

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

1983 cL-27.5 s5

Voting on bylaw or question

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

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

First elections

8(1) In a newly formed local jurisdiction,

- (a) nominations, and
- (b) the first election, if an election is required,

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

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

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

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

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

Term of office

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

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

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

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

General term of office

10(1) Commencing with the year 2013,

- (a) the members of an elected authority elected at a general election hold office for a term of 4 years, and
- (b) a general election shall be held every 4th year.

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

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

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

Election day

11(1) Election day for a local jurisdiction

- (a) in the case of a general election, if required, is to be the 3rd Monday in October, or
- (b) in the case of a by-election or vote on a bylaw or question, shall be the day fixed by a resolution of the elected authority.

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

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

Summer villages

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

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

- (a) on the request of the returning officer, provide the returning officer with information and assistance, and
 - (b) on the vote results being declared by the returning officer, take custody of election materials and provide for their destruction in accordance with this Act.
- (2) The secretary may delegate any powers and duties of the secretary under this Act to the returning officer.

RSA 2000 cL-21 s19;2003 c27 s7

Administration of oaths

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

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

Qualification of candidates

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

- (a) is eligible to vote in that election,
 - (b) has been a resident of the local jurisdiction and the ward, if any, for the 6 consecutive months immediately preceding nomination day, and
 - (c) is not otherwise ineligible or disqualified.
- (2) Notwithstanding subsection (1), in the case of a city, a candidate for councillor is not required to be a resident of the ward in either a general election or a by-election, but must be a resident of the city.
- (3) Notwithstanding subsection (1), a candidate for trustee of a board of a school district that is wholly or partly within the boundaries of a city is not required to be a resident of the ward in either a general election or a by-election, but must be a resident of the school district.
- (4) If the boundaries of a local jurisdiction are altered by the addition of land, a person who has been a resident of the added land for at least the 6 months immediately preceding nomination day is deemed, for the purposes of this Act, to have been a resident, during that time, of the local jurisdiction to which the land was added.

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

Ineligibility

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

- (a) the person is the auditor of the local jurisdiction for which the election is to be held;
- (b) the person is an employee of the local jurisdiction for which the election is to be held unless the person takes a leave of absence under this section;
- (c) the person is indebted to the municipality of which the person is an elector for taxes in default exceeding \$50, excluding from that amount
 - (i) any indebtedness for current taxes, and
 - (ii) any indebtedness for arrears of taxes for which the person has entered into a consolidation agreement with the municipality, unless the person is in default in the payment of any money due under the agreement;
- (d) the person is indebted to the local jurisdiction for which the election is to be held for any debt exceeding \$500 and in default for more than 90 days;
- (d.1) the person has, within the previous 10 years, been convicted of an offence under this Act, the *Election Act* or the *Canada Elections Act* (Canada).
- (e),(f) repealed 2006 c22 s13.

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

- (a) a school district or division,
- (b) a charter school, or
- (c) a private school,

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

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

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

- (b) the Court did not dispense with, or extend the time for, compliance with section 147.4 by an order under section 147.8(3), and
- (c) subject to subsection (1)(d.1), nomination day for the election occurs within
 - (i) the 8-year period following the day on which the secretary transmitted the report to council, or
 - (ii) where the disclosure statement required by section 147.4 has been filed with the municipality, the 3-year period following the day of filing,

whichever period expires first.

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

(2) Repealed 2006 c22 s13.

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

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

- (a) that the person is a shareholder in a corporation having a contract or dealings with the local jurisdiction or elected authority for which the election is being held,
 - (i) unless the person holds or there is held by the person and the person's spouse or adult interdependent partner, parents, children, brothers and sisters more than 25% of the issued capital stock of the corporation, or
 - (ii) unless the contract or dealings are for the building or construction of a public work of the local jurisdiction;
- (b) that the person has a contract with the local jurisdiction for the supplying to the person, the person's spouse or adult interdependent partner or child of a service, utility or commodity that the local jurisdiction has statutory authority to supply;
- (c) that the person holds an interest in a publication
 - (i) in which official advertisements of the local jurisdiction appear, or

- (ii) that is supplied to the local jurisdiction at the usual rates;
- (d) that the person sells or leases to the local jurisdiction land or interest in land that the local jurisdiction has authority to expropriate;
- (e) that the person supplies goods, merchandise or services to the local jurisdiction or to persons contracting with the local jurisdiction if they are supplied at competitive prices and in the ordinary course of the person's business or profession;
- (f) that the person renders
 - (i) services to indigents who are residents of the local jurisdiction and for which the local jurisdiction is or may become liable to pay, or
 - (ii) services for which the local jurisdiction has provided a subsidy;
- (g) that the person is appointed to a position under the *Emergency Management Act*;
- (h) that the person has rendered professional services as a lawyer to the local jurisdiction, if the fees for the services have been reviewed or assessed under the *Alberta Rules of Court*;
- (i) that the person has received a gratuity or allowance for services on a committee or board appointed by or responsible to the local jurisdiction;
- (j) that the person is a member of an association under the *Rural Utilities Act* or is a member of a cooperative under the *Cooperatives Act*;
- (k) that the person is a vendor, purchaser, assignor or assignee of land bought or sold under the *Agriculture Financial Services Act*;
- (l) that the person is a party to a contract for the purchase or lease of real or personal property from the local jurisdiction entered into before nomination day;
- (m) that the person is a volunteer chief, officer or member of a fire, ambulance or emergency measures organization established by a local jurisdiction or that the person is a volunteer for another purpose who performs duties under the direction of the local jurisdiction.

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

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

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

(6.1) Repealed 2012 c5 s107.

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

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

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

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

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

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

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

Ineligibility for nomination

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

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

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

1983 cL-27.5 s23

Re-election

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

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

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

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

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

- (a) who has made an order described in subsection (1)(a), or
- (b) who has declared a person to be disqualified

may reduce the period of disqualification.

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

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

Nomination day

- 25** Nomination day shall be 4 weeks before election day.

1983 cL-27.5 s25

Notice of nomination day

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

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

RSA 2000 cL-21 s26;2003 c27 s9

Form of nomination

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

- (a) that the person is eligible to be elected to the office,
- (a.1) the name, address and telephone number of the person's official agent, and
- (b) that the person will accept the office if elected,

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

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

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

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

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

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

Nominations

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

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

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

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

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

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

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

(3.1) Repealed 2006 c22 s15.

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

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

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

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

Material to be provided to candidate

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

2006 c22 s16

Deposit

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

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

- (a) \$1000, in the case of a local jurisdiction with a population of more than 10 000, or
- (b) \$100, in any other case.

RSA 2000 cL-21 s29;2006 c22 s17

Disposition of deposit

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

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

- (a) if the candidate is declared elected,
- (b) if the candidate obtains a number of votes at least equal to 1/2 of the total number of votes cast for the candidate elected to the office with the least number of votes, or
- (c) if the candidate withdraws as a candidate in accordance with section 32.

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

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

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

Form of ballot

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

- (a) must determine the wording to be used on the ballot, and
- (b) may determine the form of the ballot.

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

1983 cL-27.5 s44;1997 c15 s12

Instructions for voters

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

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

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

RSA 2000 cL-21 s45;2006 c22 s21

Voting hours

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

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

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

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

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

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

RSA 2000 cL-21 s46;2006 c22 s22

Eligibility to vote

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

- (a) is at least 18 years old,
- (b) is a Canadian citizen, and
- (c) has resided in Alberta for the 6 consecutive months immediately preceding election day and the person's place of residence is located in the area on election day.

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

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

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

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

Rules of residence

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

- (a) a person may be a resident of only one place at a time for the purposes of voting under this Act;
- (a.1) if a person has more than one residence in Alberta, that person shall, in accordance with subsection (1.1), designate one place of residence as the person's place of residence for the purposes of this Act;
- (b) the residence of a person is the place where the person lives and sleeps and to which, when the person is absent, the person intends to return;
- (c) a person does not lose the person's residence by leaving the person's home for a temporary purpose;
- (d) subject to clause (e), a student who
 - (i) attends an educational institution within or outside Alberta,
 - (ii) temporarily rents accommodation for the purpose of attending an educational institution, and
 - (iii) has family members who are resident in Alberta and with whom the student ordinarily resides when not attending an educational institutionis deemed to reside with those family members;
- (e) if a person leaves the area with the intention of making the person's residence elsewhere, the person loses the person's residence within the area.

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

- (a) the address shown on the person's driver's licence or motor vehicle operator's licence issued by or on behalf of the Government of Alberta or an identification card issued by or on behalf of the Government of Alberta;
 - (b) the address to which the person's income tax correspondence is addressed and delivered;
 - (c) the address to which the person's mail is addressed and delivered.
- (2) A person who is a resident of a public school district, school division or regional division or of a separate school district, school

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

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

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

Permanent electors register

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

- (a) direct the secretary to prepare a permanent electors register of residents in the municipality who are entitled to vote in elections,
- (b) prescribe procedures and forms governing the enumeration of electors and any other methods of compiling and revising a permanent electors registry, and
- (c) provide for the use of the permanent electors register to create a list of electors who are entitled to vote in an election.

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

- (a) to receive from the Chief Electoral Officer information that will assist the secretary of the municipality in compiling or revising the permanent electors register, and
- (b) to provide to the Chief Electoral Officer information that will assist the Chief Electoral Officer in preparing or revising information for the purpose of compiling or revising the register of electors under the *Election Act*.

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

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

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

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

- (a) the residential address, including the postal code of the residence of the person, and the mailing address, including the postal code, if the mailing address is different from the residential address,
- (b) the surname, given name and middle initial of the person,
- (c) the residential telephone number of the person,
- (d) the gender of the person,
- (e) the day, month and year of birth of the person,
- (f) if a person has not resided in Alberta for 6 months, the date the person became a resident of Alberta, and
- (g) whether the person is a public school resident or a separate school resident.

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

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

RSA 2000 cL-21 s49;2006 c22 s24

List of electors

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

- (a) direct the secretary or returning officer to prepare a list of electors who are entitled to vote in an election, and
- (b) prescribe procedures and forms governing the enumeration of electors and provide for the use of information from a permanent electors register, if any.

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

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

- (a) candidates for the purposes of campaigning for election, and
- (b) officers for the purposes of carrying out their duties under this Act.

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

Enumerators' appointment and identification

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

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

- (b) provide each enumerator with an identification badge.

1983 cL-27.5 s50

Access for enumerators and campaigners

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

- (a) obstruct or interfere with, or
- (b) cause or permit the obstruction or interference with,

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

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

Proof of elector eligibility

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

- (a) if the person's name appears on the list of electors, if any, or
- (b) if the person makes a statement in the presence of an officer at the voting station, in the prescribed form, that the person

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

- (i) if a bylaw has not been passed under subsection (3),
 - (A) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the elector and his or her name and current address, or
 - (B) one piece of identification authorized by the Chief Electoral Officer under the *Election Act* for the purposes of section 95(1)(a)(ii) of that Act that establishes the elector's name and current address;
- (ii) if a bylaw has been passed under subsection (3), the number and types of identification required by the bylaw to verify the person's name and current address and, if applicable, age.

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

- (a) produces for inspection
 - (i) if subsection (1)(b)(i) applies, a piece of identification referred to in subsection (1)(b)(i), or
 - (ii) if subsection (1)(b)(ii) applies, the number and types of identification required by the bylaw,
- and
- (b) vouches for him or her by making a statement in the presence of an officer at the voting station in the prescribed form.

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

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

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

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

- (a) may specify identification in addition to that referred to in subsection (1)(b)(i), and
- (b) may provide for the number and types of identification that are required to be produced to also verify the person's age.

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

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

- (a) advertise the proposed bylaw in accordance with section 53.1, and
- (b) include in the notice of election day under section 35 the proposed number and types of identification to be required.

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

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

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

Advertising a section 53 bylaw

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

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

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

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

- (a) a statement of the general purpose of the proposed bylaw and the proposed requirements for the number and types of identification that must be produced to verify elector name and current address and, if applicable, age,
- (b) the address where a copy of the proposed bylaw may be inspected, and
- (c) an outline of the procedure to be followed by anyone wishing to file a petition in respect of the proposed bylaw, as provided for in the *Municipal Government Act*.

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

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

2006 c22 s28;2012 c5 s110

Person objected to

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

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

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

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

Secrecy of vote

55(1) Voting shall be by secret ballot.

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

make known to any person the name of any candidate for whom the elector has or has not marked the elector's ballot.

(9) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term not exceeding 2 years or to both fine and imprisonment.

RSA 2000 cL-21 s150;2006 c22 s57

Offence

151 A candidate for elective office who signs a candidate's acceptance form that contains a false statement is guilty of an offence and liable to a fine of not more than \$1000.

1983 cL-27.5 s151

Advertisement distribution

152(1) Subject to subsection (2), a person who, on election day,

(a) displays inside or on the outside of a building used for a voting station, or

(b) distributes within a building used for a voting station,

an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper except those posted by the deputy in accordance with this Act is guilty of an offence and liable to a fine of not more than \$500.

(2) When a voting station is located in a building containing a complex of interlocking offices, stores or other facilities, the prohibition in subsection (1) applies only to the store, office or facility comprising the area used as a voting station.

(3) The distribution by or on behalf of a candidate or the candidate's official agent or scrutineer of newspapers, pamphlets or other literature containing articles or reports on matters of public interest is not a contravention of this section.

(4) Where a person displays an advertisement, handbill, placard, poster, circular, pamphlet, newspaper or other paper contrary to subsection (1), the deputy may cause it to be removed, and neither the deputy nor any person acting under the deputy's instructions is liable for trespass or damages resulting from or caused by the removal.

RSA 2000 cL-21 s152;2006 c22 s58

Interference with posted documents

153 A person who, without authorization, takes down, covers up, mutilates, defaces or alters any notice or other document required to be posted under this Act is guilty of an offence and liable