 26.</p> <p>(5.1) codifies the general guiding principle from <i>Lucaszuk</i>.</p> <p>The amended provision still excludes out all the absolutes in (5.2).</p> <p>(5.2)(c) is a subjective test and will not happen often in practice.</p> <p>Removed are the discretionary "no"s: the existing (5)(b), (c), (d), (e), (g), (i).</p>

	Current Provision	Proposed Revised Provision	Rationale
	<p>(i) does not have the prescribed identification document or documents required under section 118(2)(c.1) included in the certificate envelope, or</p> <p>(ii) is treated as a rejected ballot under section 118(5)(b),</p> <p>(i) in the case of a vote by Special Ballot, contains a vote for a candidate who has withdrawn or for a registered political party that does not have a candidate for the electoral division, or</p> <p>(j) contains any writing or mark enabling the voter to be readily identified.</p> <p>(6) Notwithstanding subsection (5)(a) to (i), a ballot shall not be rejected</p> <p>(a) by reason of any writing, number or mark made or omitted by the deputy returning officer, or</p> <p>(b) when the vote, though incorrectly made on the ballot, clearly indicates the voter's intention to vote for one particular candidate.</p>		
103.	<p>111(11) Only the following persons may be present during the unofficial count of ballots and then only if they have taken the prescribed oath of secrecy:</p> <p>(a) the returning officer;</p> <p>(a.1) repealed 2012 c5 s42;</p> <p>(b) any other election officer authorized by the returning officer;</p> <p>(c) repealed 2012 c5 s42;</p> <p>(d) the Chief Electoral Officer, members of the Chief Electoral Officer's office staff designated by the Chief Electoral Officer and visiting officials from other electoral jurisdictions authorized by the Chief Electoral Officer;</p> <p>(e) the candidates;</p> <p>(f) the official agents of the candidates;</p> <p>(g) one scrutineer per candidate for each ballot box.</p>	<p>111(11) Only the following individuals may be present during the unofficial count of ballots and then only if they have taken the prescribed oath of secrecy <u>and only if they are present in the voting station at the close of the vote:</u></p> <p>(a) the returning officer;</p> <p>(a.1) repealed 2012 c5 s42;</p> <p>(b) any other election officer authorized by the returning officer;</p> <p>(c) repealed 2012 c5 s42;</p> <p>(d) the Chief Electoral Officer, members of the Chief Electoral Officer's office staff designated by the Chief Electoral Officer and visiting officials from other electoral jurisdictions authorized by the Chief Electoral Officer;</p> <p>(e) the candidates;</p> <p>(f) the official agents of the candidates;</p> <p>(g) one scrutineer per candidate for each ballot box.</p>	<p>The practical reality is that, after doors to a voting place are locked at 8 p.m., the procedure is to finish the voting for people already in line, then count the votes. There is no answering the doors to people who are wanting to get in. Scrutineers cannot go out and come back in.</p>
104.	<p>Vote by Special Ballot</p> <p>116(1) An elector who is unable to vote at an advance poll or at the poll on polling day on account of</p> <p>(a) physical incapacity,</p> <p>(b) absence from the electoral division,</p> <p>(c) being an inmate including a person sentenced to a term of imprisonment of 10 days or less or for the non-payment of fines,</p> <p>(d) being a returning officer, election clerk, administrative assistant, supervisory deputy</p>	<p>116(1) An elector who is unable to vote at <u>the advance poll and unable to vote at</u> the poll on election day on account of</p> <p>(a) physical incapacity <u>disability</u>,</p> <p>(b) absence from the electoral division,</p> <p>(c) being an inmate as defined under the <i>Corrections Act</i> including a person sentenced to a term of imprisonment of 10 days or less or for the non-payment of fines,</p>	<p>(1)(a) physical disability, not incapacity</p> <p>(1)(c) no longer applies. Under the <i>Corrections Act</i>, an "inmate" does not have a restriction on amount of time of the sentence.</p>

	Current Provision	Proposed Revised Provision	Rationale
	<p>returning officer, registration officer, deputy returning officer or other staff member working in the office of a returning officer, poll clerk, interpreter, peace officer appointed under the <i>Peace Officer Act</i>, candidate, official agent or scrutineer who may be located on polling day at a polling place in a polling subdivision within the electoral division other than that in which the elector is ordinarily resident,</p> <p>(e) being a resident of a remote area designated under section 31, or</p> <p>(f) any other circumstances prescribed by the Chief Electoral Officer,</p> <p>may apply to vote by Special Ballot.</p>	<p>(d) being a returning officer, election clerk, <u>election officer</u>, peace officer appointed under the <i>Peace Officer Act</i>, candidate, official agent or scrutineer who may be located on <u>election</u> day at a <u>voting</u> place in a <u>voting area</u> within the electoral division other than that in which the elector is ordinarily resident,</p> <p>(e) being a resident of a remote area designated under section 31, or</p> <p>(f) any other circumstances prescribed by the Chief Electoral Officer,</p> <p><u>is eligible to vote by Special Ballot.</u></p>	
105.	<p>116(2) An application for a Special Ballot may be made</p> <p>(a) in writing,</p> <p>(b) by telephone,</p> <p>(c) by fax or electronic mail, or</p> <p>(d) in person,</p> <p>by an elector to the returning officer of the elector's electoral division at any time between the issue of the writ and the closing of polls on polling day.</p> <p>(3) On receipt of an application under this section, the returning officer or election clerk shall</p> <p>(a) enter in the Special Ballot Poll Book</p> <p>(i) the elector's name and where the elector is ordinarily resident, and</p> <p>(ii) the name and number of the polling subdivision in which the elector resides,</p> <p>and</p> <p>(b) cause the appropriate forms to be provided to the applicant.</p> <p>(4) The returning officer may delegate to the administrative assistant any functions of the returning officer or election clerk under this section and sections 117 and 118.</p>	<p>Applying for Special Ballot 116.01</p> <p>(1) An elector who is eligible to vote by Special Ballot may apply to vote by Special Ballot</p> <p>(a) to the returning officer for the electoral division at any time during the period commencing on the date of issue of the writ in that electoral division and, subject to subsection (2), ending on the day before the opening of advance voting, or</p> <p>(b) to an election officer appointed by the Chief Electoral Officer at any time during the period,</p> <p>(i) in the case of a general election held in a year in accordance with section 38.1(2), commencing January 1 and ending on the day before the opening of advance voting, or</p> <p>(ii) in the case of a general election held in accordance with section 38.1(1) or in the case of a by-election, commencing on the date of issue of the writ and ending on the day before the opening of advance voting.</p> <p>(2) If an elector who is eligible to vote by Special Ballot applies to vote by Special Ballot to the returning officer for the electoral division by attending in person at the office of the returning officer, the time period in section (1)(a) is extended to no later than 6 p.m. on the last day before election day that the office of the returning office is open.</p> <p>(3) An application for a Special Ballot may be made</p> <p>(a) in writing,</p> <p>(b) by telephone,</p> <p>(c) by fax or electronic mail,</p> <p>(d) in person <u>at the office of the returning officer only</u>, or</p>	<p>Currently there is no deadline (other than close of polls on election day) for Special Ballot applications, which makes last-minute applications nearly impossible. The proposal is that Special Ballot applications be restricted to a workable time.</p> <p>For in-person applications at the returning officer's office, the deadline is no later than 6 p.m. on the day before election day.</p> <p>For applications made other than in person at the returning officer's office, the deadline is the day before advance voting. This is common in other jurisdictions, which have application deadlines varying from the 5th day before election day to the 13th day before election day.</p> <p>(1)(b) New feature to add the Elections Alberta office in Edmonton as a hub for coordinated Special Ballot requests and processing. In past experience, the Elections Alberta call centre receives many requests for Special Ballots. Currently, there is the extra step of telling the callers to contact their returning officer. To increase efficiency and reduce confusion, the proposals implement the capacity to issue Special Ballots directly out from the central Elections Alberta location (assuming an electronic poll book). This allows Special Ballot applications to be processed prior to the issue of the writ, and allows greater efficiency at the returning officer location. It also facilitates the vote by doubling the locations where an elector can request an application.</p> <p>(1)(b)(i) Currently the requesting and receiving are restricted within a 28-day period. January 1 gives Central Elections Alberta an extra month to get ballots mailed to overseas people and armed forces. The return address for the special ballot can be to the Elections Alberta address in Edmonton.</p> <p>(3)(c) Delete. Faxed Special Ballot applications create great difficulty. Note, adding (e) to enhance flexibility in defining an acceptable mode of application.</p> <p>(3)(e) This will include online applications through Elections Alberta.</p> <p>(4) This is a screening step for those wishing to vote by Special Ballot, rather than it being an automatic right of ballot. A person must first be eligible as under (1), and then must apply. The returning officer or election officer appointed by the Chief Electoral</p>

	Current Provision	Proposed Revised Provision	Rationale
		<p>(e) <u>such other medium of communication prescribed by the Chief Electoral Officer</u></p> <p>(4) If a returning officer or the election officer designated by the Chief Electoral Officer under section (1)(b) has reasonable grounds for believing an elector who has applied to vote by Special Ballot is not eligible to vote by Special Ballot, the returning officer or the election officer designated by the Chief Electoral Officer may refuse to provide a Special Ballot to that elector.</p> <p>(5) An elector to whom a returning officer or election officer designated by the Chief Electoral Officer under section (1)(b) has refused to provide a Special Ballot under subsection (4) may appeal the refusal to the Chief Electoral Officer or a representative of the Chief Electoral Officer in a process prescribed by the Chief Electoral Officer, and the decision of the Chief Electoral Officer or the representative is final.</p> <p>(6) The returning officer and the Chief Electoral Officer may delegate to election officers any functions of the returning officer or the Chief Electoral officer under this section and sections 117 and 118.</p>	<p>Officer has discretion, based on reasonable grounds, to refuse an application. Upon a refusal, the elector has an appeal mechanism to the Chief Electoral Officer which will be made almost immediately.</p> <p>Reasons for tightening up Special Ballot procedures:</p> <ul style="list-style-type: none"> • In-person voting is better for surveilling the integrity of the vote. • Special Ballots is the only unsupervised method of voting. • Special Ballots are administratively very burdensome. • Some communities apply for Special Ballots <i>en masse</i>, and such conduct has increased in recent elections. • Special Ballots are supposed to be the process exception, and integrity requires legislative capacity to require some level of credibility. <p>(5) Appeals on refusals to issue a Special Ballot will be made to a central administrative decision maker.</p>
106.	<p>118(1) On receipt of the prescribed forms, the voter shall mark the ballot by writing, with a pen or pencil of any colour, in the space provided, the name of the candidate or the registered political party of the candidate of the voter's choice.</p> <p>(2) After marking the voter's ballot, the voter shall</p> <p>(a) place the marked ballot in the ballot envelope,</p> <p>(b) seal the ballot envelope,</p> <p>(c) place the ballot envelope in the certificate envelope,</p> <p>(c.1) place a copy of the prescribed identification document or documents in the certificate envelope,</p> <p>(d) complete and sign part 1 of the certificate and seal the certificate envelope,</p> <p>(e) place the certificate envelope in the outer envelope, and</p> <p>(f) seal the outer envelope.</p> <p>(3) The outer envelope, when sealed, shall be forwarded so that it reaches the returning officer not later than the close of the polling places on polling day.</p>	<p>118(1) On receipt of the prescribed forms, the voter shall either:</p> <p>(a) mark an "x" in the circle beside the name of the candidate or the registered political party of the voter's choice on the ballot, or</p> <p>(b) mark by writing, with a pen or pencil of any colour, in the space provided, the name of an independent candidate in the space indicated on the ballot.</p> <p>(2) After marking the voter's ballot, the voter shall</p> <p>(a) place the marked ballot in the ballot envelope,</p> <p>(b) seal the ballot envelope,</p> <p>(c) place the ballot envelope in the certificate envelope,</p> <p>(c.1) place a copy of the prescribed identification document or documents in the certificate envelope,</p> <p>(d) complete and sign part 1 of the certificate and seal the certificate envelope,</p> <p>(e) place the certificate envelope in the outer envelope, and</p> <p>(f) seal the outer envelope.</p>	<p>Special Ballots are write-in, so the electoral division and candidate may be filled in regardless of resident electoral division within the province.</p> <p>(1)(a) and (b) contemplate tabulator ballots.</p> <p>(3) Intention that this date will be the day immediately before election day. If election day falls on a Monday, this date may be on the Saturday before.</p>

	Current Provision	Proposed Revised Provision	Rationale
		<p>(3) If submitting a Special Ballot by attending in person at the office of the returning officer, the elector shall attend so that the returning officer receives the Special Ballot not later than 6:00 p.m. on a day before election day as specified by the Chief Electoral Officer.</p> <p>(3.1) If submitting a Special Ballot by a method other than in person at the office of the returning officer, the elector shall forward the outer envelope, when sealed, so that it reaches</p> <p>(a) the office of the Chief Electoral Officer or</p> <p>(b) the office of the returning officer</p> <p>not later than 6:00 p.m. on election day.</p>	
107.	<p>118(4) On receipt of the outer envelope, the returning officer or election clerk shall remove and open the certificate envelope and determine</p> <p>(a) whether the name on the certificate envelope is the same as that of a person already entered in the Special Ballot Poll Book under section 116,</p> <p>(b) whether a copy of the prescribed identification document or documents has been included, and</p> <p>(c) whether part 1 of the certificate has been properly completed.</p> <p>(5) On determining that the voter is recorded in the Special Ballot Poll Book, that a copy of the prescribed identification document or documents has been included and that part 1 of the certificate is completed, the returning officer or election clerk, as the case may be, shall,</p> <p>(a) if the returning officer or election clerk is satisfied as to the voter's eligibility to vote,</p> <p>(i) sign part 2 of the certificate,</p> <p>(ii) if the voter's name appears on the list of electors for the polling subdivision in which the voter is entitled to vote, put a line through the voter's name and enter opposite the name of that person on the list of electors the word "special",</p> <p>(iii) if the voter's name does not appear on the list of electors for the polling subdivision in which the voter is entitled to vote, enter the voter's name on the list of electors and put a line through the voter's name and</p>	<p>118(4) Each returning officer may designate an election officer at the office of the returning officer to be responsible for processing Special Ballots.</p> <p>(4.1) The Chief Electoral Officer may designate an election officer to be responsible for processing Special Ballots submitted for each electoral division at the office of the Chief Electoral Officer.</p> <p>(4.2) On receipt of the outer envelope, an <u>election officer responsible for processing Special Ballots</u> shall remove and open the certificate envelope and determine</p> <p>(a) whether the name on the certificate envelope is the same as that of a name already entered in the Special Ballot voting record under section 116,</p> <p>(b) whether a copy of the prescribed identification document or documents has been included, and</p> <p>(c) whether part 1 of the certificate has been properly completed <u>and signed</u>.</p> <p>(5) On determining that the Special Ballot package complies with subsection (4.2), an <u>election officer responsible for processing Special Ballots</u> shall,</p> <p>(a) if the <u>election officer</u> is satisfied as to the voter's eligibility to vote,</p> <p>(i) sign part 2 of the certificate,</p> <p>(ii) if the voter's name appears on the list of electors for the <u>voting area</u> in which the voter is entitled to vote, draw a line through the voter's name and enter opposite the name of</p>	<p>The object is to centralize Special Ballot counting. Quebec, Canada and BC all have centralized issuing and counting.</p> <p>The return address for all Special Ballots would be Elections Alberta in Edmonton. However, an elector would always have the option of submitting a completed Special Ballot to their returning officer in person by 6 p.m. on the day before election day. The returning officers who receive completed Special Ballots, in person, can send them to Edmonton as well. Note: Elections Alberta would need a large central infrastructure (space, staff) to handle the Special Ballots.</p> <p>(5)(a)(vi) moved up to (iv.2)</p> <p>(5)(a)(vii) modified by (5.1) so that an elector presenting to the returning officer in person to vote by Special Ballot can just satisfy the returning officer as to identification, rather than obliging a copy of the identification to be made and kept.</p>

	Current Provision	Proposed Revised Provision	Rationale
	<p>enter opposite the name of that voter on the list of electors the word "special",</p> <p>(iv) record in the Special Ballot Poll Book in the appropriate column the date the returning officer or election clerk received the certificate envelope,</p> <p>(v) remove the sealed ballot envelope from the certificate envelope and place the sealed ballot envelope in a sealed ballot box marked "special ballot",</p> <p>(vi) enter in the Special Ballot Poll Book, in the appropriate columns, a check mark or other annotation indicating that the voter has voted and the reason for using the Special Ballot, that is, physical incapacity, absence, inmate, election officer, candidate, official agent, scrutineer, remote area or another reason prescribed by the Chief Electoral Officer, and</p> <p>(vii) retain the certificate envelope and the copy of the identification document or documents and forward them to the Chief Electoral Officer in accordance with section 142,</p> <p>or</p> <p>(b) if the returning officer or election clerk is not satisfied as to the voter's eligibility to vote,</p> <p>(i) retain the certificate envelope and its contents,</p> <p>(ii) treat the ballot in the envelope as a rejected ballot, and</p> <p>(iii) mark the certificate envelope accordingly.</p>	<p>that individual on the list of electors the word "special",</p> <p>(iii) if the voter's name does not appear on the list of electors for the <u>voting area</u> in which the voter is entitled to vote, enter the voter's name on the list of electors, put a line through the voter's name and enter opposite the name of that voter on the list of electors the word "special",</p> <p>(iv) record in the <u>voting record</u> in the appropriate column the date the <u>election officer</u> received the certificate envelope,</p> <p><u>(iv.1) use a check mark in the appropriate column to indicate the voter has voted.</u></p> <p><u>(iv.2) identify the reason for voting by Special Ballot indicated on the envelope.</u></p> <p>(v) remove the sealed ballot envelope from the certificate envelope and place the sealed ballot envelope in a sealed ballot box marked "special ballot" for the appropriate electoral division, and</p> <p>(vi) <></p> <p>(vii) subject to subsection (5.1), retain and secure the certificate envelope and the copy of the identification document or documents, in a designated area for the electoral division marked "accepted special ballot packages";</p> <p>or</p> <p>(b) if the <u>election officer</u> is not satisfied as to the voter's eligibility to vote,</p> <p>(i) <u>not remove the ballot envelope from the certificate envelope, and</u> treat the ballot in the envelope as an <u>invalid</u> ballot,</p> <p>(ii) mark the certificate envelope accordingly, and</p> <p>(iii) retain <u>and secure</u> the certificate envelope and its contents in a designated area for the electoral division marked "invalid special ballots."</p> <p>(5.1) If an elector votes by Special Ballot in person at the office of the returning officer</p>	

	Current Provision	Proposed Revised Provision	Rationale
		and produces his or her identification to the returning officer or election clerk, a copy of the prescribed identification document or documents is not required to be included in the certificate envelope.	
108.	NEW	<p>Tabulating Special Ballots</p> <p>118.1(1) On a date and time specified by the Chief Electoral Officer, an election officer assigned to each electoral division at the office of the Chief Electoral Officer shall begin tabulating the Special Ballots contained in the sealed ballot box marked "special ballot" for the appropriate electoral division.</p> <p>(2) No election officer at the office of the returning officer shall begin tabulating until the close of polls on election day.</p> <p>(3) In tabulating Special Ballots, the election officer assigned to each electoral division shall</p> <p class="margin-left: 40px;">(a) open the ballot box for the electoral division and remove ballot envelopes containing marked Special Ballots,</p> <p class="margin-left: 40px;">(b) open each ballot envelope and remove each marked Special Ballot,</p> <p class="margin-left: 40px;">(c) with the marked side of each Special Ballot facing down so the marked side is not visible, unfold and stack,</p> <p class="margin-left: 80px;">(i) in one pile, the Special Ballots on which a registered party or registered candidate is marked by way of an "x", and</p> <p class="margin-left: 80px;">(ii) in another pile, the Special Ballots on which the name of a candidate is marked in writing,</p> <p class="margin-left: 40px;">(d) insert the Special Ballots from the pile under section (c)(i) into the tabulator assigned to the electoral division, and</p> <p class="margin-left: 40px;">(e) place the Special Ballots from the pile under section (c)(ii) back into the ballot box marked "special ballot" for the appropriate electoral division.</p> <p>(4) Following completion of tabulating for one day, the election officer shall secure the tabulator and the ballot box in the designated area.</p> <p>(5) Tabulating at the office of the Chief Electoral Officer under this section will occur at prescribed hours or until the task is complete, each day starting on the date specified by the Chief Electoral Officer, including election day.</p>	<p>New proposal to work with tabulators. There are two separate steps to tabulators. The "tabulation" refers to feeding the ballot into the tabulator, not to having the result printed. The ballot may be fed into the tabulator without having a result printed. This step may be completed in advance of the count. Printing the result does not occur until election night, when all Special Ballots at both returning officer and Edmonton locations may be counted at once.</p> <p>Advance tabulation aids in the efficiency of election result turnaround and can be done well in advance. Scrutineers will be entitled to attend at the tabulation. The ballots will be fed into the tabulator face down so that scrutineers (see (6)) may not calculate an interim result before election night.</p> <p>Advance tabulation will occur only centrally at the Elections Alberta office in Edmonton. Returning officers will tabulate only on election night.</p> <p>(1) Date intended to begin 5 days before election day.</p>

	Current Provision	Proposed Revised Provision	Rationale
		(6) The station for tabulating at the office of the Chief Electoral Officer under this section is a voting station in the electoral division for the purpose of section 79, and scrutineers may be present during tabulating under this section.	
109.	<p>118(6) At the close of the polling place on polling day, the returning officer shall deliver the sealed ballot box referred to in subsection (5)(a)(v) to the authorized election officers in the electoral division and advise them of the names of the electors who have voted by Special Ballot, and the authorized election officers shall proceed in accordance with section 113 as if the ballot box were from an advance poll.</p> <p>(6.1) Any election officer appointed for the electoral division may assist with the duties under subsection (6).</p> <p>(7) After completing the count of the ballots, the election officer authorized by the returning officer shall record the results on the prescribed form.</p>	<p>Counting Special Ballots 118.2</p> <p>(1) Upon the close of polls on election day, election officers in</p> <p style="padding-left: 40px;">(a) the office of the returning officer for each electoral division, and</p> <p style="padding-left: 40px;">(b) the office of the Chief Electoral Officer,</p> <p>shall complete tabulation for Special Ballots as set out in section 118.1, and shall count all Special Ballots.</p> <p>(2) In counting Special Ballots on which the name of a candidate, party or party leader is marked in writing, the election officer shall count and record the votes by hand.</p> <p>(3) In counting Special Ballots that have been tabulated under section 118.1, the election officer shall close the poll on each tabulator, and turn the key to obtain the Special Ballot vote totals for each candidate in the electoral division on the printed tape.</p> <p>(4) Following the count of Special Ballots under this section, the election officer shall complete a statement of poll for the electoral division using totals obtained from counts under both subsections (2) and (3).</p> <p>(5) An election officer counting Special Ballots at the office of the Chief Electoral Officer shall then communicate the results of the Special Ballot vote to the returning officer of the electoral division.</p> <p>(6) For clarity</p> <p style="padding-left: 40px;">(a) the Special Ballot count at the office of the returning officer, and</p> <p style="padding-left: 40px;">(b) the Special Ballot count at the office of the Chief Electoral Officer</p> <p>are each a voting station in the electoral division for the purpose of section 79, and scrutineers may be present during counting under this section.</p>	<p>Counting Special Ballots is an enormous task that in the past has delayed results coming from electoral divisions on election day.</p> <ul style="list-style-type: none"> By beginning the counting process early and by centralizing the counting, results will not be as delayed. New mailing deadline for electors submitting completed Special Ballots to returning officers – no later than the day before opening of advance polls – will also reduce delay.
110.	Treatment centres and supportive living facilities	<u>Mobile polls</u>	<p>Retain:</p> <ul style="list-style-type: none"> Mobile poll by invitation only.

	Current Provision	Proposed Revised Provision	Rationale
	<p>120(1) Each returning officer shall, following receipt of a writ, determine if there are in the electoral division</p> <p>(a) any treatment centres having not fewer than 10 in-patients who are electors, and</p> <p>(b) any supportive living facilities having not fewer than 10 residents who are electors.</p>	<p>120(1) Each returning officer shall, following receipt of a writ, determine if there are in the electoral division</p> <p>(a) any treatment centres,</p> <p>(b) any supportive living facilities, and</p> <p>ADD:</p> <p>(c) <u>any students' residences operated by a post-secondary educational institution, temporary work camps, penitentiaries, correctional institutions, remand centres, detention centres, emergency shelters or any similar institutions,</u></p> <p>where there are not fewer than 10 electors.</p>	<ul style="list-style-type: none"> 10+ electors threshold. <p>In execution, options to evolve mobile polls include:</p> <p><u>Option 1:</u> a narrower form of vote-anywhere advance poll; or</p> <p><u>Option 2:</u> Special Ballot.</p> <p>For <u>Option 1</u> vote-anywhere advance poll, the election officer would take the tabulator with them, and set up for the assigned day. This mobile poll would be treated as an advance poll across 87 electoral divisions. This would use staff more efficiently, and would facilitate scheduling. Intention would be to hold these mobile polls during the advance voting days.</p> <p>For <u>Option 2</u> Special Ballots, the election officer would bring Special Ballots to the prisons and other locations. This would also be held earlier. Special Ballots would be sent to Edmonton for counting.</p> <p>When date of mobile poll is determined (dates to be as approved by the Chief Electoral Officer), it will be published on website.</p>
111.	<p>120(2) If a returning officer determines that there are facilities as described in subsection (1), the returning officer shall, immediately after nomination day,</p> <p>(a) determine, in consultation with an official of each supportive living facility, whether a mobile poll should be held at the facility,</p> <p>(b) in consultation with an official of each supportive living facility where a poll is to be held and with an official of each treatment centre</p> <p>(i) fix the hours on polling day when a mobile poll will operate at the facility, and</p> <p>(ii) determine the number of mobile polls to be established within the facility and the format that each mobile poll is to take as either fixed location or bed-to-bed visitations, or both,</p> <p>and</p> <p>(c) appoint a deputy returning officer and poll clerk for each mobile poll so required.</p>	<p>120(2) If a returning officer determines that there are facilities as described in subsection (1), the returning officer shall,</p> <p>(a) determine, in consultation with an official of each supportive living facility, whether a mobile poll should be held at the facility,</p> <p>(b) in consultation with an official of each supportive living facility where a <u>vote</u> is to be held and with an official of each treatment centre</p> <p>(i) fix the <u>date and</u> hours on polling day when a mobile poll will operate at the facility, and</p> <p>(ii) determine the number of mobile polls to be established within the facility and the format that each mobile poll is to take as either fixed location or bed-to-bed visitations, or both,</p> <p>and</p> <p>(c) appoint <u>election officers</u> for each mobile poll so required.</p> <p>(3) For greater certainty, nothing in this section compels a returning officer to hold a mobile poll at a facility.</p>	<p>Strike out "immediately after nomination day" from preamble.</p> <p>Rather than doing mobile polls on election day with everything else, the returning officer and the facility officials will now have 4 days (same as advance voting days) to choose from.</p> <p><i>See comments from section 120(1) above.</i></p>
112.	<p>Plebiscite</p> <p>128 The Lieutenant Governor in Council may by order give directions for the holding of a general plebiscite of electors when and as often as it appears to the Lieutenant Governor in Council expedient that an expression of opinion about the desirability of</p> <p>(a) amending existing legislation, or</p> <p>(b) introducing new legislation,</p>	<p>x. The Lieutenant Governor in Council may by order give directions for the holding of a general plebiscite of electors when and as often as it appears to the Lieutenant Governor in Council expedient that an expression of opinion about the desirability of</p> <p>(a) amending existing legislation, or</p> <p>(b) introducing new legislation,</p> <p>relative to any subject-matter should be obtained from the electors.</p>	<p>No substantive change proposed, but recommend moving plebiscites – ie. sections 128 through 131 – to the end of the Act.</p>

	Current Provision	Proposed Revised Provision	Rationale
	<p>relative to any subject-matter should be obtained from the electors.</p> <p>List of electors for plebiscite 129 Section 126 applies to the lists or preparation of lists of electors to be used for a plebiscite.</p> <p>Conduct of plebiscite 130 In giving directions under section 128, the Lieutenant Governor in Council may specify</p> <p>(a) the question or questions to be submitted to the electorate,</p> <p>(b) the method of instituting the plebiscite,</p> <p>(c) the forms of ballot to be used,</p> <p>(d) the person or persons to conduct the plebiscite, and</p> <p>(e) the general conduct of the taking of the plebiscite.</p> <p>Application of Act to plebiscite 131 The provisions of this Act governing general elections apply with all necessary modifications to plebiscites taken under this Act except as otherwise expressly specified by order of the Lieutenant Governor in Council.</p>	<p>x. Section 126 applies to the lists or preparation of lists of electors to be used for a plebiscite.</p> <p>x. In giving directions under section 128, the Lieutenant Governor in Council may specify</p> <p>(a) the question or questions to be submitted to the electorate,</p> <p>(b) the method of instituting the plebiscite,</p> <p>(c) the forms of ballot to be used,</p> <p>(d) the person or persons to conduct the plebiscite, and</p> <p>(e) the general conduct of the taking of the plebiscite.</p> <p>x. The provisions of this Act governing general elections apply with all necessary modifications to plebiscites taken under this Act except as otherwise expressly specified by order of the Lieutenant Governor in Council.</p>	
113.	<p>132(1) An employee who is an elector qualified to vote shall, while the polls are open on polling day at an election or plebiscite, be allowed 3 consecutive hours for the purpose of casting the employee's vote.</p> <p>(2) If the employee's hours of employment do not allow for the 3 consecutive hours' absence, the employee's employer shall allow the employee additional time for voting to provide the 3 consecutive hours, but the additional time for voting shall be granted at the convenience of the employer.</p>	<p>132(1) If the work schedule of an employee who is an elector qualified to vote does not permit the employee to vote during an advance poll, a mobile poll or on election day at an election or plebiscite, the employer shall allow 3 consecutive hours on any of the days of voting to that employee, at the convenience of the employer, for the purpose of the employee casting a vote.</p> <p>(2) <></p>	<p>The proposed change combines (1) and (2).</p> <p>Include the 4 days of advance polls, so the employee's schedule must prevent person from voting during all 5 days (and during mobile polls in some circumstances). This will greatly reduce abuse of this provision and reduce the burden on employers.</p> <p>A new advance polling vote-anywhere system will make voting even easier for employees.</p>
114.	<p>Printed or electronic advertising 134(1) In this section, "advertisement" means an advertisement, for which there is or normally would be a charge, in any broadcast, print, electronic or other media, including telephone, fax, internet, electronic mail and text messaging, with the purpose of promoting or opposing any registered political party or the election of a registered candidate.</p> <p>(2) A registered candidate, a registered constituency association and a registered political party must ensure that advertisements sponsored by the registered candidate, the registered constituency association or the registered political party comply with the following in accordance with the guidelines of the Chief Electoral Officer:</p> <p>(a) the advertisement must include the sponsor's name and contact information and</p>	<p>134(1) In this section, "advertisement" means an advertisement, for which there is or normally would be a charge, in any broadcast, print, electronic or other media, including telephone, fax, internet, electronic mail and text messaging, with the purpose of promoting or opposing any registered political party or the election of a registered candidate.</p> <p>REPLACE WITH:</p> <p>(2) A registered candidate, a registered constituency association and a registered political party must ensure that advertisements sponsored <u>authorized</u> by the registered candidate, the registered constituency association or the registered political party include the name and contact information of the registered candidate, registered constituency association or registered political party, and must indicate that the registered candidate, registered</p>	<p>Propose taking the money component of election advertising by political entities out of this part of the <i>Election Act</i> – keep it for EFCDA (currently section 44.1(1)(g)), which is a more appropriate place.</p> <p><u>Why is the "charge" or "cost" concept proposed to be taken out of the equivalent section in the <i>Election Act</i>, but kept in the EFCDA?</u></p> <p>The <i>Election Act</i> binds only political entities and the purpose of the advertising provision (section 134) is for contact information, so that the public can address who is doing the advertising. Conversely, the EFCDA binds both political entities and third parties. The advertising provisions in the EFCDA are about money and accountability and knowing who is paying. Conversely, The purpose of the rules is different in the <i>Election Act</i> – to identify the source – from in the EFCDA – to regulate the amount spent on advertising.</p> <p>The object to section 134 of the <i>Election Act</i> is to ensure that ads for which the political entity is responsible bear the name and contact info in a form</p>

	Current Provision	Proposed Revised Provision	Rationale
	<p>must indicate whether the sponsor authorizes the advertisement;</p> <p>(b) subject to clause (c), in the case of an advertisement that is broadcast or is made through electronic media, the information referred to in clause (a) must be stated at the beginning of the advertisement;</p> <p>(c) in the case of an advertisement transmitted to a telephone, whether in the form of a live call or an automated pre-recorded call,</p> <p>(i) the telephone number of the sponsor must be capable of being displayed on the call display of called parties who subscribe to call display, and must not be blocked from being displayed;</p> <p>(ii) the name of the sponsor and the sponsor's party affiliation, if any, must be stated at the beginning of the advertisement;</p> <p>(iii) the advertisement must state whether the sponsor authorizes the advertisement;</p> <p>(iv) the telephone number of the sponsor or the sponsor's campaign office at which the sponsor can be contacted must be stated at the end of the advertisement.</p> <p>(3) The Chief Electoral Officer shall establish guidelines respecting the requirements referred to in subsection (2).</p> <p>(4) The guidelines must be published on the Chief Electoral Officer's website.</p> <p>(5) If an advertisement is not in compliance with this section, the Chief Electoral Officer may cause it to be removed or discontinued, and in the case of an advertisement displayed on a sign, poster or other similar format neither the Chief Electoral Officer nor any person acting under the Chief Electoral Officer's instructions is liable for trespass or damage resulting from or occasioned by the removal.</p>	<p>constituency association or registered political party authorizes the advertisement.</p> <p>(b) <></p> <p>(c) <></p> <p>(3) The Chief Electoral Officer shall establish guidelines respecting the requirements referred to in subsections (2).</p> <p>(4) The guidelines must be published on the Chief Electoral Officer's website.</p> <p>(5) If an advertisement is not in compliance with this section or with the guidelines, the Chief Electoral Officer may cause it to be removed or discontinued, and in the case of an advertisement displayed on a sign, poster or other similar format neither the Chief Electoral Officer nor any person acting under the Chief Electoral Officer's instructions is liable for trespass or damage resulting from or occasioned by the removal.</p>	<p>complying with guidelines adopted by the Chief Electoral Officer.</p> <p>In addition, removing a cost component from the definition levels the field for social media etc. which frequently does not associate a charge with transmission.</p> <p>(2) Consequential housekeeping: change "sponsor" to "authorize" because sponsor connotes money.</p> <p>Move the prescriptive robocall details – (2)(b)(c) – into guidelines issued by the Chief Electoral Officer. This allows greater flexibility to the Chief Electoral Officer to set out rules that are required to be set out, or to avoid absurd results (e.g. a 14-second ad requiring 9 seconds of section 134 compliance), and to adapt to changing technologies.</p>
115.	<p>135(1) Subject to subsection (2), no person may</p> <p>(a) display inside or on the outside of, or</p> <p>(b) distribute within,</p> <p>a building used for a polling place at an advance poll or on polling day any election circular, card, poster, bill or other paper except those posted by the deputy returning officer or other election officials as required by this Act.</p> <p>(2) When a polling place is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (1) applies only to the office, store or facility comprising the area designated as a polling place.</p>	<p>135(1) Subject to subsection (2), no person may, at an advance vote or on voting day,</p> <p>(a) display inside or on the outside of a building used for a voting place,</p> <p>(b) distribute within a building used for a voting place, or</p> <p>(c) <u>display or distribute within the boundary of the land immediately surrounding the building used as a voting place,</u></p> <p>any election circular, card, poster, bill or other paper except those posted by election officers as required by this Act.</p> <p>(2) When a <u>voting</u> place is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (1) applies only to</p>	<p>The addition of (1)(c) is to prevent posting in the parking lots etc. of voting places.</p> <p>Note: "person" now includes a group as under the EFCDA and includes a political party.</p>

	Current Provision	Proposed Revised Provision	Rationale
	(3) Where a person displays any circular, card, poster, bill or other paper contrary to subsection (1) or (2), the returning officer may cause it to be removed, and neither the returning officer nor any person acting under the returning officer's instructions is liable for trespass or damages resulting from or occasioned by the removal.	the office, store or facility comprising the area designated as a <u>voting</u> place. (3) Where a person displays any circular, card, poster, bill or other paper contrary to subsection (1) or (2), the returning officer may cause it to be removed, and neither the returning officer nor any person acting under the returning officer's instructions is liable for trespass or damages resulting from or occasioned by the removal.	
116.	136 The returning officer for each electoral division shall provide adequate quarters and facilities for receiving and conducting the official count of the ballots received from all the deputy returning officers of the returning officer's electoral division.	136 The returning officer for each electoral division shall provide adequate quarters and facilities for receiving and conducting the official count of the ballots received from all the deputy returning officers of the returning officer's electoral division.	Delete "quarters" as it suggests residence, which is not necessary to provide to those involved in an official count.
117.	Conduct of official count 137(3.1) The returning officer shall (a) check the deputy returning officer's Statement of Poll, (b) make a note in the poll book of every objection to a ballot made by or on behalf of a candidate and the name of any candidate by or on whose behalf an objection was made, (c) number each objection to a ballot in the poll book, place a corresponding number on the back of the ballot and initial the back of the ballot, (d) decide any questions arising out of an objection regardless of whether a decision was made by the deputy returning officer in the first instance, (e) inspect all rejected ballots and decide on the validity of each ballot regardless of the previous rejection by the deputy returning officer, (f) supervise election officers in conducting the official count of the valid votes, (g) supervise election officers in reconciling the number of spoiled and declined ballots, and (h) complete an official count of the valid votes.	Conduct of official count 137(3.1) <u>In the event the difference between the votes for the candidate with the highest number of votes and the candidate with the next highest number of votes is 100 or less,</u> the returning officer shall conduct a full official count by (a) checking the deputy returning officer's Statement of Poll, (b) making a note in the voting record of every objection to a ballot made by or on behalf of a candidate and the name of any candidate by or on whose behalf an objection was made, (c) numbering each objection to a ballot in the voting record, placing a corresponding number on the back of the ballot and initialing the back of the ballot, (d) deciding any questions arising out of an objection regardless of whether a decision was made by the deputy returning officer in the first instance, (e) inspecting all invalid ballots and deciding on the validity of each ballot regardless of the previous determination of invalidity by the deputy returning officer, (f) supervising election officers who are assisting the returning officer in conducting the official count of the valid votes, (g) supervising election officers who are assisting the returning officers in reconciling the number of declined ballots and ballots marked in error, and (h) completing an official count of the valid votes. ADD:	(3.1) Propose that the official count not be an all-out full count. The voting area-specific election officials will have already counted every ballot on election night. A full count typically takes around 3 days to complete. The full count is useful only in cases where the outcome is potentially uncertain. Propose a 100-vote threshold to trigger a complete count all over again. (3.2) If the margin is greater than 100, the returning officer will still do an audit of the results – enough so the returning officer can be satisfied to sign the Certificate and Return.

	Current Provision	Proposed Revised Provision	Rationale
		<p>(3.2) In the event the difference between the votes for the candidate with the highest number of votes and the candidate with the next highest number of votes is 201 or more, the returning officer shall</p> <p>(a) check the deputy returning officer's Statement of Poll, and</p> <p>(b) review such records and inspect such ballots</p> <p>to satisfy the returning officer that he or she may sign the Certificate and Return.</p>	
118.	<p>Announcement of official results</p> <p>138(1) The returning officer shall attend at the place, date and time stated in the election proclamation and announce the results of the official count and</p> <p>(a) declare elected the candidate who received the largest number of votes, or</p> <p>(b) if no candidate can be declared elected because there is an equality of votes for 2 or more candidates, declare that the results of the election are subject to a judicial recount under this Part.</p> <p>(2) The returning officer shall retain a copy of the Statement of Official Results for a period of 10 days after announcing the results of the official count to allow for a possible judicial recount under this Part.</p>	<p><u>Declaration of official results</u></p> <p>138(1) The returning officer shall attend at the place and on the date and time stated in the election proclamation and announce <u>declare the results of the official count and declare to the Chief Electoral Officer that</u></p> <p>(a) the candidate who received the largest number of votes was elected, or</p> <p>(b) if no candidate can be declared elected because there is an equality of votes for 2 or more candidates, the results of the election are subject to a judicial recount under this Part.</p> <p>ADD:</p> <p>(1.1) <u>Immediately upon a declaration by a returning officer under subsection (1), the Chief Electoral Officer shall publish the result of the declaration.</u></p> <p>(2) The returning officer shall retain a copy of the Statement of Official Results for a period of 7 days after the Chief Electoral Officer has published it to allow for a possible judicial recount under this Part.</p>	<p>Historically, the declaration of the official results by the returning officer was a significant event. Today, nobody attends the declarations, and the notion of a public declaration looks like a website. This will also mandate and increase efficiency of publication of official results.</p> <p>The returning officers will declare the elected candidates to the Chief Electoral Officer, and the Chief Electoral Officer will publish the results.</p> <p>(2) 10 days → 7 days after the Chief Electoral Officer publishes it, to reflect greater efficiency.</p>
119.	<p>Disclaimer</p> <p>139(1) A candidate who has been declared elected under section 138(1) may disclaim the candidate's right to become a Member of the Legislative Assembly by filing a disclaimer in the prescribed form with the Chief Electoral Officer at any time after the candidate is declared elected under this Part and before the candidate would otherwise become a member of the Assembly by reason of section 1(2) of the Legislative Assembly Act.</p> <p>(2) A candidate who files a disclaimer pursuant to subsection (1) shall deliver a copy of it forthwith to the returning officer and to the Clerk of the Legislative Assembly.</p> <p>(3) Subject to subsection (4), if a disclaimer is filed pursuant to subsection (1), the election in which that candidate was declared elected is void.</p> <p>(4) The filing of a disclaimer under subsection (1) does not affect any application under section 144 or appeal under section 148 by another candidate or the right of that other candidate to be declared elected if that other</p>	<p>Disclaimer</p> <p>139(1) A candidate who has been declared elected under section 138(1) may disclaim the candidate's right to become a Member of the Legislative Assembly by filing a disclaimer in the prescribed form with the Chief Electoral Officer at any time after the candidate is declared elected under this Part and before the candidate would otherwise become a member of the Assembly by reason of section 1(2) of the <i>Legislative Assembly Act</i>.</p> <p>(2) A candidate who files a disclaimer pursuant to subsection (1) shall deliver a copy of it forthwith to the returning officer and to the Clerk of the Legislative Assembly.</p> <p>(3) Subject to subsection (4), if a disclaimer is filed pursuant to subsection (1), the election in which that candidate was declared elected is void, <u>section 32 of the <i>Legislative Assembly Act</i> applies and a by-election shall be held for that electoral division.</u></p> <p>(4) The filing of a disclaimer under subsection (1) does not affect any application under</p>	<p>Amend (3) to make it clear a by-election is the next step after a void election following a disclaimer. In the Prentice disclaimer (in 2015), there was some ambiguity in interpreting the interaction between the <i>Election Act</i> and the <i>Legislative Assembly Act</i>. Expressly mentioning a by-election will trigger the warrant from the Clerk, which triggers the Order from the Lieutenant Governor in Council, which directs the Chief Electoral Officer to issue the writ.</p> <p><i>See also section 149.</i></p>

	Current Provision	Proposed Revised Provision	Rationale
	candidate's application or appeal is successful.	section 144 or appeal under section 148 by another candidate or the right of that other candidate to be declared elected if that other candidate's application or appeal is successful.	
120.	<p>Delay in announcement of official results</p> <p>140(1) If in any electoral division not all the ballot boxes have reached the returning officer by the date stated in the election proclamation for announcing the results of the official count, the returning officer shall on that date adjourn the proceedings for a period of not more than one week and subsequently may adjourn for further periods of not more than one week at a time.</p> <p>(2) Notwithstanding subsection (1), the announcement of the results shall not be delayed under subsection (1) beyond 30 days from the date stated in the election proclamation.</p> <p>(3) If after a delay of 30 days the ballot boxes are not recovered, the returning officer shall forthwith announce the results of the official count without considering the missing ballots.</p> <p>(4) If a returning officer is unable for any reason other than the one referred to in subsection (1) to announce the results of the official count at the date and time stated in the election proclamation, the returning officer shall adjourn the proceedings from time to time as may be required.</p> <p>(5) Notwithstanding subsection (4), the announcement of the results of the official count shall not be delayed under subsection (4) beyond 14 days from the date stated in the election proclamation.</p>	<p>Delay in declaration of official results</p> <p>140(1) If in any electoral division not all the ballot boxes have reached the returning officer by the date stated in the election proclamation for <u>declaring</u> the results of the official count, the returning officer shall on that date adjourn the proceedings for a period of not more than one week and subsequently may adjourn for further periods of not more than one week at a time.</p> <p>(2) Notwithstanding subsection (1), the <u>declaration</u> of the results shall not be delayed under subsection (1) beyond 30 days from the date stated in the election proclamation.</p> <p>(3) If after a delay of 30 days the ballot boxes are not recovered, the returning officer shall forthwith <u>declare</u> the results of the official count without considering the missing ballots.</p> <p>(4) If a returning officer is unable for any reason other than the one referred to in subsection (1) to <u>declare</u> the results of the official count at the date and time stated in the election proclamation <u>or to the Chief Electoral Officer</u>, the returning officer shall adjourn the proceedings from time to time as may be required.</p> <p>(5) Notwithstanding subsection (4), the <u>declaration</u> of the results of the official count shall not be delayed under subsection (4) beyond 14 days from the date stated in the election proclamation.</p>	Make consistent with new way of announcing official results as proposed under section 138.
121.	<p>Handling of documents and register information after official count</p> <p>141(1) After the official count of the votes has been completed and the Statement of Official Results has been completed, the returning officer shall prepare the following for return to the Chief Electoral Officer in accordance with the Chief Electoral Officer's directions:</p> <p>(a) the lists of electors;</p> <p>(b) the various envelopes containing the ballots;</p> <p>(c) the poll books;</p> <p>(d) the election proclamation;</p> <p>(e) the writ;</p> <p>(f) the Statement of Official Results;</p> <p>(g) the Certificate and Return;</p>	<p>Handling of documents and register information after official count</p> <p>141(1) After the official count of the votes has been completed and the Statement of Official Results has been completed, the returning officer shall prepare the following for return to the Chief Electoral Officer in accordance with the Chief Electoral Officer's directions:</p> <p>(a) the lists of electors;</p> <p>(b) the various envelopes containing the ballots;</p> <p>(c) the poll books;</p> <p>(d) the election proclamation;</p> <p>(e) the writ;</p> <p>(f) the Statement of Official Results;</p> <p>(g) the Certificate and Return;</p>	<p>(2) and (3) Taking the returning officer out of the register updating process, and moving register updating to its own section, proposed section 142.1.</p> <p>Today, returning documents to the Chief Electoral Officer and updating register information are two very different tasks. The register updating is now done centrally through Elections Alberta, not by individual returning officers.</p>

	Current Provision	Proposed Revised Provision	Rationale
	<p>(h) repealed 2012 c5 s51;</p> <p>(i) any other documents requested by the Chief Electoral Officer.</p> <p>(2) The returning officer shall enter in the register in accordance with the directions of the Chief Electoral Officer any information listed in section 13(2) that is collected during the election period.</p> <p>(3) The returning officer shall complete the updating of the register under subsection (2) within the time period set out in section 142(1).</p> <p>(4) The returning officer shall prepare a report concerning the election proceedings in the returning officer's electoral division, including the returning officer's recommendations regarding those proceedings as prescribed by the Chief Electoral Officer, within a time period determined by the Chief Electoral Officer.</p>	<p>(h) repealed 2012 c5 s51;</p> <p>(i) any other documents requested by the Chief Electoral Officer.</p> <p>(2) <> MOVE</p> <p>(3) <> DELETE</p> <p>(4) The returning officer shall prepare a report concerning the election proceedings in the returning officer's electoral division, including the returning officer's recommendations regarding those proceedings as prescribed by the Chief Electoral Officer, within a time period determined by the Chief Electoral Officer.</p>	
122.	142 (2) Notwithstanding subsection (1), if prior to transmitting the documents under subsection (1) the returning officer is served with notice pursuant to section 144(6), the returning officer shall retain the documents until the returning officer receives the certificate of the judge under section 147, and on receiving the certificate the returning officer shall forthwith transmit the documents to the Chief Electoral Officer.	<p>142 (2) Notwithstanding subsection (1), if prior to transmitting the documents under subsection (1) the returning officer is served with</p> <p>(a) notice pursuant to section 144(6), the returning officer shall retain the documents until the returning officer receives the certificate of the judge under section 147, or</p> <p>(b) <u>notice pursuant to section 148, the returning officer shall retain the documents until the returning officer receives the certificate of the judge under section 148(7).</u></p> <p>and on receiving the certificate <u>or certificates</u> the returning officer shall forthwith transmit the documents to the Chief Electoral Officer.</p>	(b) Including possible judicial recount appeals (section 148), so that a returning officer does not start returning the documents during the 3 days that may pass between the judicial recount at the Court of Queen's Bench and the deadline to file an appeal at Court of Appeal. As is, a situation could result where the returning officer returns the materials to the Chief Electoral Officer one day, and the next day receives a notice of appeal directing that same returning officer to bring the same ballots and materials to the Court of Appeal.
123.		<p>ADD:</p> <p>142.1 The office of the Chief Electoral Officer shall enter in the register in accordance with the directions of the Chief Electoral Officer any information listed in section 13(2) that is collected during the election period.</p>	This is section 141(2) relocated. It is not the returning officer who enters the register update information; it is now done centrally.
124.	<p>Judicial recount</p> <p>144(3) An application must be filed not later than 8 days after the date the returning officer announces the results of the official count under section 138 and on the filing of the application, the clerk of the Court shall set the date of the recount not later than the 10th day after the filing of the application.</p> <p>(5) The returning officer shall make an application under this section if a declaration has been made under section 138(1)(b).</p>	<p>Judicial recount</p> <p>144(3) An application must be filed not later than 8 days after the date the <u>Chief Electoral Officer publishes</u> the results of the official count under section 138 and on the filing of the application, the clerk of the Court shall set the date of the recount not later than the 10th day after the filing of the application.</p> <p>(5) The returning officer shall make an application under this section if a declaration has been made under section 138(1)(b).</p>	Update to proposed method of publishing official results (<i>see section 138</i>), which is the trigger for this limitation.
125.	144(6) At least 4 days' notice of the time and place appointed for the recount shall be given by the applicant	144(6) At least 4 days' notice of the time and place appointed for the recount shall be given by the applicant	Add the Chief Electoral Officer to the list of individuals receiving notice of a judicial recount application. The Chief Electoral Officer assists the court, and assists

	Current Provision	Proposed Revised Provision	Rationale
	<p>(a) to the candidates, in the manner prescribed in section 68, and</p> <p>(b) to the returning officer, if the returning officer is not the applicant, and the election clerk.</p>	<p>(a) to the candidates, in the manner prescribed in section 68,</p> <p>(b) to the returning officer, if the returning officer is not the applicant, and the election clerk, and</p> <p>ADD: (c) <u>to the Chief Electoral Officer.</u></p>	<p>the returning officer and the election clerk who are required to be present.</p> <p>The proposed amendment also allows the Chief Electoral Officer to be a party for the purpose of having legal representatives entitled to attend (section 145(3)(c)).</p>
126.	<p>145(3) At any recount of votes, the returning officer and election clerk shall be present and the following may be present:</p> <p>(a) each candidate and each candidate's official agent, or either of them, or in their absence 2 electors of the relevant electoral division designated by the candidate;</p> <p>(b) the Chief Electoral Officer or a designate or both;</p> <p>(c) the legal representatives of the parties.</p>	<p>145(3) At any recount of votes, the returning officer and election clerk shall be present and the following may be present:</p> <p>(a) each candidate and each candidate's official agent, or either of them, or in their absence 2 electors of the relevant electoral division designated by the candidate;</p> <p>(b) the Chief Electoral Officer or a designate or both;</p> <p>ADD: (b.1) election officers determined by the Chief Electoral Officer to assist with the recount; and</p> <p>(c) the legal representatives of the parties.</p>	<p>In reality, the court frequently needs assistance to handle the ballots and conduct a recount. This proposed amendment expressly allows a recount judge, in his or her discretion, to have election officers present.</p>
127.	<p>Conduct of recount</p> <p>146(1) At the time and place appointed and in the presence of the persons entitled or required to attend, the judge shall conduct the recount.</p> <p>(2) If consented to by the applicant or applicants for the recount, the returning officer and the candidates present at the recount, the judge may limit the ballots to be considered to those for which the recount was requested.</p> <p>(3) In his or her discretion, the judge may consider other ballots and open other envelopes in addition to those for which the recount was requested, and for this purpose may require the returning officer to bring other ballot boxes.</p> <p>(4) The judge may hear any oral evidence the parties wish to adduce.</p> <p>(5) In the case of a recount of all the votes, the judge shall open all the envelopes containing</p> <p>(a) the votes counted,</p> <p>(b) the rejected ballots,</p> <p>(c) the spoiled and declined ballots, and</p> <p>(d) the unused ballots.</p> <p>(6) Notwithstanding subsection (5), the judge shall not open the outer envelope</p>	<p>Conduct of recount</p> <p>146(1) At the time and place appointed and in the presence of the persons entitled or required to attend, the judge shall conduct the recount.</p> <p>ADD: (1.1) <u>The judge may use the services of election officers determined to assist with the recount.</u></p> <p>(2) If consented to by the applicant or applicants for the recount, the returning officer and the candidates present at the recount, the judge may limit the ballots to be considered to those for which the recount was requested.</p> <p>(3) In his or her discretion, the judge may consider other ballots and open other envelopes in addition to those for which the recount was requested, and for this purpose may require the returning officer to bring other ballot boxes.</p> <p>(4) The judge may hear any oral evidence the parties wish to adduce.</p> <p>(5) In the case of a recount of all the votes, the judge shall <u>may</u> open all the envelopes containing</p> <p>(a) the votes counted,</p> <p>(b) the rejected <u>invalid</u> ballots,</p> <p>(c) the declined ballots,</p>	<p>(1.1) This change accords with section 145(3)(b.1).</p> <p>(5) "Shall" to "may" to authorize in the event the number of unused ballots etc. is relevant to a reconciliation, but not require it where it is not relevant.</p> <p>(5)(b) and (c.1) to reflect updated language for these kinds of ballots.</p> <p>(6) to reflect proposed changes regarding how Special Ballots are handled.</p>

	Current Provision	Proposed Revised Provision	Rationale
	containing a Special Ballot if the envelope was received by the returning officer after the closing of the polling places on polling day.	<p><u>(c.1) the ballots marked in error, and</u></p> <p>(d) the unused ballots.</p> <p>(6) Notwithstanding subsection (5), the judge shall not open the outer envelope containing a Special Ballot if the envelope was received by the returning officer or by <u>the office of the Chief Electoral Officer later than the deadline set out in section 118(3) or (3.1), as the case may be.</u></p>	
128.	146 (7) The judge shall as far as practicable proceed continuously with the recount from 9 a.m. to 6 p.m. or for any longer hours to which the judge and the persons present agree.	146 (7) The judge shall as far as practicable proceed continuously with the recount from <u>10 a.m.</u> to 6 p.m. or for any longer hours to which the judge and the persons present agree.	Change to 10 a.m. start to accommodate Court of Queen's Bench Rules for civil applications.
129.	NEW	ADD: 148(9) No later than 60 days after the Court of Appeal declares the results of the election under subsection (7), the Court of Appeal shall return the ballots to the Chief Electoral Officer in place of the returning officer sending those ballots to the Chief Electoral Officer under section 142.	Currently, the Court of Appeal would send the ballots to the returning officer, who is to send the ballots in turn to the Chief Electoral Officer. At this point, the office of the returning officer is closed and the staff are no longer retained. The proposed amendment eliminates the extra step.
130.	<p>By-election if tie vote</p> <p>149(1) This section applies if a returning officer makes a declaration under section 148(8)(b) that no member has been declared elected because there is an equality of votes for 2 or more candidates.</p> <p>(2) As soon as possible after a declaration has been made under section 148(8)(b) that no member has been declared elected for the electoral division because there is an equality of votes for 2 or more candidates, the Chief Electoral Officer shall present a report to the Speaker that there is a vacancy for that electoral division, in which case a writ of election for that electoral division shall be issued under section 39 as if the election were a by-election.</p>	<p>By-election if tie vote</p> <p>149(1) This section applies if a returning officer makes a declaration under section 148(8)(b) that no member has been declared elected because there is an equality of votes for 2 or more candidates.</p> <p>(2) As soon as possible after a declaration has been made under section 148(8)(b) that no member has been declared elected for the electoral division because there is an equality of votes for 2 or more candidates, the Chief Electoral Officer shall present a report <u>to the Clerk of the Assembly</u> that there is a vacancy for that electoral division, <u>in which case section 32 of the <i>Legislative Assembly Act</i> applies and an order shall be issued by the Lieutenant Governor in Council</u> under section 39 as if the election were a by-election.</p>	<p>Under section 39, it is not a writ that the Lieutenant Governor in Council issues, but an order commanding writs to be issued. Writs are issued by the Chief Electoral Officer.</p> <p>The Clerk needs to know there is a vacancy. The Lieutenant Governor in Council needs to know so an order can be issued.</p> <p>For reference, section 32 of the <i>Legislative Assembly Act</i> provides:</p> <p><i>32(1) When a vacancy occurs in the membership of the Assembly, the Clerk shall</i></p> <p><i>(a) issue and deliver the Clerk's warrant to the Chief Electoral Officer for the issue of a writ for the election of a Member to fill the vacancy, and</i></p> <p><i>(b) deliver a copy of the warrant to the Clerk of the Executive Council.</i></p> <p><i>(2) Within 6 months after the delivery of the warrant to the Chief Electoral Officer, an order shall be made under section 39 of the Election Act authorizing the issue of a writ for an election to fill the vacancy.</i></p> <p><i>(3) Notwithstanding subsection (2), an order need not be made under section 39 of the Election Act if the vacancy occurs during the last year of the legal life of the Assembly.</i></p> <p><i>(4) If the Legislature is dissolved after the issue of the writ referred to in subsection (2) and before an election is held under the writ, the writ is revoked on the dissolution of the Legislature.</i></p> <p><i>(5) A vacancy in the membership of the Assembly does not invalidate any proceedings of the Assembly.</i></p> <p><i>See also section 139.</i></p>

	Current Provision	Proposed Revised Provision	Rationale
131.	<p>151(1) Subject to this Act, the Chief Electoral Officer shall retain the documents and information transmitted to the Chief Electoral Officer pursuant to section 142(1).</p> <p>(2) The Chief Electoral Officer shall retain the documents and information for at least</p> <p>(a) 3 months after receiving them from the returning officer, or</p> <p>(b) in the case of a judicial recount or an appeal, 3 months after the final determination of the recount or appeal,</p> <p>after which the retained documents and information shall be destroyed.</p>	<p>151(1) Subject to this Act, the Chief Electoral Officer shall retain the documents and information transmitted to the Chief Electoral Officer pursuant to section 142(1) <u>and section 148(9) if applicable.</u></p> <p>(2) The Chief Electoral Officer shall retain the documents and information for at least</p> <p>(a) 3 months after receiving them from the returning officer, or</p> <p>(b) in the case of a judicial recount or an appeal, 3 months after the final determination of the recount or appeal,</p> <p>after which the retained documents and information shall be destroyed.</p>	<p>Consistent with the amendments by which a judge sends the ballots to the Chief Electoral Officer after a judicial recount.</p>
132.	<p>152(1) A candidate and the candidate's official agent, or either of them, may for a period of 30 days after the publication in The Alberta Gazette of the name of the candidate declared elected in the relevant electoral division, inspect any election documents, except ballots, retained by the Chief Electoral Officer and pertaining to the election in that electoral division.</p> <p>(2) If within the 30-day period described in subsection (1) a candidate in an electoral division, a candidate's official agent or a political party that has a candidate in the electoral division makes a written request to the Chief Electoral Officer for a copy of the poll books for the relevant electoral division, the Chief Electoral Officer shall, on payment of the cost to produce the copy as determined by the Chief Electoral Officer, furnish the copy to the candidate, official agent or political party.</p> <p>(3) Information contained in documents referred to in subsections (1) and (2) may be used only for electoral purposes.</p> <p>(3.1) A candidate, a candidate's official agent or a political party to whom a copy of a poll book has been furnished under this section shall take all reasonable steps to protect the poll book and the information contained in it from loss and unauthorized use.</p> <p>(3.2) A candidate, a candidate's official agent or a political party to whom a copy of a poll book has been furnished under this section shall immediately notify the Chief Electoral Officer if the poll book or the information contained in the poll book has been lost.</p> <p>(3.3) On being notified under subsection (3.2), the Chief Electoral Officer shall direct the candidate, the candidate's official agent or the political party to take any action the Chief Electoral Officer considers appropriate.</p> <p>(4) Subject to subsection (1), no person may inspect any election documents retained by the Chief Electoral Officer pertaining to the</p>	<p>152(1) A <u>registered</u> candidate and the <u>registered</u> candidate's official agent, or either of them, may for a period of 30 days after the publication in The Alberta Gazette of the name of the candidate declared elected in the relevant electoral division, inspect any election documents, except ballots, retained by the Chief Electoral Officer and pertaining to the election in that electoral division.</p> <p>(2) If within the 30-day period described in subsection (1) a <u>registered</u> candidate in an electoral division, a <u>registered</u> candidate's official agent or a <u>registered</u> political party that has a <u>registered</u> candidate in the electoral division makes a written request to the Chief Electoral Officer for a copy of the <u>voting records</u> for the relevant electoral division, the Chief Electoral Officer shall, on payment of the cost to produce the copy as determined by the Chief Electoral Officer, furnish the copy to the registered candidate, registered candidate's official agent or registered political party.</p> <p>(3) Information contained in documents referred to in subsections (1) and (2) may be used only for electoral purposes.</p> <p>(3.1) A <u>registered</u> candidate, a <u>registered</u> candidate's official agent or a <u>registered</u> political party to whom a copy of a <u>voting record</u> has been furnished under this section shall take all reasonable steps to protect the <u>voting record</u> and the information contained in it from loss and unauthorized use.</p> <p>(3.2) A <u>registered</u> candidate, a <u>registered</u> candidate's official agent or a <u>registered</u> political party to whom a copy of a <u>voting record</u> has been furnished under this section shall immediately notify the Chief Electoral Officer if the poll book or the information contained in the poll book has been lost.</p> <p>(3.3) On being notified under subsection (3.2), the Chief Electoral Officer shall direct the <u>registered</u> candidate, the <u>registered</u> candidate's official agent or the <u>registered</u></p>	<p>Candidate and party amended to be "registered" candidates and "registered" parties. Unregistered entities should have no access to election documents.</p> <p>New (4.1): The Chief Electoral Officer should have notice of the application for such an order, to ensure security and integrity of election documents in the terms of the court order. The Chief Electoral Officer may assist the court in making appropriate conditions under (6).</p>

	Current Provision	Proposed Revised Provision	Rationale
	<p>election in that electoral division except by order of a judge.</p> <p>(5) A judge may make an order under subsection (4) if the judge is satisfied on oral or affidavit evidence that inspection of the election documents is required for the purpose of</p> <p>(a) a prosecution for an offence under this Act, or</p> <p>(b) a petition questioning an election or return.</p> <p>(6) An order under this section may be made subject to any conditions regarding the inspection that the judge considers appropriate.</p>	<p>political party to take any action the Chief Electoral Officer considers appropriate.</p> <p>(4) Subject to subsection (1), no person may inspect any election documents retained by the Chief Electoral Officer pertaining to the election in that electoral division except by order of a judge.</p> <p>ADD:</p> <p>(4.1) <u>Notice of an application for an order under subsection (4) must be provided to the Chief Electoral Officer.</u></p> <p>(5) A judge may make an order under subsection (4) if the judge is satisfied on oral or affidavit evidence that inspection of the election documents is required for the purpose of</p> <p>(a) a prosecution for an offence under this Act, or</p> <p>(b) a petition questioning an election or return.</p> <p>(6) An order under this section may be made subject to any conditions regarding the inspection that the judge considers appropriate.</p>	
133.	NEW	<p>ADD</p> <p>153.01(1) In this section "compliance officer" means an election officer designated by the Chief Electoral Officer to assist in enforcing compliance with this Act.</p> <p>(2) The Chief Electoral Officer may designate election officers as compliance officers.</p> <p>(3) The Chief Electoral Officer shall develop and publish guidelines governing:</p> <p>(a) the conduct of compliance officers in relation to violation tickets,</p> <p>(b) the fine schedule for violation tickets,</p> <p>(c) the procedure of a review of a violation ticket under section 153.02, and</p> <p>(d) any other matter under this section and section 153.02 that, in the opinion of the Chief Electoral Officer, would benefit from guidelines.</p> <p>(4) If a compliance officer has reasonable grounds to believe a person has contravened this Act, the compliance officer may issue a violation ticket to the person.</p> <p>(5) The violation ticket shall be in the form and manner approved by the Chief Electoral Officer and will include information indicating</p> <p>(a) the provision of this Act that the person is alleged to have contravened or failed to comply with,</p>	<p><u>Violation ticketing regime:</u></p> <p>The intent of the proposed ticketing regime would be to remedy situations where immediate response by the Chief Electoral Officer is warranted, but where the response does not suit an investigation, administrative penalty, compliance agreement or prosecution.</p> <p>Ticketing would be appropriate in circumstances where swift action is required to remedy the breach; and where facts are not in dispute so as to require extensive investigation. The burden of proof would be the civil burden: on a balance of probabilities.</p> <p>Tickets would be issued by "compliance officers" appointed by the Chief Electoral Officer.</p> <p>The amount of the tickets would be low. The fine schedule would set out graduated fines based on factors such as: the magnitude of the breach, the prejudice to the fairness of the election, whether there were previous breaches, and how long the breach continued before it was remedied.</p>

	Current Provision	Proposed Revised Provision	Rationale
		<p>(b) the date, location and other material particulars of the alleged contravention,</p> <p>(c) the amount of the fine imposed by the violation ticket, and when and how it shall be paid, and</p> <p>(d) the availability of review of the violation ticket by the Chief Electoral Officer under section 153.02.</p> <p>(5.1) The Chief Electoral Officer may publish details of the violation ticket, including</p> <p>(a) the name of the person to whom the violation ticket was issued,</p> <p>(b) the provision of this Act the person is alleged to have contravened,</p> <p>(c) the amount of the fine imposed in the violation ticket,</p> <p>(d) whether the fine has been paid or not,</p> <p>(e) if the publication occurs before the expiry of the period set out in subsection 153.02(2), a statement that the violation ticket is subject to review by the Chief Electoral Officer if the Chief Electoral Officer receives an application for a review, and</p> <p>(f) if the person has applied for review under section 153.02, a statement that the violation ticket is under review by the Chief Electoral Officer,</p> <p>on the website of the Chief Electoral Officer.</p> <p>(6) The amount of fine imposed by issuance of a violation ticket shall be according to the fine schedule in guidelines established in advance and published by the Chief Electoral Officer.</p> <p>(7) From time to time, the Chief Electoral Officer may amend the amounts under the fine schedule in the guidelines.</p> <p>(8) The compliance officer shall serve the violation ticket on the person named in the violation ticket in person or by another method approved by the Chief Electoral Officer.</p> <p>(9) Subject to section 153.02, the amount of the fine imposed is payable immediately to the Chief Electoral Officer, constitutes a debt due to the Chief Electoral Officer, and may be recovered by the Chief Electoral Officer by an action in debt.</p> <p>(10) The Chief Electoral Officer will pay any monies collected under this section to the General Revenue Fund.</p> <p>(11) Issuance of a violation ticket does not affect any other rights or remedies the Chief Electoral Officer may have under this or any other Act or otherwise at law.</p>	

	Current Provision	Proposed Revised Provision	Rationale
134.	NEW	<p>153.02 (1) A person served with a violation ticket may apply in writing to the Chief Electoral Officer for a review of the violation ticket.</p> <p>(2) The Chief Electoral Officer shall only review an application for review if it is received at the office of the Chief Electoral Officer within 60 days of the date indicated on the violation ticket.</p> <p>(3) In reviewing a violation ticket, the Chief Electoral Officer may consider any evidence and information that is relevant to the violation ticket.</p> <p>(4) Upon completion of a review of a violation ticket, the Chief Electoral Officer may</p> <ul style="list-style-type: none"> (a) uphold the violation ticket, (b) cancel the violation ticket, or (c) make any order that is appropriate in the opinion of the Chief Electoral Officer. <p>(5) Decisions of the Chief Electoral Officer under this section are final.</p>	Review process for those receiving tickets from a compliance officer.
135.	153.1(4) The amount of an administrative penalty that may be imposed under subsection (1) must not exceed the maximum fine that could be imposed for the corresponding offence under sections 154 to 161.	153.1(4) The amount of an administrative penalty that may be imposed under subsection (1) must not exceed the maximum fine that could be imposed for the corresponding offence under sections 154 to <u>163</u> .	<p>Housekeeping: change the reference to section 161 to section 163.</p> <p>Without this change, it is arguable that the Chief Electoral Officer cannot impose a monetary administrative penalty against a person who entertained contrary to section 162 or used information contrary to section 163.</p>
136.	NEW	<p>ADD</p> <p>153.2 (1) In this Part, “contracting party” means a person with whom the Chief Electoral Officer enters a compliance agreement under this Act.</p> <p>(2) If the <u>Chief Electoral Officer</u> believes on reasonable grounds that a person has committed, is about to commit or is likely to commit an act or omission that could constitute a <u>contravention</u> of this Act, the Chief Electoral Officer may enter into a compliance agreement, aimed at ensuring compliance with this Act, with that person.</p> <p>(3) A compliance agreement may contain any terms and conditions that the Chief Electoral Officer considers necessary to ensure compliance with this Act.</p> <p>(4) Before entering into a compliance agreement, the Chief Electoral Officer <u>may require</u> the consent of the prospective contracting party to the publication of a notice under section 153.5.</p> <p>(5) A compliance agreement may include a statement by the contracting party that the contracting party admits responsibility for the</p>	<p><u>Compliance agreements:</u></p> <p>153.2(1) Note: “person” has very broad meaning. This will include political parties, third parties, groups, etc.</p> <p>Compliance agreements are an additional remedy for the Chief Electoral Officer intended for cases where a person has made an error but is cooperative and intends to comply in future. For that reason, they are voluntary agreements. They will not be suitable for parties who are uncooperative.</p> <p>Propose for the compliance agreement provisions to apply both to the <i>Election Act</i> and the EFCDA, under a combined statute. If the two statutes are not combined, the recommendation is for similar compliance agreement provisions in the EFCDA as well.</p> <p>153.2(7) A compliance agreement will have the effect of freezing other proceedings against that party for that act or omission. Upon a breach of the compliance agreement, the freeze disappears.</p> <p>153.5 The Chief Electoral Officer will have the option of publishing the terms of the compliance agreement, and the name of the party, on the website.</p>

	Current Provision	Proposed Revised Provision	Rationale
		<p>act or omission that constitutes a contravention of this Act.</p> <p>(6) The fact that a compliance agreement was entered into, and any statement referred to in subsection (4), is not admissible in evidence against the contracting party in any civil or criminal proceedings, except</p> <p style="padding-left: 40px;">(a) they may be considered by the Chief Electoral Officer in the discharge of his duties under this Part, and</p> <p style="padding-left: 40px;">(b) they may be considered by a court in prosecution of an offence under section 154.1 of this Act.</p> <p>(7) When a compliance agreement is entered into, any prosecution of the contracting party for an act or omission that led to the agreement is suspended and, subject to section 153.4, the Chief Electoral Officer may not consent to such a prosecution.</p> <p>(8) The Chief Electoral Officer and the contracting party may renegotiate the terms of the compliance agreement at the request of the Chief Electoral Officer or contracting party at any time before it is fully executed.</p> <p>153.3(1) If the Chief Electoral Officer is of the opinion that the compliance agreement has been complied with, the Chief Electoral Officer shall give a notice to that effect to the contracting party.</p> <p>(2) The giving of a notice under subsection (1) terminates any prosecution of the contracting party that is based on the act or omission in question and prevents the Chief Electoral Officer from consenting to a prosecution based on that act or omission.</p> <p>153.4(1) If the Chief Electoral Officer is of the opinion that a contracting party</p> <p style="padding-left: 40px;">(a) failed to disclose all material facts when the compliance agreement was entered into; or</p> <p style="padding-left: 40px;">(b) has failed to comply with a compliance agreement,</p> <p>the Chief Electoral Officer must give notice of the failure to the contracting party, informing the contracting party that the Chief Electoral Officer <u>may make an adverse finding under section 153.1</u>, or may consent to a prosecution in respect of the original act or omission or, if such a prosecution has been instituted and suspended by virtue of subsection 153.2(7), that those proceedings may be resumed.</p> <p>153.5 The Chief Electoral Officer <u>may</u> publish a notice that sets out the contracting</p>	<p>The “teeth” in the compliance agreement is that, upon a breach, that is an offence itself. <i>See proposed section 154.1 below.</i></p>

	Current Provision	Proposed Revised Provision	Rationale
		party's name, the act or omission in question and a summary of the compliance agreement.	
137.	154(1) A person who contravenes this Act other than (a) a contravention referred to in sections 155 to 161, or (b) a corrupt practice referred to in Part 6, is guilty of an offence and liable to a fine of not more than \$5,000.	154(1) A person who contravenes this Act other than (a) a contravention referred to in sections 155 to <u>163</u> , or (b) a corrupt practice referred to in Part 6, is guilty of an offence and liable to a fine of not more than \$5,000.	Change reference to section 161 to section 163. Rationale same as in section 153.1(4) above.
138.	NEW	ADD 154.1 A contracting party who enters into a compliance agreement under this Act and (a) failed to disclose all material facts when the compliance agreement was entered into, or (b) fails to comply with the compliance agreement is guilty of an offence and liable to a fine of not more than \$5,000.	To add teeth to compliance agreements under section 153.2-153.5. Breaching a compliance agreement is a separate offence unto itself.
139.	Refusal by election officer to carry out duties 155 A person who, having been appointed an election officer and having taken the election officer's oath of office, neglects or refuses to perform any duty to be performed by that election officer is guilty of an offence and liable to a fine of not more than (a) \$500, in the case of a returning officer, and (b) \$200, in the case of any other election officer.	Refusal by election officer to carry out duties 155 An <u>individual</u> who, having been appointed a <u>returning officer, election clerk or</u> election officer and having taken an the election officer's oath of office, neglects or refuses to perform any duty to be performed by that <u>returning officer, election clerk or</u> election officer is guilty of an offence and liable to a fine of not more than (a) <u>\$5000</u> , in the case of a returning officer <u>or election clerk</u> , and (b) <u>\$2000</u> , in the case of any other election officer.	An election officer's refusal to carry out duties has the potential – depending on the duty refused – to seriously undermine the integrity, efficiency and fairness of an election. Note: "election officer" no longer includes returning officers and election clerks, so must add all of them to this offence provision. Multiplying maximum fines to \$5,000 and \$2,000. Note: conviction of such an offence will not automatically go to the maximum fine sentence.
140.	Offences	Offences	Some candidates have indicated that \$500 was "the cost of doing business" as a politician. Recommend updating and raising the maximum fine amounts. Keep in mind the maximum is only that, and a conviction for an offence will not always attract the maximum sentence. A judge – and the Chief Electoral Officer in the case of matching administrative penalties under section 153.1(4) – still retains this discretion. A higher maximum fine and a maximum of a year in prison will prompt prosecutors to take the offences seriously (Michael Sona would not be prosecuted in Alberta). This is in line with other offence/ administrative penalty fines. Other jurisdictions in elections: <ul style="list-style-type: none"> • Nunavut: up to \$5,000 or 1 year or both • BC: up to \$10,000-\$20,000 or 2 years or both • Manitoba: up to \$10,000 or 1 year or both

	Current Provision	Proposed Revised Provision	Rationale
			<ul style="list-style-type: none"> Canada: up to \$5,000 or 5 years or both <p><i>Occupational Health & Safety Act:</i> Administrative penalties by officers:</p> <ul style="list-style-type: none"> \$10,000 + \$10,000 each day it continues (section 40.3(3)) Very similar, has right to appeal Cannot be charged with offence at same time Has its own <i>Administrative Penalties Regulation</i> <p>Offences:</p> <ul style="list-style-type: none"> \$500,000 or 6 months imprisonment, or both, for first; \$1 million + 12 months imprisonment for subsequent
141.	Interference with right of access 158 A person who contravenes section 29(3) or 133(3) is guilty of an offence and liable to a fine of not more than \$1000.	Interference with right of access 158 A person who contravenes section 29(3) or 133(3) is guilty of an offence and liable to a fine of not more than <u>\$10 000 or up to a year of imprisonment, or both.</u>	\$10,000 Section 29 = access during enumeration Section 133 = access for campaigning
142.	Interference with posted documents 159 A person who, without authorization, takes down, covers up, mutilates, defaces or alters any proclamation, notice or other document required to be posted under this Act is guilty of an offence and liable (a) if the person is an election officer, to a fine of not more than \$1000, and (b) in any other case, to a fine of not more than \$200.	Interference with posted documents 159 A person who, without authorization, takes down, covers up, mutilates, defaces or alters any proclamation, notice or other document required to be posted under this Act is guilty of an offence and liable (a) if the person is an election officer, to a fine of not more than <u>\$10 000</u> , and (b) in any other case, to a fine of not more than <u>\$2000</u> , <u>and up to a year of imprisonment, or both.</u>	\$10,000 and \$2,000
143.	False statements about candidate 160 A person who, before or during an election and for the purpose of affecting the voting for a candidate at that election, makes or publishes any false statement in relation to the character or conduct of that candidate or of the withdrawal of that candidate, is guilty of an offence and liable to a fine of not more than \$2000.	False statements about candidate 160 A person who, before or during an election and for the purpose of affecting the voting for a candidate at that election, makes or publishes any false statement in relation to the character or conduct of that candidate or of the withdrawal of that candidate, is guilty of an offence and liable to a fine of not more than <u>\$10 000 and up to a year of imprisonment, or both.</u>	\$10,000
144.	Improper appointment of election officer 161 A person who (a) procures an appointment as an election officer by false pretence, deceit or other improper means, (a.1) knows or ought to know that he or she is ineligible to be appointed or to act as an election officer, or (b) acts as an election officer without lawful authority, is guilty of an offence and liable on summary conviction to a fine of not more than \$1000.	Improper appointment of election officer 161 A person who (a) procures an appointment as an election officer by false pretence, deceit or other improper means, (a.1) knows or ought to know that he or she is ineligible to be appointed or to act as an election officer, or (b) acts as an election officer without lawful authority, is guilty of an offence and liable on summary conviction to a fine of not more than <u>\$100 000, and up to a year of imprisonment, or both.</u>	\$100,000
145.	Entertaining 162(1) A person who, because an elector has voted or is about to vote, or for the purpose of influencing an elector to vote for or against a particular candidate or registered political party, causes or permits any	Entertaining 162(1) A person who, because an elector has voted or is about to vote, or for the purpose of influencing an elector to vote for or against a particular candidate or registered political party, causes or permits any	\$10,000

	Current Provision	Proposed Revised Provision	Rationale
	<p>(a) food or beverages, or</p> <p>(b) money, ticket, voucher or order for the procurement of food or beverages,</p> <p>to be provided to an elector is guilty of an offence and liable to a fine of not more than \$500.</p> <p>(2) The provision of food or beverages</p> <p>(a) by or at the expense of a person to a meeting of electors at the person's usual place of residence, if that residence is a private home,</p> <p>(b) to a meeting of electors, if the food or beverages are paid for by those electors, or</p> <p>(c) by or on behalf of a candidate</p> <p>(i) to the candidate's campaign workers or to any person acting as a scrutineer on behalf of the candidate, or</p> <p>(ii) to persons who attend at the candidate's campaign headquarters,</p> <p>is deemed not to be a contravention of subsection (1).</p>	<p>(a) food or beverages, or</p> <p>(b) money, ticket, voucher or order for the procurement of food or beverages,</p> <p>to be provided to an elector is guilty of an offence and liable to a fine of not more than <u>\$10 000</u>.</p> <p>(2) The provision of food or beverages</p> <p>(a) by or at the expense of a person to a meeting of electors at the person's usual place of residence, if that residence is a private home,</p> <p>(b) to a meeting of electors, if the food or beverages are paid for by those electors, or</p> <p>(c) by or on behalf of a candidate</p> <p>(i) to the candidate's campaign workers or to any person acting as a scrutineer on behalf of the candidate, or</p> <p>(ii) to persons who attend at the candidate's campaign headquarters,</p> <p>is deemed not to be a contravention of subsection (1).</p>	
146.	<p>163 Any person who</p> <p>(a) uses any information obtained from the register for a purpose other than that referred to in section 13(1) or 13.2(1) or (2),</p> <p>(b) uses any information provided to, or obtained by, the Chief Electoral Officer under section 13(2) other than for the purpose of creating or revising the register,</p> <p>(c) uses any information obtained under section 30 other than for the purpose of the enumeration, or</p> <p>(d) contravenes section 20,</p> <p>is guilty of an offence and liable to a fine of not more than \$100 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.</p>	<p>163 Any person who</p> <p>(a) uses any information obtained from the register for a purpose other than that referred to in section 13(1) or 13.2(1) or (2),</p> <p>(b) uses any information provided to, or obtained by, the Chief Electoral Officer under section 13(2) other than for the purpose of creating or revising the register,</p> <p>(c) uses any information obtained under section 30 other than for the purpose of the enumeration, or</p> <p>(d) contravenes <u>section 19.1 or</u> section 20,</p> <p>is guilty of an offence and liable to a fine of not more than \$100 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.</p>	<p>Section 19.1 = reasonable steps required to safeguard lists of electors by those who receive them.</p> <p>Section 20 = unauthorized use of lists of electors.</p> <p>Adding breach of section 19.1 as an offence strengthens the requirement to take "all reasonable steps to protect the list and the information contained in it from loss and unauthorized use."</p>
147.	<p>Consent to prosecute</p> <p>163.1(1) No prosecution shall be instituted under this Act without the consent of the Chief Electoral Officer.</p>	<p>Consent to prosecute</p> <p>163.1(1) No prosecution shall be instituted under this Act without the consent of the Chief Electoral Officer.</p> <p><u>ADD:</u></p>	<p>Currently for prosecution, the Chief Electoral Officer has a conflict of interest with Alberta Justice 100% of the time.</p> <p>(1.1) Providing the option of going through an independent prosecutor will allow the Chief Electoral</p>

	Current Provision	Proposed Revised Provision	Rationale
	(2) A prosecution under this Act may be commenced within 3 years of the commission of the alleged offence but not afterwards.	<p>(1.1) The Chief Electoral Officer may refer an allegation for prosecution either to the Minister of Justice or appoint an independent prosecutor.</p> <p>(1.2) If the Chief Electoral Officer appoints an independent prosecutor, the prosecutor may:</p> <ul style="list-style-type: none"> (a) exercise any powers that the Chief Electoral Officer has under this Act in relation to inquiries and investigations, including advising those individuals of their rights under the <i>Charter of Rights and Freedoms</i> (Canada); (c) use of law enforcement agencies as necessary; (c) provide a report to the Chief Electoral Officer; <p>(1.3) Upon receipt of a report by a prosecutor under subsection (1.2), the Chief Electoral Officer may</p> <ul style="list-style-type: none"> (a) impose a remedy under section 153.1, or (d) if an offence is determined to have been committed, request that the prosecutor prosecute the matter in court. <p>(2) A prosecution under this Act may be commenced within 3 years of the commission of the alleged offence but not afterwards.</p>	<p>Officer to isolate himself from potentially political decisions whether to investigate/prosecute.</p> <p>The Chief Electoral Officer would create a roster of independent prosecutors (e.g. criminal defence firm with lawyers who were once prosecutors). The Chief Electoral Officer has, in the past, successfully appointed retired judges to assist him in investigations that were either sensitive or particularly complex.</p> <p>American model: the president appoints a special prosecutor to take the matter over entirely.</p> <p>Other Canadian jurisdictions that have their own prosecutor or commissioner include Canada and Manitoba.</p> <p>Retain (2) – to stop unnecessary prosecutions.</p>
148.	<p>Fraudulent voting</p> <p>167 A person commits a corrupt practice who</p> <p>(b) signs a false declaration under section 95, 99(1) or 104 or takes a false oath,</p>	<p>Fraudulent voting</p> <p>167 An individual commits a corrupt practice who</p> <p>(b) signs a false declaration under section 95, 99(1), 104 <u>or 108</u> or takes a false oath,</p>	Housekeeping: Section 108 is alleged impersonation of an elector – on par with other serious ballot-related offences.
149.	<p>Improper inducement</p> <p>172(3) A person commits a corrupt practice who does one or more of the following:</p> <p>(f) in order to induce a person</p> <p>(i) to allow the person to be nominated as a candidate,</p> <p>(ii) to refuse to allow the person to be nominated as a candidate, or</p> <p>(iii)to withdraw the person's nomination as a candidate,</p> <p>either gives or procures, agrees to give or procure or attempts to procure any office, position or employment for any person.</p>	<p>Improper inducement</p> <p>172(3) A person commits a corrupt practice who does one or more of the following:</p> <p>...</p> <p>(f) in order to induce an individual</p> <ul style="list-style-type: none"> (i) to allow the individual to be nominated as a candidate, (ii) to refuse to allow the individual to be nominated as a candidate, or (iii) to withdraw the individual's nomination as a candidate, <p>either gives or procures, agrees to give or procure or attempts to procure any office, position or employment for any individual, <u>or money or consideration.</u></p>	<p>Note: (a)-(f) is all about voting</p> <p>Inducing to interfere with candidacy is serious. The illegal inducement should not be restricted to employment. The proposed change is to add money or consideration, reflecting different ways of inducing to interfere.</p>
150.	<p>Corrupt practice offence</p> <p>177(1) A person who commits a corrupt practice 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.</p>	<p>REWRITE and CONSOLIDATION sections 177-181:</p> <p>177 (1) If the Court finds that a corrupt practice was committed in relation to an</p>	Streamline and simplify.

	Current Provision	Proposed Revised Provision	Rationale
	<p>(2) An offence under this Part shall be tried in the Court of Queen's Bench under the summary conviction procedure.</p> <p>Corrupt practice by candidate 178 If the Court finds that an elected candidate is guilty of a corrupt practice or that a corrupt practice was committed with the knowledge and consent of the elected candidate, the Court shall declare the election in which the candidate was elected void.</p> <p>(2) If the Court finds that a candidate, other than the elected candidate, is guilty of a corrupt practice or that a corrupt practice was committed with the knowledge and consent of the candidate, the Court shall send a report of its findings to the Chief Electoral Officer and, subject to subsection (3), may declare the election in which the candidate was nominated void.</p> <p>(3) The Court may confirm the election of a candidate in relation to which the Court finds that a corrupt practice was committed by another candidate if the Court is satisfied that</p> <p>(a) the elected candidate did not also commit a corrupt practice,</p> <p>(b) the corrupt practice of the other candidate was not committed with the knowledge and consent of the elected candidate, and</p> <p>(c) the corrupt practice of the other candidate did not materially affect the results of the election.</p> <p>(4) During the 8 years immediately following the date on which the Chief Electoral Officer receives the report of the Court under subsection (1) or (2), the candidate who is the subject of the report is, subject to subsection (5), prohibited from</p> <p>(a) being nominated as a candidate under this Act,</p> <p>(b) being elected to any public office under any other Act,</p> <p>(c) being entered on any list of electors,</p> <p>(d) being registered as an elector,</p> <p>(e) voting at an election, and</p> <p>(f) holding any office at the nomination of the Crown.</p> <p>(5) If the Court finds that</p>	<p>election, the Court may declare the election void unless the Court is satisfied that</p> <p>(a) the corrupt practice was not committed by the elected candidate,</p> <p>(b) the corrupt practice was committed without the knowledge and consent of the elected candidate, and</p> <p>(c) the corrupt practice did not materially affect the results of the election.</p> <p>(2) If the Court finds a corrupt practice was committed, the Court shall send a report of its findings and orders to the Chief Electoral Officer.</p> <p>(3) On receiving a report of the Court under subsection (2)</p> <p>(a) if the subject of the report was a candidate or an official agent, the Chief Electoral Officer shall send a copy of the report to the Lieutenant Governor in Council, and</p> <p>(b) if the report advises that the election is void, the Chief Electoral Officer shall send a copy of the report to the Clerk of the Assembly indicating there is a vacancy for that electoral division, in which case an order shall be made under section 39 as if the election were a by-election.</p> <p>(4) If a court finds that there is a corrupt practice, the court must determine whether</p> <p>(a) the corrupt practice was done without any corrupt intent and in an ignorance that was excusable in the circumstances, and</p> <p>(b) in the case of a corrupt practice committed</p> <p>(i) by a candidate, or by any other person with the knowledge and consent of a candidate, the candidate honestly desired and attempted as far as reasonably possible to have the election conducted according to law, or</p> <p>(ii) by someone other than a candidate, it amounted to a contravention of this Part that was technical only.</p> <p>and then determine whether relief should be granted from the prohibitions in subsection (5).</p> <p>(5) Subject to a Court granting relief under subsection (4), the individual who is the subject of the report of the Court is prohibited from</p>	

	Current Provision	Proposed Revised Provision	Rationale
	<p>(a) a corrupt practice was committed by a candidate, or by any other person with the knowledge and consent of a candidate,</p> <p>(b) the corrupt practice was committed without any corrupt intent and in ignorance that was excusable in the circumstances, and</p> <p>(c) the candidate honestly desired and attempted as far as reasonably possible to have the election conducted according to law,</p> <p>the Court shall make an order declaring that the prohibitions referred to in subsection (4) do not apply to the candidate.</p> <p>179(1) If the Court finds that a candidate's official agent is guilty of committing a corrupt practice, the Court shall send a report of its findings to the Chief Electoral Officer and, subject to subsection (2), shall declare the election void.</p> <p>(2) The Court shall not make an order declaring that the election of a candidate is void by reason of the corrupt practice of an official agent if the Court is satisfied that</p> <p>(a) the candidate did not commit a corrupt practice,</p> <p>(b) the corrupt practice was not committed with the knowledge and consent of the official agent's candidate, and</p> <p>(c) the corrupt practice of the official agent did not materially affect the results of the election.</p> <p>180 On receiving the report of the Court pursuant to section 178(2) or 179(1) or 181(1), the Chief Electoral Officer shall send a copy of the report to the Lieutenant Governor in Council.</p> <p>181(1) Subject to subsection (2), if a person other than a candidate is found guilty of committing a corrupt practice, the Court shall send a report of its findings to the Chief Electoral Officer and that person is, during the 8 years immediately following the date on which the Chief Electoral Officer receives the report of the Court, subject to the same prohibitions to which a candidate is liable under section 178(4).</p> <p>(2) If the Court finds that the corrupt practice committed by a person referred to in subsection (1)</p>	<p>(a) being nominated as a candidate under this Act,</p> <p>(b) being elected to any public office under any other Act,</p> <p>(c) being entered on any list of electors,</p> <p>(d) being registered as an elector,</p> <p>(e) voting at an election, and</p> <p>(f) holding any office at the nomination of the Crown,</p> <p>for a period of 8 years from the date that the report of the Court is received by the Chief Electoral Officer.</p> <p>(6) An offence under this Part shall be tried in the Court of Queen's Bench under the summary conviction procedure.</p> <p>(7) A person who commits a corrupt practice 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.</p>	

	Current Provision	Proposed Revised Provision	Rationale
	<p>(a) was done without any corrupt intent and in an ignorance that was excusable in the circumstances,</p> <p>(b) was a mere technical contravention of this Part, or</p> <p>(c) was an unintentional contravention of this Part,</p> <p>the Court shall make an order declaring that the prohibitions referred to in section 178(2) do not apply to that person.</p>		
151.	<p>Submission of report</p> <p>180 On receiving the report of the Court pursuant to section 178(2) or 179(1) or 181(1), the Chief Electoral Officer shall send a copy of the report to the Lieutenant Governor in Council.</p>	<>	<p>Subsumed into rewrite and consolidation of sections 177-181 above.</p> <p>Note: the report of a non-candidate corrupt practice does not result in a void election. There is no reason for the Lieutenant Governor in Council to get such a report.</p>
152.	<p>181(2)</p> <p>(2) If the Court finds that the corrupt practice committed by a person referred to in subsection (1)</p> <p>(a) was done without any corrupt intent and in an ignorance that was excusable in the circumstances,</p> <p>(b) was a mere technical contravention of this Part, or</p> <p>(c) was an unintentional contravention of this Part,</p> <p>the Court shall make an order declaring that the prohibitions referred to in section 178(2) do not apply to that person.</p>	<>	<p>Subsumed into rewrite and consolidation of sections 177-181 above.</p>
153.	NEW	<p>184.1(1) A prosecution for an offence under this Act may be instituted against a political party, constituency association or unincorporated organization or association in the name of the political party, constituency association or unincorporated organization or association and for the purposes of prosecution, a political party, constituency association or unincorporated organization or association is deemed to be a person.</p> <p>(2) Any act or thing done or omitted by an officer, official or agent of a political party, constituency association or unincorporated organization or association within the scope of the officer's, official's or agent's authority to act on behalf of the political party, constituency association or unincorporated organization or association is deemed to be an act or thing done or omitted by the political party, constituency association or unincorporated organization or association.</p> <p>(3) For the purpose of a prosecution for an offence under this Act, a political party,</p>	<p>There is some difficulty in law for a prosecutor to file an Information against an entity that is neither an individual nor a corporation. As the <i>Election Act</i> currently exists, an unincorporated organization – such as a political party or constituency association – may commit an offence under the Act ... but the prosecutor may not be able to prosecute them for that offence.</p> <p>The addition of this provision should assist to address that deficiency and hold all entities accountable if they are regulated under the Act.</p> <p><i>Note: (1) and (2) are borrowed from section 52(1) and (2) in the EFCDA.</i></p>

	Current Provision	Proposed Revised Provision	Rationale
		constituency association, or unincorporated organization or association has the capacity of a natural person of full age and capacity.	
154.	<p>185(2) The petition (a) may be filed only by</p> <p>(i) a candidate defeated in the election, or</p> <p>(ii) a person who on the polling day of the election was qualified to vote at the election,</p> <p>(b) except as provided in clause (c), shall be filed with the Court within 30 days after the date of the issue of The Alberta Gazette containing the notice published pursuant to section 149, and</p>	<p>185(2) The petition (a) may be filed only by</p> <p>(i) a candidate defeated in the election, or</p> <p>(ii) an individual who on the election day of the election was qualified to vote at the election,</p> <p>(b) except as provided in clause (c), shall be filed with the Court within 30 days after the date of the issue of The Alberta Gazette containing the notice published pursuant to section <u>150</u>, and</p>	Housekeeping – should be section 150, not section 149.
155.	<p>Petition</p> <p>186(1) The petition</p> <p>(a) may be in the prescribed form;</p> <p>(b) shall within the time prescribed by section 185 be filed at the judicial centre located in the electoral division or, if there is none, at the judicial centre closest to the electoral division;</p> <p>(c) shall contain the following statements:</p> <p>(i) the right of the petitioner to petition;</p> <p>(ii) the holding and result of the election in general terms;</p> <p>(iii) in a brief form the facts and grounds relied on to sustain the prayer;</p> <p>(d) shall conclude with a prayer that the election be declared void and set aside.</p> <p>(2) No person, other than the candidate whose election is challenged, shall be named as a respondent in the petition.</p>	<p>Petition</p> <p>186(1) The petition</p> <p>(a) <u>shall be</u> in the prescribed form;</p> <p>(b) shall within the time prescribed by section 185 be filed at the judicial centre located in the electoral division or, if there is none, at the judicial centre closest to the electoral division;</p> <p>(c) shall contain the following statements:</p> <p>(i) the right of the petitioner to petition;</p> <p>(ii) the holding and result of the election in general terms;</p> <p>(iii) in a brief form the facts and grounds relied on to sustain the prayer;</p> <p>(d) shall conclude with a prayer that the election be declared void and set aside.</p> <p>(2) No person, other than the candidate whose election is challenged, shall be named as a respondent in the petition.</p>	<p>“May” rather than “shall” be in the prescribed form. This change promotes greater certainty and allows less room for disputes about procedure.</p>
156.	<p>202 No election is void by reason of</p> <p>(a) an irregularity on the part of an election officer or in any of the proceedings preliminary to the poll,</p> <p>(b) a failure to hold a poll at any place appointed for holding a poll,</p> <p>(c) a non-compliance with the provisions of this Act relating to the taking of the poll or the counting of the votes or with regard to limitations of time, or</p> <p>(d) any mistake in the use of the prescribed forms,</p>	<p>202 No election is void by reason of <u>an irregularity, failure, non-compliance or mistake, including</u></p> <p>(a) an irregularity on the part of an election officer or in any of the proceedings preliminary to the poll,</p> <p>(b) a failure to hold a poll at any place appointed for holding a poll,</p> <p>(c) a non-compliance with the provisions of this Act relating to the taking of the poll or the counting of the votes or with regard to limitations of time, or</p>	<p>Greater interpretive clarity by locating the principle into the preamble, then provides examples of irregularities, failures, non-compliances and mistakes.</p> <p><i>Canada Elections Act</i> test: section 524(1)(b) “<i>there were irregularities, fraud or corrupt or illegal practices that affected the result of the election.</i>”</p> <p>Retain “materially” as it keeps a <i>de minimis</i> screen against trivial voidings of elections.</p> <p>Remove the “out” if the election were conducted in accordance with the Act, as (a) if there was non-compliance the election was not strictly conducted in</p>

	Current Provision	Proposed Revised Provision	Rationale
	if it is shown to the satisfaction of the Court that the election was conducted in accordance with this Act and that the irregularity, failure, non-compliance or mistake did not materially affect the result of the election.	(d) any mistake in the use of the prescribed forms, if it is shown to the satisfaction of the Court that the election was conducted in accordance with this Act and that the irregularity, failure, non-compliance or mistake did not materially affect the result of the election.	accordance with the Act, and (b) the relevant item is materially affecting.
157.	Regulations 207 The Lieutenant Governor in Council may make regulations (a) prescribing the amounts of honoraria and fees; (b) establishing rates for the payment of expenses; (c) respecting forms for the purposes of this Act; (d) prescribing oaths to be used; (e) governing any necessary matter for which no provision is made in this Act.	Regulations 207 The Lieutenant Governor in Council may make regulations (a) <> (b) <> (c) respecting forms for the purposes of this Act; (d) prescribing oaths to be used; (e) governing any necessary matter for which no provision is made in this Act.	(a) and (b) Remove regulation-making authority for payment of expenses, and honoraria and fees from the Lieutenant Governor in Council. By relocating this detail to rules set by the Chief Electoral Officer, different officers can be aligned with different rates. Further, remuneration for election officers should not be a politically driven question. There is a relatively slow pace of regulations to respond to adapting circumstances, e.g. we have "information officers" in the <i>Election Act</i> , but they do not appear in the tariff. The Chief Electoral Officer continues to be bound by a budget; <i>see comments under section 49</i> .
158.	NEW	ADD: 207.1 The Chief Electoral Officer may make directives (a) prescribing the amounts of remuneration and fees; and (b) establishing rates for the payment of expenses; and (c) prescribing the method and procedure of applying for payment in respect of services and expenses under this Act	Corollary to removing remuneration, fees and expenses out of the regulation-making power for the Lieutenant Governor in Council (section 207).
159.	Fees and expenses 208 The method and procedure of applying for payment in respect of services and expenses under this Act shall be prescribed by the Chief Electoral Officer.	DELETE	Becomes part of the proposed section 207.1.
160.	ADD mandatory review	ADD: 208.1 This Act shall undergo a mandatory comprehensive review in the year following the second general election after the previous review.	Mandatory review in the year following the second general election. Intent not to coincide with Boundary Commission.

