

LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
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LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

AN ACT RESPECTING ELECTIONS
FOR LOCAL AUTHORITIES

Statement of Purpose

The purpose of this Bill is to establish common procedures for the election of persons to local authorities; to modernize and simplify those procedures; to allow ward systems in municipal elections; to change the date of elections in cities, towns and villages; to allow proxy voting; to allow the use of aboriginal languages in elections; and to make consequential amendments to the Education Act and the Municipal Act.

AN ACT RESPECTING ELECTIONS
FOR LOCAL AUTHORITIES

The Commissioner of the Northwest Territories by and with the advice and consent of the Legislative Assembly, enacts as follows:

Short Title

Short title 1. This Act may be cited as the Local Authorities Elections Act. 5

Interpretation

Definitions 2. In this Act,

"advance vote" "advance vote" means a vote held prior to election day; 10

"appropriate Minister" "appropriate Minister" means the Minister responsible for the enactment establishing the local authority;

"by-election" "by-election" means an election held pursuant to paragraph 48(1)(b) to fill a vacancy in a local authority; 15

"candidate" "candidate" means a candidate for election as mayor, councillor or other member of a local authority, as the case may be;

"corrupt practice" "corrupt practice" means an act declared to be a corrupt practice in sections 101 and 102; 20

"councillor" "councillor" means a councillor as defined in the Municipal Act;

"declaration" "declaration" means a statutory declaration made in accordance with the Evidence Act; 25

"election" "election" means an election of a member of a local authority at a general election or by-election;

"election day" "election day" means the day fixed for an election;

"election officers" "election officers" means returning officers, deputy returning officers, election clerks, interpreters and special constables; 30

"electoral district"	<p>"electoral district" means in respect of an election for</p> <ul style="list-style-type: none"> (a) a mayor, the municipality, (b) a councillor, the municipality or the ward, where a ward system is in effect; and (c) a member of a local education authority, the relevant education division or education district, as defined in the <u>Education Act</u>; 	5 10
"general election"	"general election" means an election held to replace members of a local authority whose terms of office expire in that year;	
"list of voters"	"list of voters" means the record of information on voters obtained through an enumeration pursuant to section 23;	15
"local authority"	<p>"local authority" means</p> <ul style="list-style-type: none"> (a) a municipal council, and (b) a local education authority; 	
"local education authority"	<p>"local education authority" means</p> <ul style="list-style-type: none"> (a) a local education authority, (b) a community education council, (c) a Divisional Board of Education for an education division that is comprised of one education district, and (d) an Advisory Board, <p>as defined in the <u>Education Act</u>;</p>	20 25
"mayor"	"mayor" means a mayor as defined in the <u>Municipal Act</u> ;	
"member of a local authority"	"member of a local authority" means a person who holds office on a local authority;	30
"municipal council"	"municipal council" means the council of a city, town, village or hamlet;	
"municipality"	"municipality" means the geographic area of a city, town, village or hamlet as established by order of the Commissioner pursuant to the <u>Municipal Act</u> ;	35
"public notice"	"public notice" means the publication of a notice to the general public in accordance with section 10;	40
"registrar"	"registrar" means the person appointed as registrar pursuant to subsection 24(1);	

"returning officer"	"returning officer" means the person appointed as returning officer pursuant to subsection 29(1);	
"secretary-treasurer"	"secretary-treasurer" means a secretary-treasurer as defined in the <u>Municipal Act</u> ;	
"voter"	"voter" means a person who is eligible to vote at an election;	5
"voters' register"	"voters' register" means the record in Form 1 of Schedule A on which is recorded information on voters obtained at the voting station;	
"voting station"	"voting station" means the place where a voter casts his vote.	10

Application

Application	3. This Act applies to the election of members of local authorities.	
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PART I

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CONDUCT OF ELECTIONS

Administration

First election for a local authority	4. At the first election of the members of a local authority after its establishment, the appropriate Minister may, in consultation with any body, group or resident of the electoral district, (a) perform the same functions and take the same action that, in subsequent elections, a local authority may perform or take pursuant to this Act; and (b) fix the election day.	20 25
Minister's directions	5.(1) The appropriate Minister may give specific directions not inconsistent with this Act to the local authority or election officers governing the conduct of an election in order to supplement the provisions of this Act.	30
Vote on a question	(2) The appropriate Minister may require a local authority to conduct a vote of the voters on any question specified by him, at the expense of the Government of the Northwest Territories, at the same time that an election is held.	35

Election manuals	(3) The appropriate Minister shall establish and distribute such manuals or guides, not inconsistent with this Act, as he considers appropriate for the use of voters, candidates or election officials.	
Variation of time fixed	6. The appropriate Minister may, by order, alter the dates or periods of time fixed by this Act for the doing of anything, whether the date or time has passed or expired, where the thing cannot be done or has not been done.	5
Joint elections	7.(1) A local authority may conduct an election	10
	(a) separately on its own behalf;	
	(b) separately on behalf of another local authority, where they have so agreed, or	
	(c) jointly with another local authority, where they have so agreed.	15
Powers and duties	(2) Where two or more local authorities make an agreement pursuant to paragraph (1)(b) or (c), they may provide that one local authority has all the powers and duties of the other in respect of an election and that any election officer appointed by one local authority shall act on behalf of the other.	20
Responsibility	(3) A local authority that conducts an election on behalf of another local authority shall ensure compliance with the provisions of this Act respecting the election.	25
Votes on other questions	8.(1) A local authority may submit to the voters any question relevant to the community at the same time that an election is held.	
Procedure	(2) The vote on any question submitted to the voters must be made in accordance with the procedure for an election, with such modifications as the circumstances require.	30
Acting by resolution	9. A local authority shall act by resolution in the performance of its duties or the exercise of its powers under this Act, unless otherwise specifically provided.	35
Publication of notice	10. When public notice is required under this Act, the notice must be given to the general public in any one or more of the following ways:	40
	(a) by inserting the notice at least once in a newspaper circulating in the electoral district, if any;	

- (b) by mailing or delivering a copy of the notice to each voter in the electoral district;
 - (c) by causing announcements to be made on a radio or television station received in the electoral district on at least three separate days; or
 - (d) by posting a notice in at least five widely separated and conspicuous places in the electoral district.
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Election Dates

Election day for mayor and councillors	11.(1) The day for a general election for the mayor and councillors (a) in a city, town and village, is the third Monday in October; and (b) in a hamlet, is the second Monday in December.	15
Election day for members of local education authorities	(2) The day for a general election for members of a local education authority is the same as that for the municipality in which it is situated, if any, or as otherwise fixed by the authority.	20
Election dates	12.(1) Subject to this Act, the dates for the conduct of an election must be in accordance with this section.	
Advance vote	(2) An advance vote, if required, must be held at least seven but not more than fourteen days before election day.	25
Notice of election and advance vote	(3) Notice of the day of any advance vote and the election day must be published at least thirty days before election day.	30
Posting of list of voters	(4) If the voters are enumerated and a list of voters is prepared, the list must be posted at least thirty days before election day.	
Close of nominations	(5) The time for nominating candidates expires at three o'clock in the afternoon on the day five weeks prior to election day.	35
Calling for nominations	(6) Notice calling for nomination of candidates must be given at least two weeks before the time for nominating candidates expires.	
Appointment of returning officer	(7) A returning officer must be appointed at least eight weeks before election day.	40

By-election dates	13. When a by-election is required, the local authority shall fix the election day.	
Holidays	14. Where a holiday falls on a day or date fixed by this Act, the day or date shall be deemed to be the next day that is not a holiday.	5
Ward System Option		
Ward system	15.(1) The council of a city or town may, by by-law, divide the municipality into wards for the purpose of electing councillors in such manner as it considers appropriate and shall specify	
	(a) subject to the maximum number of councillors permitted on council, the number of councillors to be elected by the voters of each ward to represent the ward;	10
	(b) the geographic area of each ward; and	15
	(c) the name or number by which each ward is to be known.	
Idem	(2) Where the council of a city or town passes a by-law establishing a ward system,	
	(a) the councillors must be elected by the voters through the ward system; and	20
	(b) the mayor must be elected by the voters of the municipality voting at large.	
Effect of ward system by-law	(3) Except for a by-law altering existing ward boundaries, a by-law passed under this section and any by-law that amends that by-law	25
	(a) applies to the general municipal election next following the passing of the by-law, if it is passed at least nine months before the date of that general municipal election;	30
	(b) does not apply to or affect the composition of the council until the date of the next general municipal election to which the by-law applies; and	35
	(c) does not apply to a by-election until the ward system is in place throughout the municipality.	
Approval of appropriate Minister	(4) No by-law enacted under this section that establishes, amends or repeals a ward system has any effect until approved by the appropriate Minister.	40

Proxy Voting Option

Proxy voting 16. A local authority may authorize the use of proxy voting at an election in accordance with Schedule B.

Language Option

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Definition 17.(1) In this section "aboriginal language" means an aboriginal language as defined in the Official Languages Act.

Use of aboriginal languages (2) A local authority that considers it necessary or desirable may authorize the use of an aboriginal language, in addition to English, for any ballot or form required for an election. 10

Eligibility of Voters and Candidates

Eligibility to vote 18. A person is eligible to vote at an election if the person 15

- (a) is a Canadian citizen;
- (b) is at least nineteen years of age;
- (c) has been a resident of the electoral district for at least twelve consecutive months immediately preceding the day on which he votes; and 20
- (d) is a resident of the electoral district on the day on which he votes.

Eligibility of candidates 19.(1) A person is eligible to be nominated and stand as a candidate if the person 25

- (a) is a Canadian citizen;
- (b) is at least nineteen years of age;
- (c) has been a resident of the electoral district for at least twelve consecutive months immediately preceding the day nominations close; 30
- (d) is a resident of the electoral district; and
- (e) is not disqualified by subsection (2) and sections 20 and 21. 35

Ineligibility of candidates	(2) A person is not eligible to be nominated or to stand as a candidate if the person	
	(a) is a judge, territorial judge, youth court judge or justice of the peace;	5
	(b) is a member of the Legislative Assembly;	
	(c) is a full time permanent employee of the local authority in receipt of a salary;	
	(d) is an election officer;	
	(e) has been convicted of a corrupt practice under this Act within the three years immediately preceding election day; or	10
	(f) has been convicted of an offence punishable by imprisonment for five years or more within the three years immediately preceding election day, or whose imprisonment as a result of the conviction terminates within the three years immediately preceding election day.	15
Ineligibility of candidates for a local education authority	20. A person is not eligible to be nominated or to stand as a candidate as a member of a local education authority, if the person is	20
	(a) a teacher,	
	(b) a classroom assistant, or	
	(c) an adult educator,	
	as defined in the <u>Education Act</u> .	25
Ineligibility of candidates for mayor or councillor	21.(1) A person is not eligible to be nominated or to stand as a candidate for mayor or councillor, if the person	
	(a) is a sheriff;	
	(b) is an assessor or auditor of the municipal corporation;	30
	(c) is a surety for any officer or employee of the municipal corporation;	
	(d) is personally indebted to the municipal corporation for a sum greater than two hundred and fifty dollars for more than ninety days, other than in respect of current taxes; or	35
	(e) has a controlling interest in a private or public corporation that is indebted to the municipal corporation for a sum greater than two hundred and fifty dollars for more than ninety days, other than in respect of current taxes.	40

Controlling interest	(2) For the purpose of subsection (1), a person is deemed to have a controlling interest in a corporation if he beneficially owns, directly or indirectly, or exercises control or direction over, shares of the corporation carrying more than ten per cent of the voting rights attached to all shares of the corporation for the time being outstanding.	5
Determining Residence		
Residence rules	22.(1) For the purposes of this Act, the place of residence of a person is governed by the provisions of this section, as far as applicable.	10
Place of home or dwelling	(2) The residence of a person is the place of the person's home or dwelling to which, when he is absent, he intends to return.	15
Temporary absence	(3) A person does not lose his residence by leaving his home or dwelling for a temporary purpose.	
Intention	(4) If a person leaves the electoral district with the intention of establishing his residence elsewhere, he loses his residence in the electoral district.	30
Family residence	(5) The place where a person's spouse and children reside is deemed to be his place of residence, unless he establishes or continues his residence in some other place with the intention of remaining there.	35
Single person	(6) The residence of a single person is the place where the person regularly occupies a dwelling, or to which he habitually returns not having any other permanent dwelling.	40
Single residence	(7) No person shall be deemed to have a residence in more than one place and, in the event of a person maintaining residence in more than one place, he shall elect one residence for the purpose of this Act.	45

Enumeration

Enumeration by municipal council	23.(1) A municipal council shall enumerate the voters in the electoral district and prepare a list of voters in advance of the election.	
Use of list of voters or enumeration by local education authority	(2) A local education authority may make use of a list of voters prepared by a municipal council where it is appropriate or enumerate the voters in the electoral district and prepare a list of voters in advance of the election.	5
Application	(3) Sections 24 to 27 apply to any local authority that enumerates the voters in an electoral district and prepares a list of voters.	10
List of voters	24.(1) Each local authority to which this section applies shall appoint a person as registrar.	
Duty of registrar	(2) The registrar shall cause a list of voters to be prepared (a) separately for each general election; or (b) where directed to do so by the local authority, on a periodic or continuous basis.	15 20
Enumerators	(3) The registrar may designate persons as enumerators to compile the list of voters from information received by visiting each dwelling in the electoral district or from other sources of information.	25
Contents of list of voters	25.(1) The list of voters must contain the names of all voters in alphabetical order and, where required by the local authority, the class of each voter, including those voters who are (a) ratepayers; (b) public school supporters; and (c) separate school supporters.	30
Posting list of voters	(2) The registrar shall cause the list of voters to be posted in at least five conspicuous places in the electoral district at least thirty days before election day or, where the list is prepared on a periodic or continuous basis, at such other times as he considers appropriate.	35
Incorporating list of voters into voters' register	(3) The returning officer may cause the list of voters to be incorporated into the voters' register for use at voting stations on election day and at an advance vote.	40

Revision to list	26.(1) A voter may apply to the registrar to have the list of voters revised at least ten days before election day on the grounds that (a) the name of a person eligible to vote has been omitted or is incorrectly set out; or (b) a person who is not eligible to vote is included in the list.	5
Registrar's decision	(2) After notifying all persons likely to be affected by his decision and giving them an opportunity to make representations to him, the registrar may (a) change the list of voters, or (b) make no change to the list, and shall notify the persons concerned accordingly.	10
Voting divisions	27. A local authority may (a) divide the electoral district into voting divisions for the convenience of conducting the vote; and (b) alter the boundaries of the voting divisions, except between the date on which notice of election is given and election day.	15 20

Election Officers

Returning officer	28.(1) A local authority shall appoint a person as returning officer.	25
Acting returning officer	(2) If a municipal council does not appoint a returning officer in accordance with subsection (1), the secretary-treasurer shall perform the duties and exercise the powers of the returning officer.	30
Duties of returning officer	29.(1) In addition to performing the duties specified in this Act, a returning officer shall (a) appoint such number of deputy returning officers, election clerks, interpreters, special constables and other persons as he considers necessary for the proper conduct of the election or as may be required; (b) establish voting stations, designate their location and, wherever possible, locate them in buildings that will provide ease of access to any voter confined to a wheelchair or who is disabled or incapacitated;	35 40

	(c) provide for the printing, supply and delivery of ballots, ballot boxes, instructions to voters, voters' registers and other necessary election material and supplies to all voting stations; and	5
	(d) give the notices required and generally take any action necessary to ensure the proper conduct of the election in accordance with this Act.	
Substitute election officers	(2) Where an election officer is absent, incapacitated or unable to act, the returning officer may appoint another person in his place.	10
Acting in place of election officers	(3) The returning officer may exercise and perform any or all of the powers or duties of a deputy returning officer and election clerk and, if no deputy returning officer is appointed, he shall perform the deputy's duties.	15
Prohibitions on appointment	30.(1) No candidate shall be appointed or continue to act as an election officer.	
Oath of office	(2) Every election officer shall, before assuming any duties, take an oath in Form 2 of Schedule A.	20
Power to administer oaths and declarations	31. A returning officer, deputy returning officer and election clerk are, for the purpose of taking oaths or declarations under this Act, commissioners for oaths.	25
Duty of deputy returning officer	32.(1) A deputy returning officer shall be responsible for the conduct of the vote at a voting station.	
Powers and duties	(2) Where the returning officer is absent, incapacitated or unable to act, a deputy returning officer may exercise and perform any or all of the powers or duties of the returning officer.	30
Powers and duties of election clerk	33. Where a deputy returning officer is absent, incapacitated or unable to act, an election clerk may, subject to the direction of the returning officer, exercise and perform any or all of the powers or duties of the deputy returning officer.	35
Conserving the peace	34.(1) Every election officer shall, on advance voting day and on election day, act to conserve the peace and may (a) remove or cause to be removed from the voting station anyone who disrupts or interferes with the process or conduct of the election; and	40

	(b) take such other action as he considers necessary to ensure the proper conduct of an election.	
Assistance in conserving the peace	(2) A peace officer or special constable shall assist a returning officer or deputy returning officer when requested to do so.	5
Other duties	35. The election officers shall perform the duties specified in Schedule C.	
Nomination of Candidates		
Notice concerning nominations	36. The returning officer shall give public notice calling for nomination of candidates in Form 3 of Schedule A.	10
Separate candidates	37.(1) In a city, town or village a person may only be nominated for mayor or councillor, but not both.	15
Candidate for both mayor and councillor	(2) In a hamlet, a person may be nominated as a candidate for both mayor and councillor.	
Nomination papers	(3) If a person is nominated as a candidate for both mayor and councillor in a hamlet, separate nomination papers are required for each nomination.	20
Councillor running for mayor	38. A councillor whose term of office does not expire in the year in which a general municipal election is held must resign from council before notice of calling for nomination of candidates is given in order to be eligible to be a candidate for mayor.	25
Nomination form	39.(1) A candidate must be nominated by (a) two or more voters completing a nomination paper in Form 4 of Schedule A; and (b) the candidate completing the consent and declaration set out in Form 4 of Schedule A.	30
Questionable nominations	(2) If a returning officer has a doubt or is not satisfied that a person nominated as a candidate is eligible to be a candidate, he may, by written notice to the person, specify the doubt or describe why he is not satisfied and require the person to make a declaration as to his eligibility in such form as the returning officer requires.	35 40

Filing of declaration with nomination	(3) The returning officer may refuse to accept a nomination unless the declaration referred to in subsection (2) is filed with him before nominations close or, with special permission of the returning officer, within forty-eight hours of the time nominations close.	5
Effect of refusal	(4) Where the returning officer refuses to accept the nomination of a person as a candidate, that person shall not stand as a candidate.	
Close of nominations	40.(1) Nominations of candidates must be received by the returning officer or delivered to the local authority between the date that notice of calling for nomination of candidates is given and three o'clock in the afternoon on the day five weeks preceding the election day.	10 15
Extension of time	(2) The date for the close of nominations set out in subsection (1) is extended for one week where the number of candidates nominated for election is less than the number of persons required to be elected.	20
Public notice	(3) The returning officer shall give public notice of the extension referred to in subsection (2).	
Public notice of candidates	41. The returning officer shall give public notice of the names of all persons nominated as candidates, in the manner set out in paragraph 10(d), immediately after the close of nominations.	25
Questioning a nomination	42.(1) Any voter who believes that a candidate is not eligible to be a candidate may, within seventy-two hours after public notice of the names of the candidates is given, advise the returning officer of the grounds for that belief.	30
Requiring a declaration	(2) A returning officer who is advised of reasonable grounds for believing that a candidate is not eligible to be a candidate shall, without delay and by written notice to the candidate, specify the grounds and require the candidate to make a declaration as to his eligibility in such form as the returning officer requires.	35
Filing of declaration	(3) A returning officer may reject the nomination of a candidate unless the declaration referred to in subsection (2) is filed with him within forty-eight hours after the candidate receives the notice referred to in subsection (2).	40

Effect of rejection	(4) Where the returning officer rejects the nomination of a candidate, that person shall not stand as a candidate.	
Acclamations and Appointments		
Acclamation of candidate	43.(1) The returning officer shall, seventy-two hours after public notice of the names of the candidates is given and after the resolution of any matter respecting eligibility arising pursuant to section 42, declare the nominated candidates duly elected, where the number of eligible candidates nominated to serve as members of a local authority does not exceed the number of persons required to be elected.	5 10
Where candidate nominated for mayor and councillor	(2) Where a candidate has been nominated for both the office of mayor and councillor in a hamlet and the candidate is acclaimed as mayor, the returning officer shall publicly declare the candidate elected as mayor and not consider his nomination as a councillor.	15
Certificate of election	(3) The returning officer shall send to each candidate declared elected a certificate of election in Form 5 of Schedule A.	20
Appointment of members	44.(1) Where there are still vacant positions on the local authority after the candidates have been declared elected pursuant to subsection 43(1), the candidates declared elected shall appoint a sufficient number of persons as members of the local authority to fill any remaining vacant positions.	25
Eligibility of appointees	(2) The persons appointed pursuant to subsection (1) must be eligible to be candidates.	30
Status of appointees	(3) A member of a local authority who has been appointed pursuant to subsection (1) is deemed to be duly elected and holds his office for one year only, at which time there must be an election to fill the vacancy for the balance of the term, if any.	35
Allocation of terms of office where candidates acclaimed	45.(1) Where at an election, (a) there is more than one vacant position to be filled; (b) the terms of office for those positions are of different length; and (c) at least one candidate is declared elected pursuant to subsection 43(1), the positions must be allocated in accordance with this section.	40 45

Decision of candidates	(2) The candidates who have been declared elected at an election referred to in subsection (1) shall decide among themselves who shall hold office for the terms of different length.	
Alphabetical allocation	(3) Where the candidates fail to make a decision pursuant to subsection (2), the returning officer shall rank the candidates in alphabetical order by surname and allocate the terms of office in the same order commencing with the longest term and ending with the shortest.	5 10
Allocation for appointees	(4) Where, at an election referred to in subsection (1), the candidates must appoint members to fill vacant positions pursuant to subsection 44(1), the candidates shall allocate the terms of office for those members at the time of their appointment, on whatever basis they believe to be just.	15

Calling the Election

Election required	46.(1) Where the number of candidates nominated to serve as members of a local authority exceeds the number of persons required to be elected, an election must be held.	20
Notice of election day	(2) When an election must be held, the returning officer shall, as soon as possible after the close of nominations, give public notice of the election in Form 6 of Schedule A.	25
Withdrawal of nomination	47.(1) If more than the required number of candidates for members of a local authority are nominated, any person so nominated may, within forty-eight hours after the close of nominations, withdraw his name as a candidate by filing written notice of withdrawal with the returning officer.	30
Remaining candidates	(2) If a candidate withdraws and there remains a number of candidates equal to or less than the vacancies to be filled by the election, the returning officer shall declare the remaining candidates elected and cancel the election.	35

Vacancies in Office

Appointment or by-election	48.(1) Where the office of a member of a local authority becomes vacant for any reason before the term of office expires, the local authority shall fill the vacancy by (a) appointing a person who is eligible as a candidate; or (b) holding a by-election.	40
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Vacancy of mayor	(2) For the purposes of appointing a new mayor pursuant to paragraph (1)(a), the municipal council shall appoint only a member of the municipal council as the mayor.	
Term of appointee	(3) Subject to subsection (4), a person appointed pursuant to paragraph (1)(a) holds office until the date of the next general election.	5
Vacancy during election	(4) Where the vacancy occurs after nominations have closed but before the general election, a person appointed pursuant to paragraph (1)(a) holds office until the date of the following general election.	10
Term of elected person	(5) A person elected at a by-election holds office for the balance of the term of his predecessor.	
By-election procedure	49. The procedure at a by-election must follow, as closely as possible, the procedure at a general election.	15

PART II

VOTING PROCEDURE

	General	20
Election at large	50.(1) Subject to paragraph 15(2)(a), members of a local authority must be elected by the voters of the electoral district voting at large.	
Secret ballot	(2) Voting at all elections must be by secret ballot.	25
Election proceedings	51. The proceedings at and following the close of each voting station must be in accordance with Schedule C.	
Form of ballot	52.(1) A ballot for an election must (a) be in Form 7 of Schedule A; (b) contain the name of each candidate in full or the name by which the candidate is commonly known; and (c) contain, on the reverse side, the eligibility criteria for voters at the election.	30 35
Alphabetical listing	(2) The names of candidates on a ballot must be listed in alphabetical order, unless the local authority authorizes a listing in some other manner.	40

Ballots with photographs	53.(1) A local authority may authorize the use of photographs of candidates in the ballot and establish standards for the photographs.	
Form of ballots	(2) Where photographs of candidates have been authorized for use in ballots, the returning officer shall cause the ballot papers to be prepared with an appropriate space for the photograph, or if no photograph is supplied, the words "No photograph supplied by this candidate" or words of similar meaning.	5 10

Advance Voting

Advance vote	54.(1) The returning officer shall, if the local authority so directs, provide for an advance vote for the purpose of receiving the ballots of voters who expect to be absent, incapacitated or otherwise unable to vote in the electoral district on election day.	15
Date and time of advance vote	(2) If an advance vote is to be held, the local authority shall (a) fix the date for the advance vote on a day that is not a holiday but is at least seven days but not more than fourteen days before election day; and (b) specify the hours during which the voting station will be open, being at least five hours but not more than nine.	20 25
Establishing voting stations	55.(1) If an advance vote is to be held, the returning officer shall (a) establish one or more voting stations for the advance vote; and (b) conduct the advance vote in the same manner as the vote on election day, unless otherwise specifically provided.	30
Notice of location of voting stations	(2) The returning officer shall give notice of the times and places at which an advance voting station will be open, before advance voting day, by (a) posting up notices at each advance voting station; and (b) giving public notice of the location and the date and time that the voting station will be open.	35 40

Declaration at advance vote	56.(1) Before being entitled to vote at an advance vote, a voter shall make a declaration in Form 8 of Schedule A.	
Idem	(2) The deputy returning officer shall keep the declaration with the other election material.	5
Voters' register	57. The election clerk shall record in a voters' register, after the name of each person who votes at an advance vote, a note that the voter has made the appropriate declaration and that he has voted in the advance vote.	10
Sealing ballot box	58.(1) After the close of the advance vote, the ballot box must be sealed so as to prevent ballots from being added to or taken from the box and the box shall not be unsealed or opened until the close of the voting station on election day.	15
Idem	(2) The deputy returning officer shall, and any candidate or agent present who desires to do so may, affix a seal to the advance vote ballot box in such manner that it cannot be opened or any ballot deposited in it or taken from it without breaking the seal.	20
Names of voters at advance vote	59.(1) After the close of the advance vote, the deputy returning officer shall without delay, forward to the returning officer the voters' register at the advance vote.	25
Notification of deputy returning officers	(2) The returning officer shall notify each deputy returning officer of the names of each voter who voted in the advance vote.	

Election Day Voting

Compartments for voting	60.(1) The returning officer shall ensure that each voting station is furnished with one or more voting compartments arranged so that a voter is screened from observation and may mark his ballot without interference or interruption.	30
Desk and pencil	(2) In each voting compartment there must be provided, to assist voters in marking their ballots, a table, desk or shelf with a hard surface and a sharpened black lead pencil or other suitable marking instrument.	35

Hours voting station is open	61.(1) On election day, voting stations must be kept open (a) from ten o'clock in the morning until seven o'clock in the evening; or (b) for at least nine but not more than twelve hours at such times as are fixed by the local authority.	5
Voter in voting station at closing time	(2) When a voting station closes, the deputy returning officer shall (a) allow any voter already in the voting station to vote; and (b) ensure that no other person enters the voting station to vote.	10
Notice of eligibility and voting offence	62. The returning officer shall ensure that there is posted in each voting station a conspicuous notice advising persons of the eligibility criteria for voters at the election and that it is an offence under this Act for a person to vote if he is not eligible to do so.	15
Right to vote	63.(1) Subject to this section, a person who presents himself at a voting station for the purpose of voting is entitled to vote at the election if that person is eligible to vote and (a) the person's name appears on the list of voters; or (b) the person makes a declaration of eligibility in Form 9 of Schedule A.	20 25
Requesting a declaration of voter	(2) Any candidate, agent of a candidate, voter or deputy returning officer who suspects that a person intending to vote is not eligible to vote may request that the person make a declaration of eligibility in Form 9 of Schedule A, notwithstanding that the person's name appears on the list of voters.	30
Vote not allowed	(3) A person who refuses to make a declaration of eligibility, when requested to do so, shall not receive a ballot and shall not vote at that election.	35
Voting	64.(1) Subject to this section, a voter may vote once for each candidate of his choice.	40
Assisting a person	(2) A person shall not be considered to have voted if (a) he has assisted another person to cast a ballot; or (b) he has voted as a proxy voter, where authorized pursuant to this Act.	45

Limit on number of votes	(3) No person shall vote for more than the number of persons that are required to be elected as members of the local authority.	
Exception	(4) Where in a hamlet a candidate is nominated for both mayor and councillor, a voter may vote for the same person in each capacity for which that candidate is nominated.	5
Marking ballot	65.(1) A voter shall mark his ballot by (a) placing an "X"; or (b) making some other mark clearly indicating his choice, opposite the name of the candidate of his choice.	10
Void ballots	(2) A ballot that is marked with more votes than the voter is entitled to make is void in respect of all candidates.	15
Persons present at voting station	66.(1) During the time for voting, no person shall be present in a voting station other than (a) election officers; (b) persons in attendance for the purpose of voting; (c) a candidate or one authorized agent of the candidate, but not both; and (d) any other person permitted to attend under this Act.	20
Agents	(2) A person who produces to the deputy returning officer written authority to represent a candidate as his agent at a voting station must be recognized as such by the deputy returning officer.	25
Evidence of voting	67.(1) The receipt of a ballot by a voter, within the voting station, is evidence that the voter has there and then voted.	30
Forfeiting right to vote	(2) A person receiving a ballot who (a) leaves the voting station without delivering it to the deputy returning officer; or (b) refuses to vote, forfeits his right to vote at that election.	35
Assistance to voters	68.(1) If a disabled or infirm voter is able to attend at a voting station but requires assistance, the deputy returning officer or person authorized by him shall provide the assistance appropriate to that voter to enable him to vote.	40
Disabled voters	(2) A voter who is blind, unable to read or understand the ballot, or otherwise disabled to such an extent that prevents the person from casting a ballot, may have a person assist him in casting his ballot.	45

Where voters
confined

(3) When a voting station is located in a hospital, nursing home, senior citizens home or other place where persons are confined, the deputy returning officer may

- (a) suspend voting in the room where the voting station is established; and
- (b) attend on those voters who are unable to vote at the room where the voting station is established and take their ballot.

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Equality
of votes

69. If it appears after calculating the votes that two or more candidates for any office have received the same number of votes, and if it is necessary to determine which candidate is elected, the returning officer shall

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- (a) write the names of those candidates on separate blank sheets of paper;
- (b) fold the sheets of paper so that the names are concealed;
- (c) deposit them in a receptacle and withdraw one of the sheets at random; and
- (d) declare the candidate whose name appears on the withdrawn sheet to have one more vote than the other candidate.

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Declaration
of results

70.(1) The returning officer shall, at the conclusion of the vote, publicly declare elected the appropriate number of candidates who received the greatest numbers of votes to fill the offices that were open for election.

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Where
candidate runs
for mayor and
councillor

(2) Where a candidate has run for both the office of mayor and councillor in a hamlet and the candidate has received a greater number of votes for the office of mayor than any other candidate for that office, the returning officer shall, at the conclusion of the vote, publicly declare the candidate elected as mayor and not consider any votes cast for him as councillor.

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Certificate of election	71. The returning officer shall, at the conclusion of the vote, send (a) a certificate of results of the election in Form 10 of Schedule A to each candidate showing the total number of votes cast for each candidate and those declared elected; and (b) a certificate of election in Form 5 of Schedule A to each candidate elected.	5
Costs of election	72.(1) The local authority shall, in respect of an election, pay for all reasonable costs incurred on its behalf or by election officers performing their duties.	10
Cost sharing	(2) Notwithstanding subsection (1), a local authority may provide, in an agreement made pursuant to paragraph 7(1)(b) or (c), for sharing or allocating the cost of any election held jointly or on behalf of the local authority.	15
Destruction of ballot papers	73.(1) At any time after a period of three months since election day, the secretary-treasurer, in respect of a municipal election, or a person designated by the local authority, in respect of any other election, may destroy the ballots and election material in the presence of two other persons, unless he is aware that proceedings for a recount, an election petition or other relevant legal proceedings are pending.	20
Declaration of destruction	(2) After the ballot and election material have been destroyed, the person authorized to destroy the material shall make a declaration in Form 11 of Schedule A specifying the date, time and place that the ballots and election material were destroyed.	25
PART III		
RECOUNT		
	Administrative Recount	35
Request for recount	74.(1) If a candidate disagrees with the results of the count of votes, the candidate may, within seventy-two hours of the close of the voting, apply to the returning officer for a recount.	
Recount	(2) On receipt of a request for a recount by a candidate, the returning officer shall conduct a recount if he is satisfied that there are reasonable grounds for recounting the ballots.	40

Idem	75. Where the returning officer conducts a recount, he shall	
	(a) notify the persons who attended the original count and all the candidates who may be affected by the recount of the date, time and place where the recount will be conducted at least twelve hours before the recount;	5
	(b) break the seal of each ballot box at the time specified for the recount; and	10
	(c) proceed to count the ballots contained in the ballot boxes in the same manner as the deputy returning officer at a voting station would do pursuant to sections 23 to 26 of Schedule C.	15
Correction of records	76. After the recount, the returning officer shall	
	(a) correct the result of the election and correct the certificates sent pursuant to section 71, if necessary;	
	(b) place in each ballot box all the documents contained in it at the time he broke the seal;	20
	(c) lock each ballot box and seal it with his seal;	
	(d) notify the candidates of the results of the recount; and	25
	(e) give public notice of any change in the results.	

Judicial Recount

Application for recount	77.(1) Any voter may, within fourteen days of the date on which the results of an election are declared by a returning officer, apply to a judge for a recount of the ballots by originating notice.	30
Additional recount	(2) A voter may apply to a judge for a recount notwithstanding that the returning officer has conducted a recount pursuant to section 74.	35
Decision to hold recount	(3) If the judge is satisfied that there are reasonable grounds for recounting the ballots, the judge may appoint a time and place for the conduct of a recount.	40
Security for costs	(4) The judge may order the person applying for a recount to provide such security for costs as he considers reasonable in the circumstances.	

Notice	(5) The person applying for the recount shall give notice of the date, time and place of the recount to those persons that the judge directs be notified and to the local authority affected by the recount at least seven days in advance.	5
Production of ballots and election material	78.(1) At the date, time and place appointed for a recount the person responsible for the safekeeping of the election material shall attend before the judge with the ballot boxes and election material.	
Decision of judge	(2) The judge, after inspecting the ballots and election material and hearing such evidence as he considers necessary shall, in a summary manner, determine the results of the election.	10
Authority of judge	79. The judge has, on the recount of the ballots, the same powers and authority that he has on the trial of an election petition.	15

PART IV

CONTROVERTED ELECTIONS

Application for New Election

Application to stay conduct of election	<p>80.(1) A returning officer who has reasonable grounds to believe that</p> <p>(a) the election is being conducted, in whole or in part, in contravention of this Act through inadvertence or error,</p> <p>(b) the contravention is not the result of any bad faith;</p> <p>(c) no corrupt practice has occurred, other than an offence under subparagraph 101(1)(q)(iii), and</p> <p>(d) the contravention would cause the election to be invalid if the election were to continue</p> <p>may apply to a judge for an order cancelling the election, in whole or in part, and directing that a new election be held or that a portion of the election be reconducted.</p>	<p>20</p> <p>25</p> <p>30</p> <p>35</p>
Time of application	(2) The application of the returning officer must be made before the voting stations close at the end of the election.	
Telephone application	(3) The returning officer may apply to a judge by means of a telephone.	40

Consent of candidates	(4) The returning officer shall not apply pursuant to this section unless he obtains the consent of all candidates at the election to his application.	
Order for new election	81.(1) A judge may, on the <u>ex parte</u> application of a returning officer, (a) cancel the election, in whole or in part, (b) declare the election, or any part of it, to be of no effect, and (c) order that a new election be held, or that a portion of the election be reconducted, where he is satisfied, by information upon oath, of those matters referred to in subsection 80(1).	5 10
Decision final	(2) The decision of a judge under subsection (1) is final.	
Opening ballot boxes	82. No person shall open any ballot box or count any ballots where an application has been made pursuant to section 80, unless the judge refuses to cancel the election under section 81.	15

Election Petition

Election petition	84.(1) A voter or the local authority itself may question the validity of an election or the right of a person to sit as a member of a local authority in an election petition on any one or more of the following grounds: (a) that the election is invalid by reason of corrupt practices or offences committed at the election; (b) that a member of the local authority was, on election day, not eligible as a candidate; (c) that a member of the local authority was elected in violation of this Act; (d) that a member of the local authority has become disqualified from serving on the local authority; or (e) that a person was appointed as a member of the local authority who was not eligible as a candidate.	20 25 30 35
Filing of petition	(2) The petitioner shall file the election petition with the court no later than two months after election day.	40

Exception	(3) Notwithstanding subsection (2), an election petition questioning the right of a person to sit as a member of a local authority, upon the grounds that the member has become disqualified from serving on the local authority, may be filed any time during the term of office of the member.	5
Respondents to the petition	85.(1) A person whose election or right to sit as a member of a local authority is questioned by a petition and any election officer of whose conduct a petitioner complains may be made a respondent to the petition.	10
Idem	(2) Two or more candidates may be made respondents to the same petition, and their cases may be tried at the same time, but for the purpose of the trial the petition shall be deemed to be a separate petition against each respondent.	15
Service of notice and petition	86. Subject to an order of a judge extending time for service or allowing substituted service, the petitioner shall serve a copy of the election petition on all respondents within ten days of filing the election petition.	20
Preliminary directions of judge	87. The judge, on or before the trial of an election petition, may <ul style="list-style-type: none"> (a) make any order with respect to the giving of security for costs as he considers reasonable in the circumstances; (b) direct the service of the petition on such persons or bodies as he considers necessary; (c) direct that any person be added as a party to the proceedings as he considers necessary; (d) order the petitioner to provide further particulars of the allegations in the election petition; and (e) make such further or other order as in the circumstances appears just. 	25 30 35
Effect of respondent ceasing to hold office	88. Subject to section 92, the trial of an election petition shall proceed notwithstanding that the respondent has ceased to hold the office in respect of which his election is questioned by the petition.	40

Effect of irregularity	89. Any failure to comply with a provision of this Act respecting the time for the doing of anything or any procedural irregularity committed in the course of an election does not render the election invalid if the judge is satisfied that the failure or irregularity, as the case may be, did not affect the result of the election and that the election was otherwise conducted in accordance with this Act.	5
Decision of judge	90. At the conclusion of the trial, the judge shall declare whether	10
	(a) the person whose election is complained of, or any and what other person, was duly elected;	
	(b) the election was invalid;	15
	(c) a member of the local authority is disqualified from serving on the local authority;	
	(d) a new election is required; and	
	(e) a corrupt practice or offence under this Act was committed during the election and, if so, declare the nature of it, who committed it and whether any candidate had knowledge of or consented to the corrupt practice or offence.	20
		25
Acts of member not duly elected	91. Where a member of a local authority is declared by the judge not to have been duly elected or to be disqualified from serving on the local authority, any act done by him in execution of the office before that declaration is not invalidated by reason only of that declaration.	30
Withdrawal of Election Petition		
Withdrawal of election petition	92. No petitioner shall withdraw an election petition, unless	
	(a) the petitioner applies for and obtains the leave of a judge; and	35
	(b) public notice of the intention to withdraw it has been previously given in such manner as the judge directs.	
Substitution of petitioner	93.(1) On the hearing of the application to withdraw an election petition, any voter who could have been a petitioner or the local authority itself may apply to be substituted as a petitioner, and the judge may, if he thinks fit, substitute that person accordingly.	40
		45
Position of substituted petitioners	(2) Except as otherwise provided, a substituted petitioner shall, as nearly as possible, stand in the same position and be subject to the same	

Consent of all petitioners to withdrawal

94. Where there is more than one petitioner, no person shall apply to withdraw a petition without the consent of all the petitioners.

Abatement of Petition

Abatement of petition

95.(1) An election petition is abated by the death of a sole petitioner or of the sole survivor of several petitioners.

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Effect of abatement

(2) The abatement of an election petition does not affect the liability of any petitioner or of any person to the payment of costs previously incurred.

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Notice of abatement

96.(1) On the abatement of a petition, the local authority shall give public notice of the abatement, at the expense of the local authority, within two weeks of the local authority becoming aware of the abatement.

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Substitution

(2) Within thirty days after public notice of the abatement is given, any voter who could have been a petitioner or the local authority itself may apply to the judge to be substituted as a petitioner and the judge may, if he thinks fit, substitute the person accordingly.

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Security for costs

(3) A judge may order a substituted petitioner to provide such security for costs as he considers reasonable in the circumstances.

Costs and expenses

97.(1) All costs, charges and expenses of, and incidental to, the presentation of an election petition, except as are otherwise provided, shall be defrayed by the parties to the petition or by the local authority, in such manner and proportion as the judge determines.

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Needless expense

(2) When in the opinion of the judge any costs, charges or expenses have been needlessly caused or caused by vexatious conduct or unfounded allegations or objections on the part either of the petitioner or of the respondent, the judge may order the costs, charges or expenses to be paid

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(a) by the party who incurred or caused them, irrespective of the outcome of the trial; or

(b) if caused by an employee or representative of the local authority, by the local authority.

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Costs against local authority	(3) Before an order is made against the local authority, a summons to show cause why an order should not be made shall be served on the local authority affected and, if the order is made, the local authority is entitled to notice of the taxation of the costs.	5
Decision of judge	98. The decision of a judge on an election petition is binding on the local authority and all parties to the action.	
Appeal	99. An appeal may be taken from the decision of a judge on an election petition in the same manner as in a civil action.	10
<u>Supreme Court Rules</u>	100. The <u>Supreme Court Rules</u> apply to proceedings under this Part except to the extent that they conflict with the provisions of this Part.	15

PART V

OFFENCES AND PENALTIES

Corrupt Practices

Corrupt practices	101.(1) Subject to subsection (2), a person commits a corrupt practice who	20
	(a) directly or indirectly	
	(i) gives, lends or agrees to give or lend any money or valuable consideration;	
	(ii) gives, procures, offers or promises an office or employment, to a voter or other person in order to induce a voter to vote or refrain from voting at an election;	25
	(b) makes or proposes to make a gift or loan for the purpose of procuring the election of any person;	30
	(c) directly or indirectly advances, loans or pays any money or valuable consideration for the use of another person with the intention that the money or any part of it be expended in bribery at an election;	35
	(d) directly or indirectly receives or agrees to receive any money, gift, loan or valuable consideration, office or employment for himself or any other person for the purpose of influencing the exercise of any voter's right to vote at an election;	40

- (e) impersonates or falsely assumes the name of another person in order to vote at an election, whether the other person is living, dead or fictitious;
- (f) intentionally votes or attempts to vote more than once at the same election, except where permitted by this Act; 5
- (g) votes at an election knowing that he is ineligible to vote;
- (h) knowingly has more than one proxy voter; 10
- (i) knowingly acts or attempts to act as a proxy voter for more than three voters;
- (j) knowingly consents to be a proxy voter for a voter without being eligible to vote;
- (k) intentionally conducts any electioneering in a voting station or posts any advertising or electioneering signs or material in, on, over or in the immediate vicinity of a voting station; 15
- (l) intentionally supplies ballots for an election to any person without due authority; 20
- (m) intentionally puts into a ballot box at an election any paper other than a ballot that he is authorized to put in;
- (n) intentionally takes a ballot out of the voting station except when authorized to do so by this Act; 25
- (o) intentionally destroys, takes, opens or otherwise interferes with any ballot, packet of ballots or ballot box or any election material in use for the purpose of an election, except when permitted by this Act; 30
- (p) interferes or attempts to interfere with any voter in marking his ballot or who marks or causes to be marked a ballot so as to defeat the intention of the voter whether or not that person is an election official; 35
- (q) being an election official, 40
 - (i) communicates any information known to him as to the candidates for whom a ballot has been cast;
 - (ii) induces any person to display his ballot; 45
 - (iii) neglects, fails or refuses to discharge any duty under this Act; or
- (r) aids, incites, counsels or facilitates the commission by any person of any of the acts referred to in this subsection. 50

Saving provision	(2) The actual personal expenses of a candidate, his expenses for actual professional services performed, payment for the fair cost of printing and advertising and the provision by volunteers of free transportation to voters at an election shall be deemed to be lawful, and the payment, offering or receipt of them is not a corrupt practice.	5
Intimidation	102. A person commits a corrupt practice who, directly or indirectly, (a) uses or attempts to use any force, violence, restraint or threats, (b) injures or damages a person, or (c) in any manner intimidates a person, in order to induce or compel a person to vote or refrain from voting, or on account of a person having voted or refrained from voting at an election or who in any way prevents or otherwise interferes with the free exercise of any voter's right to vote at an election.	10 15
Other Offences and Penalties		20
Corrupt practice	103. A person who commits a corrupt practice is guilty of an offence.	
Removal of signs	104.(1) Within fourteen days of the election day, a candidate shall remove all his electioneering signs and material from public property.	25
Idem	(2) If signs and material are not removed pursuant to subsection (1), the local authority may cause them to be removed and charge the expense of doing so to the candidate to whom they relate.	
General offence	105. A person who contravenes any provision of this Act for which an offence is not specifically provided is guilty of an offence.	30
Penalties	106.(1) A person who is guilty of an offence under this Act is liable on summary conviction to a fine of not more than five thousand dollars and, in default of payment, to imprisonment for a period of not more than one year.	35
Idem	(2) If a member of a local authority is found guilty of a corrupt practice or an offence under this Act, in addition to the penalty under subsection (1), the person shall cease to hold office as a member of the local authority.	40

Limitation period	107. All proceedings, other than an election petition, against any person for any corrupt practice or any offence under this Act must be commenced within two years after election day for the election at which the offence was committed.	5
Evidence	108.(1) At the hearing of a prosecution under this Act, oral evidence may be accepted in the place of any by-law, voters' register, list of voters, or other official document or record, or written proof of the authority of a returning officer or deputy returning officer.	10
Idem	(2) The certificate of the results of the election issued by the returning officer pursuant to paragraph 71(a) may be accepted as evidence of the fact that an election was held and that the candidates listed on it were candidates at the election.	15

PART VI

COMMENCEMENT AND TRANSITIONAL

Coming into force	109. This Act shall come into force on a day or days to be fixed by order of the Commissioner.	20
Transitional	110.(1) The term of office for any mayor or councillor for a city, town or village elected pursuant to the Municipal Act before this Act comes into force shall <u>end on the</u> thirty-first day of October in the year in which the term would otherwise end.	25
Idem	(2) The term of office for any mayor or councillor of a city, town or village appointed pursuant to the Municipal Act before this Act comes into force shall <u>end on the</u> thirty-first day of October in the year this Act comes into force.	30
Saving provision	111. Every member of a local authority holding office immediately prior to the coming into force of this Act shall continue to hold office and shall be deemed to have been elected pursuant to the provisions of this Act.	35

CONSEQUENTIAL AMENDMENTS

Education Act

112. The Education Act is amended by repealing paragraph 2(p) and substituting the following:
- "voter" (p) "voter" means a voter as defined in the Local Authorities Elections Act;" 5
113. The Act is further amended by repealing subsection 5(3) and substituting the following:
- "Election of members" (3) The provisions of the Local Authorities Elections Act apply to all matters respecting the election of members of a local education authority." 10
114. The Act is further amended by repealing subsection 5(4) and substituting the following:
- "Resignation" (4) Any member of a local education authority may resign from his position by giving notice, in writing, to the local education authority." 15
115. The Act is further amended by repealing subsection 5(5). 20
116. The Act is further amended by repealing section 8 and substituting the following:
- "Composition of community education committee" 8. A community education committee is composed of
- (a) four elected members; 25
 - (b) one member appointed by the municipal council in the education district, if any, from among the members of the municipal council;
 - (c) such additional elected members, not exceeding four, as the community education committee may fix after consulting the voters of the education district at a general meeting held pursuant to paragraph 16(b); and 30
 - (d) such ex officio members as this Act may require." 35

Clause 112

Paragraph 2(p) now reads

"voter"

(p) "voter" means

- (i) in respect of an education district or an education division, as the case may be, that coincides with the boundaries of a municipality, a person eligible to vote in a municipal election, and
- (ii) in respect of an education district or education division, as the case may be, that is not described in subparagraph (i), a person who has resided in the education district for at least six months, who is a Canadian citizen and has attained the age of nineteen years.

Clause 113

Sub-section 5(3) now reads

Election of
members

(3) The members of a local education authority shall be elected or appointed in accordance with the provisions of this ~~Ordinance~~ ^{act} and the regulations, and any member may resign from his position by giving notice in writing to the local education authority.

Clause 114

Sub-section 5(4) now reads

Requirement re
residence

(4) All members of a local education authority and all candidates or election to a local education authority shall be resident in the education district for which that local education authority has been elected or appointed.

Clause 115

Sub-section 5(5) now reads

Eligibility

(5) Teaching personnel are not eligible to be elected or appointed members of a community education committee or a community education society.

Clause 116

Section 8 now reads

Community
education
committees

8. (1) Every education district for which a community education committee has been designated as the local education authority shall have a committee consisting of five members, not including ex-officio members, elected or appointed in accordance with this ~~Ordinance~~ ^{act} and the regulations.

Increase in
membership

(2) A community education committee may, after consulting the voters of the education district at a general meeting held pursuant to paragraph 16(b), increase the number of members to a total not exceeding nine.

	117. The Act is further amended by repealing the heading "Election of Committee" immediately following section 8.	
	118. The Act is further amended by repealing section 9 and substituting the following:	5
"Term of office	9.(1) The members of a community education committee elected at the first election following the designation of the committee as the local education authority shall hold office as follows:	10
	(a) the two candidates receiving the highest and second highest number of votes hold office for a term of two years; and	
	(b) the two candidates receiving the third highest and fourth highest number of votes hold office for a term of one year.	15
Idem	(2) The member of a community education committee appointed by a municipal council holds office for one year.	20
Idem	(3) Subject to subsection (1), elected members of a community education committee hold office for two years.	
Commencement of term	(4) Terms of office for members of a community education committee commence on the first day of January in any year."	25
	119. The Act is further amended by repealing section 10 and substituting the following:	
"Annual general election	10. A general election, as defined in the <u>Local Authorities Elections Act</u> , must be held every year for members of a community education committee."	30
	120. The Act is further amended by repealing paragraph 12(b) and substituting the following:	35
	"(b) would, subsequent to his election, not be eligible to be a candidate at an election as a member,".	
	121. The Act is further amended by repealing section 23 and substituting the following:	40
"Board of Education	23. Every Board of Education is a body corporate composed of seven elected members."	

Clause 117

The heading immediately following section 8 now reads

ELECTION OF COMMITTEE

Clause 118

Section 9 now reads

Election

9. (1) Where the limits of an education district with a community education committee coincide with the boundaries of a municipality

(a) the election of members of the committee shall be held in conjunction with the municipal election,

(b) the provisions of the *Municipal Act* respecting the election of a municipal council, including the provisions setting forth the qualifications of candidates and voters and the nomination procedure, apply *mutatis mutandis* to the election of a community education committee, and

(c) the council of the municipality shall, at the first meeting of the council following each annual election, elect one of the members of council who shall be a member of the community education committee until replaced following the next annual election.

(2) The *Minister* ~~Executive Member~~ shall within three months after the commencement of this *Act* ~~Ordinance~~ appoint an interim community education committee to act until the first election of a committee, which election shall be held in conjunction with the municipal election next following the commencement of this *Act*. Appointment of committee

(3) The returning officer for the municipality shall cause a ballot to be prepared for use in the election of the community education committee. Ballot

(4) Except as provided in subsection (5), the members of a community education committee shall hold office for a term of two years and an election shall be held each year to replace any member whose term expires that year or whose seat is otherwise vacant. Term of office

(5) The two successful candidates receiving the least number of votes at the first election and the member elected under paragraph (1)(c) shall hold office for a term of one year. Idem

(6) A community education committee may appoint persons to fill vacancies on the committee until the next election is held. Appointment by committee

(7) Where the number of persons nominated for election as members of the community education committee is equal to or less than the number of vacant seats of the committee, the returning officer shall declare the persons so nominated duly elected. Acclamation

Clause 119

Section 10 now reads

Duty of Superintendent

10. Where the limits of an education district with a community education committee do not coincide with the boundaries of a municipality, the Superintendent within whose Superintendency the education district is located shall arrange for the election or appointment of a community education committee in accordance with the regulations.

Clause 120

Paragraph 12 (b) now reads

Loss of
membership

12. Where a member of a community education committee

(b) ceases to be a resident of the education district,

the committee may declare a vacancy in the membership and that person thereupon ceases to be a member.

Clause 121

Section 23 now reads

Board of
Education

23. Every Board of Education is a body corporate and shall consist of seven members, selected or appointed in accordance with this Ordinance or the regulations.

	122. The Act is further amended by repealing subsection 26(3).	
	123. The Act is further amended by repealing section 27.	
	124. The Act is further amended by repealing subsection 28(2) and substituting the following:	5
"Term of office	(2) Subject to subsection (1), the term of office of a member of a Board of Education is three years commencing on the first day of January in any year."	10
	125. The Act is further amended by repealing subsection 28(3).	
	126. The Act is further amended by repealing section 29 and substituting the following:	
"Annual general election	29. A general election, as defined in the <u>Local Authorities Elections Act</u> , must be held every year for members of a Board of Education."	15
	127. The Act is further amended by repealing section 36.	20
	128. The Act is further amended by repealing subsection 43(4) and substituting the following:	
"Submission of by-law to ratepayers	(4) A Board of Education shall submit a by-law to borrow money on the security of a debenture authorized by the Minister to a vote of the ratepayers of the education district."	25
	129. The Act is further amended by repealing subsection 43(5).	
	130. The Act is further amended by repealing section 44 and substituting the following:	30
"Conduct of vote	44. The provisions of the <u>Local Authorities Elections Act</u> respecting an <u>election</u> apply to the <u>conduct</u> of a vote on a by-law submitted to the ratepayers, with such modifications as the circumstances require."	35

Clause 122

Subsection 26(3) now reads

(3) The first election of members to a Board of Education shall ^{Election} be held in conjunction with the next regular municipal election following the designation of the Board as the local education authority.

Clause 123

Section 27 now reads

27. Any person is eligible to be elected a member of a Board of ^{Eligibility for} Education who _{election}

- (a) is a Canadian citizen;
- (b) has attained the age of nineteen years;
- (c) has been ordinarily resident in the education district for not less than one year immediately preceding the day of the close of nominations of candidates for election;
- (d) is not an employee of the Board of Education.

Clause 124

Subsection 28(2) now reads

Acclamation and
tenure

(2) Where the number of candidates nominated for election as members of a Board of Education is equal to or less than seven, the persons nominated are elected and

- (a) the first three candidates nominated shall hold office for a term of three years commencing on the first day of January next following their election;
- (b) the candidates who were fourth, fifth and sixth nominated shall hold office for a term of two years commencing on the first day of January next following their election; and
- (c) the candidate who was seventh nominated shall hold office for a term of one year commencing on the first day of January next following his election.

Clause 125

Subsection 28(3) now reads

Appointment by
Commissioner

(3) Where fewer than seven candidates are nominated, the ~~Executive Member~~ ^{Minority} shall appoint the number of members necessary to constitute a seven member Board and shall set the term of office of each member so appointed.

Clause 126

Section 29 now reads

Annual elections 29. (1) Following the election of the first Board of Education for an education district, annual elections of members to replace those who have resigned or whose terms of office are due to expire shall be held to coincide with the municipal elections in the education district, and members shall be elected for terms of three years commencing on the first day of January next following their election.

Returning officer (2) The returning officer for the municipal election shall be the returning officer for the elections of members of the Board of Education.

Municipal Act
Accordingly to apply mutatis mutandis (3) The provisions of the *Municipal Act* respecting the qualifications of voters, nominations, and for opening and closing the polls, the mode of voting, vacancies and declaration of office apply *mutatis mutandis* to the election of members of a Board of Education.

Clause 127

Section 36 now reads

36. Where a vacancy occurs in the membership of a Board of Education, the Board shall appoint a person qualified to be elected as a member; and that person shall hold office until the next election.

Clause 128

Subsection 43(4) now reads

- (4) A Board of Education shall
- (a) notify the council of the municipality of the authorization of the loan by the ~~Executive Member~~ ^{Minister} by forwarding a copy of the by-law and the authorization from the ~~Executive Member~~ ^{Minister} to the secretary-treasurer of the municipality; and
 - (b) request the council of the municipality to submit the by-law to a vote of the ratepayers of the education district.

Clause 129

Subsection 43(5) now reads

(5) The municipality shall thereupon submit the by-law to the ratepayers of the education district to be voted on.

Submission of by-law to ratepayers

Clause 130

Section 44 now reads

44. (1) The expense of submitting a by-law to a vote of the ratepayers shall be paid by the Board to the municipality, or it may be retained by the municipality from any funds that become payable by it to the Board. Expense of by-law

(2) Where a by-law is submitted to a vote of the ratepayers at the same time as the election of councillors of a municipality the amount chargeable to the Board shall be the extra expense caused by such submission. Idem

(3) Where a by-law is submitted at the same time as a by-law of the municipality, the amount chargeable to the Board shall be a just proportion only of the total expense. Idem

(4) Where the municipality and the Board disagree as to the amount or proportion of the expense to be paid by the Board, the amount payable shall be settled summarily by the ~~Executive Member~~ Minister at the request of either party. Dispute

(5) All the provisions of the ^{Act} ~~Municipal Ordinance~~ with respect to voting apply, *mutatis mutandis*, to a by-law submitted to the ratepayers. ^{Municipal Ordinance to apply} Act

	131. The Act is further amended by repealing section 52 and substituting the following:	
"Member vacating seat	52. Any member of a Board of Education or a Separate Board of Education who	
	(a) is convicted of an offence against this Act,	5
	(b) would, subsequent to his election, not be eligible to be a candidate at an election as a member, or	
	(c) absents himself from meetings of the Board for three consecutive months without being authorized to do so by a resolution entered in the minutes of the Board,	10
	shall vacate his seat and cease to be a member."	15
	132. The Act is further amended by repealing subsection 53.3(2) and substituting the following:	
"Composition of Board	(2) A Divisional Board is composed of seven elected members."	20
	133. The Act is further amended by repealing subsection 53.3(3) and substituting the following:	
"Elections	(3) The provisions of the <u>Local Authorities Elections Act</u> apply to all matters respecting the election of members of a Divisional Board of Education."	25
	134. The Act is further amended by repealing subsection 53.3(4).	
	135. The Act is further amended by repealing subsection 53.3(6) and substituting the following:	30
"Term of office	(6) Subject to subsection (5), the term of office of a member of a Divisional Board of Education is three years commencing on the first day of January in any year."	
	136. The Act is further amended by repealing subsection 53.3(7).	35
	137. The Act is further amended by repealing subsection 53.3(8) and substituting the following:	
"Annual general election	(8) A general election, as defined in the <u>Local Authorities Elections Act</u> , must be held every year for members of a Divisional Board of Education."	40

Clause 131

Section 52 now reads

Member to
vacate seat

52. (1) Any member of a Board of Education or a Separate Board of Education who is convicted of an offence against this Ordinance for which a penalty is provided, or who absents himself from meetings of the Board for three consecutive months without being authorized to do so by resolution entered upon its minutes, or who ceases to be a resident of the district, shall vacate his seat.

Persons not
eligible

(2) No person is eligible for nomination or election as a member of a Board of Education or a Separate Board of Education or shall remain a member thereof if he has been convicted of an offence punishable by imprisonment for five years or more within the preceding twenty-four months or whose imprisonment as a result of such conviction has terminated within the preceding twenty-four months.

Clause 132

Subsection 53.3.(2) now reads

Composition
of Board

(2) A Divisional Board of Education shall be composed of seven members elected in accordance with this section.

Clause 133

Subsection 53.3.(3) now reads

Election

(3) The first election of members to a Divisional Board of Education shall be held in conjunction with the next regular municipal election following the establishment of the Divisional Board of Education.

Clause 134

Subsection 53.3.(4) now reads

Eligibility for
election

(4) Any person is eligible to be elected or to hold office as a member of a Divisional Board of Education who

- (a) is a Canadian citizen;
- (b) has attained the age of nineteen years;
- (c) has been ordinarily resident in the education division for not less than one year immediately preceding the day of the close of nominations of candidates for election; and
- (d) does not work for the Divisional Board of Education or a community education council.

Clause 135

Subsection 53.3.(6) now reads

Acclamation
and term of
office

- (6) Where the number of candidates nominated for election as members of a Divisional Board of Education is equal to or less than seven, the persons nominated are elected and
- (a) the first three candidates nominated shall hold office for a term of three years commencing on the first day of January next following their election;
 - (b) the candidates who were fourth, fifth and sixth nominated shall hold office for a term of two years commencing on the first day of January next following their election; and
 - (c) the candidate who was seventh nominated shall hold office for a term of one year commencing on the first day of January next following his election.

Clause 136

Subsection 53.3.(7) now reads

Appointment by
~~Executive Minister~~
Member

- (7) Where fewer than seven candidates are nominated, the ~~Executive Member~~^{Minister} shall appoint the number of members necessary to constitute a seven member Board and shall set the term of office of each member so appointed.

Clause 137

Subsection 53.3.(8) now reads

Annual
elections

- (8) Following the election of the first Divisional Board of Education for an education division, annual elections of members to replace those who have resigned or whose terms of office are due to expire shall be held to coincide with the municipal elections in the education division, and members shall be elected for terms of two years commencing on the first day of January next following their election.

	138. The Act is further amended by repealing subsections 53.3(9) to (14) inclusive.	
	139. The Act is further amended by repealing subsection 53.3(18).	
	140. The Act is further amended by repealing subsection 53.4(5) and substituting the following:	5
"Term of office	(5) A member of a Divisional Board of Education holds office for two years or for the balance of his term as a member of a community education council, whichever is shorter."	10
	141. The Act is further amended by repealing section 53.18 and substituting the following:	
"Elections	53.18.(1) The provisions of the <u>Local Authorities Elections Act</u> apply to all matters respecting the election of members of a community education council.	15
Annual general election	(2) A general election, as defined in the <u>Local Authorities Elections Act</u> , must be held every year for members of a community education council.	20
Composition of council	(3) A community education council is composed of	
	(a) four elected members;	
	(b) one member appointed by the municipal council in the education district, if any, from among the members of the municipal council;	25
	(c) such additional elected members, not exceeding four, as the community education council may fix after consulting the voters of the education district at a general meeting held pursuant to paragraph 53.24(j); and	30
	(d) such <u>ex officio</u> members as this Act may require.	35
Term of office	(4) Members of a community education council, other than <u>ex officio</u> members, hold office for two years.	
Commencement of term	(5) Terms of office commence on the first day of January in any year."	40

Clause 138

Subparagraph 53.3(9), (10), (11), (12), (13) and (14) now read

Returning
officer

(9) The returning officer for the municipal election shall be the returning officer for the election of members of the Divisional Board of Education.

Municipal Act
Ordinance to
apply mutatis
mutandis

(10) The provisions of the Municipal ^{Act} Ordinance respecting the qualifications of voters, nominations, the opening and closing of the polls, the mode of voting, vacancies and declaration of office apply mutatis mutandis to the election of members of a Divisional Board of Education.

Idem

(11) The provisions of the Municipal ^{Act} Ordinance respecting recounts and controverted elections apply mutatis mutandis to elections of members of the Divisional Board of Education.

Notice of
vacancies

(12) The Divisional Board of Education shall give notice to the secretary-treasurer of the municipality on or before the fifteenth day of September in each year of the number of vacancies required to be filled to make the Board complete, and shall on or before the first day of October in each year furnish the returning officer of the municipality with a list of the persons entitled to vote for members of the Divisional Board of Education within any portion of the education division that is not within the municipality with an indication opposite each name whether or not a person is a supporter of the education division where a public or separate education district is coterminous with the education division.

Declarations

(13) Every voter shall record with the returning officer a declaration setting forth whether or not he is a supporter of the education division where a public or separate education district is coterminous with the education division.

Ballots

(14) The returning and deputy returning officers shall deliver ballots for members of the Divisional Board of Education only to supporters of the education division where a public or separate education district is coterminous with the education division.

Clause 139

Subsection 53.3.(18) now reads

Vacancy

(18) Where a vacancy occurs in the membership of a Divisional Board of Education, the Board shall appoint a person qualified to be elected as a member, and that person shall hold office until the next election.

Clause 140

Subsection 53.4.(5) now reads

Term _____

(5) The term of office of a member of a Divisional Board of Education shall be two years.

Clause 141

Section 53.18 now reads

Election,
appointment and
resignation
of members

53.18.(1) The members of a community education council shall be elected or appointed in accordance with the provisions of this Ordinance and the regulations, and any member may resign from his position by giving notice in writing to the community education council.

Requirement
respecting
residence

(2) All members of a community education council and all candidates for election to a community education council shall be resident in the education district for which that community education council has been elected or appointed.

Eligibility

(3) A person who is employed by the Government of the Northwest Territories in an education division in a position described in paragraph 53.1(4)(e) or by a Divisional Board of Education is not eligible to be elected or appointed as a member of a community education council.

Composition
of council

(4) A community education council shall consist of five members, not including ex officio members, elected or appointed in accordance with this Ordinance and the regulations.

Increase in
membership

(5) A community education council may, after consulting the voters of the education district at a general meeting held pursuant to paragraph 53.24(j), increase the number of members to a total not exceeding nine members.

Election

- (6) Where the limits of an education district coincide with the boundaries of a municipality
- (a) the election of members of the community education council shall be held in conjunction with the municipal election;
 - (b) the provisions of the Municipal Ordinance respecting the election of a municipal council, including the provisions setting forth the qualifications of candidates and voters and the nomination procedure, apply mutatis mutandis to the election of a community education council; and
 - (c) the council of the municipality shall, at the first meeting of the council following each annual election, elect one of the members of the council who shall be a member of the community education council until replaced following the next annual election.

Ballot

(7) The returning officer for the municipality shall cause a ballot to be prepared for use in the election of the community education council.

Term of office

(8) Except as provided in subsection (9), the members of a community education council shall hold office for a term of two years and an election shall be held each year to replace any member whose term expires that year or whose seat is otherwise vacant.

Appointment by council

(9) A community education council may appoint persons to fill vacancies on the council until the next election is held.

Acclamation

(10) Where the number of persons nominated for election as members of the community education council is equal to or less than the number of vacant seats of the council, the returning officer shall declare the persons so nominated duly elected.

Duty of Superintendent

(11) Where the limits of an education district with a community education council do not coincide with the boundaries of a municipality, the Superintendent for the education division shall arrange for the election or appointment of a community education council in accordance with the regulations.

Municipal Act

142. The Municipal Act is amended by repealing paragraph 2(f) and substituting the following:

"councillor" (f) "councillor" means a member of a council, other than the mayor;". 5

143. The Act is further amended by repealing paragraph 2(h) and substituting the following:

"election" (h) "election" means an election of members of a council pursuant to the Local Authorities Elections Act;". 10

144. The Act is further amended by repealing paragraph 2(i).

145. The Act is further amended by repealing paragraph 2(y) and substituting the following:

"village" (y) "village" means a village established pursuant to this Act;". 15

146. The Act is further amended by adding immediately after paragraph 2(y) the following paragraph:

"voter" (z) "voter" means a person who is eligible to vote at an election.". 20

147. The Act is further amended by repealing subsection 7(1) and substituting the following:

"Composition of council" 7.(1) Subject to subsection (3), the council of a city or town is composed of a mayor and eight councillors and the council of a village or hamlet is composed of a mayor and seven councillors.". 25

148. The Act is further amended by repealing subsection 7(2) and substituting the following:

"Term of office" (2) Subject to subsection (5), the mayor and councillors hold office for two years commencing on 30

(a) the first day of November following their election to the council of a city, town or village; and 35

(b) the first day of January following their election to the council of a hamlet.".

Clause 142

Paragraph 2(f) now reads

2. In this Ordinance *ACT*

Definitions

- (f) "councillor", subject to subsection 9.1(4), means
a member of a council, other than the mayor;

"councillor"

Clause 143

Paragraph 2(h) now reads

- (h) "election" means an election of members of a council pursu- "election"
ant to this Ordinance; *ACT*

Clause 144

Paragraph 2(i) now reads

- (i) "elector" means a person who is eligible to vote at an elec- "elector"
tion;

Clause 145

Paragraph 2(y) now reads

- (y) "village" means a village established pursuant to this *ACT* Ordi- "village"
nance.

Clause 146

Paragraph 2(z) is new

Clause 147

Subsection 7(1) now reads

7. (1) Subject to subsections (3) and 9.1(4), the council
of a city or town shall consist of a mayor and eight coun-
cillors and the council of a village or hamlet shall consist
of a mayor and seven councillors.

Clause 148

Subsection 7(2) now reads

- Term of office (2) Subject to subsection (5), the members of a council shall be
elected in accordance with this Ordinance for a term of two years and
their term shall commence on the first day of January next following
their election.

	149. The Act is further amended by repealing subsection 7(5) and substituting the following:	
"First election	(5) The councillors elected at the first election of the council shall hold office as follows:	5
	(a) the four candidates receiving the highest, second highest, third highest and fourth highest number of votes hold office for a term of two years; and	10
	(b) the balance of the successful candidates hold office for a term of one year."	
	150. The Act is further amended by repealing subsection 7(6) and substituting the following:	15
"Annual general election	(6) A general election, as defined in the <u>Local Authorities Elections Act</u> , must be held every year."	
	151. The Act is further amended by repealing subsection 7(7) and substituting the following:	20
"Transitional	(7) Where a hamlet is declared to be a city, town or village, the term of office for any mayor or councillor of the former hamlet shall end on the thirty-first day of October in the year in which the term would otherwise end."	25
	152. The Act is further amended by repealing sections 8 to 10 inclusive.	
	153. The Act is further amended by repealing section 12 and substituting the following:	
"Elections	12. The provisions of the <u>Local Authorities Elections Act</u> apply to all matters respecting the election of members of a council."	30
	154. The Act is further amended by repealing section 13 and substituting the following.	
"Ineligibility of mayor or councillor	13. A mayor or councillor who, subsequent to his election, would not be eligible to be a candidate shall vacate his seat and cease to be a mayor or councillor, as the case may be."	35

Clause 149

Subsection 7(5) now reads

(5) In any election of a council the four councillors receiving the highest number of votes in the election shall hold office for a term ending two years from the thirty-first day of December next following their election and the other councillors shall hold office for a term ending one year from the thirty-first day of December next following their election. ^{Number of councillors}

Clause 150

Subsection 7(6) now reads

(6) Elections shall be held each year to replace any member of the council whose term expires at the end of the year ^{Annual elections}

Clause 151

Subsection 7(7) now reads

(7) ~~Subject to subsection 9.1(4), a mayor shall hold office as such for a term of two years from the first day of January next following his election.~~ ^{Term of office of mayor}

Clause 152

8. Where a councillor dies, resigns or otherwise vacates his office, or pursuant to this Ordinance has been found by a judge to be ineligible to be or remain a councillor, or pursuant to this Ordinance has had his seat on council declared forfeit, the council shall appoint a person who is qualified to be a councillor: to fill the vacancy, and the person so appointed shall hold office ^{Vacancy}

act

(a) until the thirty-first day of December next following, if the vacancy occurs prior to the first day of November during the first year of office of the former councillor; or

(b) for the balance of the former councillor's term, if the vacancy occurs subsequent to the date set out in paragraph (a).

9. (1) Subject to subsection 9.1(4), where a mayor dies, resigns or otherwise vacates his office, the council shall appoint one of its members to hold office as mayor ^{Vacancy by Mayor}

(a) until the thirty-first day of December next following, if the vacancy occurs prior to the first day of November during the first year of the former incumbent's term of office; or

(b) for the balance of the former incumbent's term of office, if the vacancy occurs on or subsequent to the date set out in paragraph (a).

(2) Where a vacancy described in paragraph (1) (a) occurs, an election for mayor ~~or chairman, as the case may be~~ shall be held at the next annual election and the person elected shall serve for a term of two years commencing on the first day of January next following his election. ^{Time of next election}

9.1 (1) Subject to this section, the council of a hamlet may pass a by-law providing that its mayor shall be elected in accordance with the provisions of this section.

Alternative
system for
electing hamlet
mayors

(2) A by-law referred to in subsection (1) is not valid and shall not come into force

Requirements for by-law

- (a) unless passed in accordance with section 150; or
- (b) in relation to any mayoral election in which the date fixed by subsection 34(2) for the close of nominations occurs within four months after the date when the electors voted on the proposed by-law under subsection 150(2).

(3) A by-law referred to in subsection (1) shall not operate so as to reduce the two-year term of office of a hamlet mayor duly elected otherwise than under this section.

Term of office

(4) Where a by-law passed under subsection (1) is duly in force,

Effect of by-law

- (a) references in this ~~Ordinance~~^{Act} to the expression "councillors" shall be deemed to include any hamlet mayor elected in accordance with this section;
- (b) the council of the hamlet shall, from the first day of January following the first election to which the by-law validly relates, consist of eight councillors, one of whom shall be elected as mayor by the councillors at the first meeting of the council after the first day of January in every year;
- (c) the mayor of the hamlet shall hold office for a term that expires on the thirty-first day of December next following his election by the council; and
- (d) the council of the hamlet shall elect one of its members to be mayor of the hamlet in the place of any mayor who dies, resigns or otherwise vacates his office.

(5) A by-law repealing one passed under subsection (1) or altering the system for electing mayors of hamlets from that provided in this section to the system prevailing otherwise is not valid and shall not come into force

Withdrawing from or
altering system

- (a) unless passed in accordance with section 150, or
- (b) in relation to any mayoral election in which the date fixed by subsection 34(2) for the close of nominations occurs within four months after the date when the electors voted on the proposed by-law under subsection 150(2).⁸

Clause 152 cont

Date of first
election

10. The Commissioner shall by order fix the day for the first election of the members of the council of the municipality and shall appoint suitable persons to act respectively as registrar and returning officer for the purpose of the election.

Clause 153

Section 12 now reads

Elections

act 12. Except as provided in sections 7 to 10, the provisions of this Ordinance with respect to elections apply to the first and all subsequent elections.

Clause 154

Persons eligible
for election

13. (1) Subject to this Ordinance, ^{*act*} every person is eligible for election who

- (a) is a Canadian citizen; ~~or other British subject~~
- (b) has attained the age of nineteen years; and
- (c) has been ordinarily resident in the municipality for six months immediately preceding the day of the close of nominations of candidates for election.

(2) No person is eligible for election as a member of a council ^{*Persons not eligible*} or shall remain a member thereof if he

- (a) is a judge or territorial judge;
- (b) is a sheriff or clerk of the court;
- (c) is an employee of the municipality in receipt of a monthly stipend or is the secretary-treasurer, assessor or auditor of the municipality;
- (d) has by himself, his partner or agent, an interest in a contract with or on behalf of the municipality;
- (e) is indebted, for a sum greater than two hundred and fifty dollars, to the municipality otherwise than in respect of current taxes;
- (f) or his nominee, has controlling interest in, a private corporation that is indebted, for a sum greater than two hundred and fifty dollars, to the municipality otherwise than in respect of current taxes;
- (g) or his nominee, has controlling interest in, a public corporation that is indebted, for a sum greater than two hundred and fifty dollars, to the municipality otherwise than in respect of current taxes;
- (h) is a surety for any officer or employee of the municipality;
- (i) is an undischarged bankrupt or insolvent; or

Clause 154 cont

Controlling
interest

(j) has been convicted of an offence punishable by imprisonment for five years or more within the preceding twenty-four months or whose imprisonment as a result of such conviction has terminated within the preceding twenty-four months.

(2.1) For the purposes of subsection (2), a person shall be deemed to have a controlling interest in a corporation if he beneficially owns directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than twenty-five percent of the voting rights attached to all equity shares of the corporation for the time being outstanding.

(3) Paragraph (2) (d) does not apply to a member of the council of a village or hamlet.

(3.1) Notwithstanding paragraph (2)(a) a justice of the peace is eligible for election as a member and may remain a member of the council of a hamlet.

(4) Notwithstanding subsection (2), no person shall be ineligible for election by reason of his

- (a) having a contract for the publication of an advertisement in any newspaper,
- (b) being a shareholder in an incorporated company having dealings or contracts with the municipality,
- (c) having a contract for the supply to him of the service of a public utility, or
- (d) having an agreement of sale with or lease of property from the municipality

but no such person shall vote as a member of a council on any question affecting any company in which he is a shareholder or on any question affecting any agreement or lease described in paragraph (d).

155. The Act is further amended by repealing sections 14 to 23 inclusive.

156. The Act is further amended by repealing subsection 24(1) and substituting the following:

"Secretary-treasurer to call public meeting

24.(1) The secretary-treasurer shall call a public meeting, to be held no later than one month prior to election day in any year, for the purpose of discussing the conduct of municipal business where

(a) at least three months prior to election day in that year, a resolution of the council so directs; or

(b) at least two months prior to election day in that year, a petition requesting a public meeting pursuant to this section and bearing the signatures of not less than ten per cent of the voters of the municipality is received by the council."

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10

15

20

157. The Act is further amended by repealing the opening paragraph of subsection 24(2) and substituting the following:

"Notice of meeting

(2) The secretary-treasurer shall ensure that a notice stating the time and place of the public meeting described in subsection (1) shall, prior to the meeting,".

25

158. The Act is further amended by repealing the heading "ELECTION OFFICERS" immediately preceding section 25.

30

159. The Act is further amended by repealing sections 25 to 55 inclusive.

160. The Act is further amended by repealing the heading "RECOUNT" immediately preceding section 56.

161. The Act is further amended by repealing sections 56 to 62 inclusive.

35

Clause 155

Sections 14 to 23 now read

Resignation of
councillor

14. Notwithstanding section 13, a member of a council whose term of office does not expire at the end of the year in which an election is held must resign from the council prior to the first day of November of that year to be eligible for election in that year as mayor.

15. Subject to this Ordinance, every person is qualified to vote at an election who Persons eligible to vote

- (a) is a Canadian citizen, or other British subject;
- (b) has attained the age of nineteen years; and
- (c) has been ordinarily resident in the municipality for not less than six consecutive months immediately preceding the day of the close of nominations of candidates for election.

16. The council may by by-law establish two or more polling divisions in the municipality. 1966(2nd), c.16, s.3. Establishment of polling division

17. (1) The council of each municipality shall appoint a registrar who shall, on or before the fifteenth day of September in each year, Duties of registrar

- (a) in which a municipal election is required to be held, or
- (b) in which the council orders him to do so,

prepare a list of electors containing the names, in alphabetical order, of all persons qualified to vote at the next election, indicating those who are ratepayers, those who are public school supporters and those who are separate school supporters.

Where polling divisions

(2) Where a municipality is divided into polling divisions, the registrar shall prepare a separate list of electors for each such division.

List of electors

(3) On or before the fifteenth day of September in each year, the registrar shall post one or more copies of the list of electors in a conspicuous place in each polling division.

Delivery of list
to territorial
judge

(4) The registrar shall, prior to the day fixed for revision of the list of electors, deliver to the magistrate having charge of the revision five copies of the list of electors prepared for the municipality, or, where a municipality is divided into polling divisions, five copies of the list of electors for each polling division.

Application for
revision of list

18. Any person who is eligible to vote at the election may apply to the magistrate to have the list of electors revised on the ground that the name of an eligible voter has been omitted therefrom, or the name of an eligible voter is incorrectly set out therein or the name of a person not eligible to vote is included therein.

Notice of application

19. (1) Any person eligible to vote at the election who desires to apply for revision of a list of electors under section 18 shall, on or before the first day of October, leave with the registrar at his residence or place of business a notice in writing, as described in subsection (2), of his intention to make such application.

Form of notice

- (2) The notice shall fully set out
 - (a) the names of the persons in respect of whom the application is made;
 - (b) the nature of the revision that is sought;
 - (c) the grounds upon which the application is made; and
 - (d) the name, residence or post office address of the person making the application.

Publication of notice

- 20. (1) The registrar shall
 - (a) post in a conspicuous place in the office of the secretary-treasurer of the municipality or, where the municipality is divided into polling divisions, in a conspicuous place in each polling division, a notice of the place and time fixed for the sitting of the Court of Revision, in Form A of Schedule A;
 - (b) cause the said notice to be printed at least once in a newspaper published or circulated in the municipality; and
 - (c) give notice in writing to the parties making application and to the persons in respect of whom application is made of the place and time fixed for the sittings of the Court, in Form B or Form C of Schedule A as the case requires.

(2) The notices referred to in subsection (1) shall be posted, ^{idem} published and served or mailed, as the case requires, at least ten days before the day fixed for the sitting of the Court of Revision.

21. (1) On the last Friday in October of each year ^{territorial judge} the ~~magistrate~~ ^{Hearing of applications} shall hear all applications made pursuant to this Ordinance for revision of the list of electors.

(2) If in respect of any application ^{territorial judge} the ~~magistrate~~ ^{is satisfied that} the list should be corrected, he shall revise the list accordingly. ^{Revision of list}

(3) Notwithstanding section 15, a person who will be nineteen years of age prior to the date fixed for an election, and who is otherwise qualified to vote, is entitled to have his name included in the list of electors upon application as herein provided. ^{Persons entitled to be added}

(4) Where the name of a person qualified to vote is incorrectly spelled or where a person is not properly described in a list of electors ^{territorial judge} the ~~magistrate~~ ^{may} correct such spelling or description, notwithstanding the absence of any notice or application required by this Ordinance. ^{Errors in description} ^{Act}

22. (1) The ^{territorial judge} ~~magistrate~~ shall, within ten days after the sitting of the Court of Revision has been concluded, initial all changes or additions made by him in the list of electors for each polling division, and attach to each list a certificate in Form D of Schedule A. ^{Certification of list}

(2) When the provisions of subsection (1) have been carried out ^{territorial judge} the ~~magistrate~~ shall deliver two copies of each revised list of electors to the secretary-treasurer of the municipality and two copies of each revised list to the returning officer for the municipality. ^{Delivery of list to secretary-treasurer}

23. The list as revised in accordance with this Ordinance ^{Act} shall be the lists of electors for the municipality to which they are applicable for the year in which the revision is made. ^{Revised list}

Clause 156

Subsection 24(1) now reads

24. (1) The registrar shall call a public meeting to be held not later than the ~~second Monday in November~~ ^{Registrar to call public meeting} in any year for the purpose of discussing the conduct of municipal business where

- (a) ~~on or before the fifteenth day of September~~ in that year, a resolution of a council so directs; or
- (b) ~~on or before the fifteenth day of October~~ in that year, a petition requesting a public meeting pursuant to this section and bearing the signatures of not less than ten per cent of the electors of the municipality is received by the council.

Clause 157

Subsection 24(2) now reads

Notice to be given of meeting (2) The registrar shall ensure that a notice stating the time and place of the public meeting described in subsection (1) shall prior to the meeting

- (a) be posted in not less than ten conspicuous places in the municipality, and
- (b) be published in two issues of a newspaper, if any, published and circulated in the municipality, the second publication thereof to include as well a copy of the financial statement of the municipality prepared by the secretary-treasurer pursuant to subsection (3) for submission to the meeting.

Clause 158

The heading immediately preceding section 25 now reads

ELECTION OFFICERS

Clause 159

Sections 25 to 55 now reads

Returning officer 25. The council shall, prior to the first day of November, appoint a person to act as returning officer for the election.

Appointment of deputy returning officers 26. (1) Where a ^{municipality} ~~municipality~~ is divided into polling divisions, the returning officer shall appoint deputy returning officers, who shall preside at the respective polling places in case a poll is required, but the returning officer may take charge of any one polling division and perform the duties therein to be performed by deputy returning officers.

(2) Each deputy returning officer shall make the returns for his respective polling division to the returning officer.

Making of returns

27. Where a municipality is not divided into polling divisions the returning officer shall provide himself with the necessary election material similar to that required to be furnished to deputy returning officers, and shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer in respect of a polling division.

Duties of returning officer

28. If, at the time appointed for holding a poll, the returning officer or deputy returning officer does not attend at the poll within one hour after the time appointed, or in case a deputy returning officer is required and none has been appointed, the electors present at the time and place for holding the poll may choose from amongst themselves a returning officer or deputy returning officer, as the circumstances require, and such returning officer or deputy returning officer shall have all the powers and duties of, and shall proceed to hold the poll as, the returning officer or deputy returning officer as the case may be.

Failure to attend

29. The deputy returning officer shall appoint a poll clerk who shall perform the duties assigned to him by the deputy returning officer and who, in the absence of the deputy returning officer, shall have all the powers and duties of the deputy returning officer.

Appointment of poll clerk

30. Every returning officer and deputy returning officer shall, on the day of and during the days preceding polling day or the voting upon a by-law, act as a conservator of the peace, and he or any of the justices of the peace may cause to be arrested, and may summarily try and punish by a fine not exceeding fifty dollars or imprisonment not exceeding three months, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person who assaults or threatens any voter coming to, remaining at or going from the polling place; and, when so required, all constables and persons present at the polling place shall assist the returning or deputy returning officer or justice.

Conservation of the peace

31. (1) A returning officer or justice of the peace may appoint and swear in any number of special constables to assist in the preservation of the peace or of order at an election or at the polling place.

Special constables

(2) A returning officer or a deputy returning officer may appoint and swear in any number of interpreters required to assist in the conduct of the poll.

Interpreters

32. (1) Every returning officer, deputy returning officer, poll clerk, interpreter, candidate or agent authorized to be present at any polling place shall, before undertaking any of his duties or functions, take and subscribe an oath before any person authorized to take affidavits for use in the Territories to the following effect:

Oath

"I.....do swear (or solemnly affirm) that I will act faithfully in my capacity of.....for (polling division No.....of the Municipality omit reference to polling division where not applicable) of.....without partiality, fear, favour or affection at the pending election; and I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted and will not in any way aid in the unlawful discovery of the same and that I will keep secret all knowledge which may come to me of the person for whom an elector has voted. So Help me God."

Idem	(2) A returning officer or deputy returning officer shall take and subscribe his oath before a commissioner for administering oaths, notary public or other person authorized by law to administer oaths.
Idem	(3) A poll clerk, interpreter, candidate or agent shall take and subscribe his oath before a deputy returning officer, commissioner for oaths, notary public or other person authorized by law to administer oaths.
Notice of election	33. On or before the second Monday in November the returning officer shall give a notice of election in Form E of Schedule A.
Nominations	34. (1) Any two or more persons qualified to vote at an election may nominate a candidate for any office to be filled by the election by <ul style="list-style-type: none"> (a) signing a nomination paper in Form F of Schedule A; and (b) delivering the nomination paper to the returning officer at any time between the giving of the notice of election and the hour fixed for the close of nominations.
Close of nominations	(2) Nominations of candidates for election close at three o'clock in the afternoon of the third Monday in November or on the next day following that is not a holiday if such Monday is a holiday.
Acclamation	(3) Where the number of persons nominated to serve as councillors for the municipality does not exceed the requisite number of persons to be elected, the returning officer shall declare the persons so nominated duly elected.
Acclamation	(4) Where only one person is nominated to serve as mayor or chairman, as the case may be , the returning officer shall declare the person so nominated as duly elected.
Vacancies	(5) Where the number of persons nominated to serve as councillors for the municipality is less than the requisite number of persons to be elected, suitable persons to fill the vacancies that would otherwise exist may be appointed by the Commissioner and shall thereupon become members of the council for all purposes of this Ordinance, for the term hereinbefore specified. <i>act</i>
Holding of a poll	35. Where the number of persons nominated to serve as members of the council of the municipality exceeds the requisite number of persons to be elected, a poll shall be held on the second Monday in December next following and the returning officer shall appoint deputy returning officers to hold such poll and determine the time and place where the result of such poll shall be declared.
Posting of notice in Form G	36. Where a poll is required to be held, the returning officer shall, without any unreasonable delay after the nomination, cause to be posted in at least three conspicuous places within the municipality a notice in Form G of Schedule A and cause a copy of the notice to be inserted in a newspaper circulated in the municipality, if any.
Withdrawal	37. (1) Any candidate nominated pursuant to section 34 may withdraw within forty-eight hours after the close of nominations by filing with the returning officer or deputy returning officer a declaration in writing to that effect, signed by himself in the presence of the returning officer, a deputy returning officer, a justice of the peace or a notary public.

(2) Where a candidate withdraws and there remains a number of candidates equal to or less than the vacancies in the office to be filled by the election, the returning officer shall declare the remaining candidates elected, and if there are no other offices for which an election need be held, he shall cancel the poll. Resulting vacancies

38. The poll shall be kept open from 10 o'clock in the forenoon until 7 o'clock in the afternoon of the same day. Time of poll

39. (1) The returning officer shall if the council so directs provide a poll for the purpose of receiving the votes of voters who expect to be absent from the municipality on the day fixed for polling. Advance poll

(2) The poll for receiving the votes of the voters referred to in subsection (1) shall be held and kept open from 10 o'clock in the forenoon to 7 o'clock in the afternoon on either Monday or Tuesday of the week preceding the week during which the poll is to be held, and, if a holiday falls upon any such days, the poll shall be held on Wednesday of the same week in lieu of such holiday. Time of advance poll

(3) The returning officer shall fix the polling places and appoint a deputy returning officer and poll clerk for each polling place. Fixing of polling places

(4) Notice of the times and places at which polls will be opened shall, prior to the day so fixed for holding the poll, be given by the returning officer by posting up notices at each of the polling places so appointed and in conspicuous places in the municipality and where possible by advertisement in a newspaper published or circulated in the municipality. Notice of poll

(5) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make a declaration in Form H of Schedule A, which shall be kept by the deputy returning officer with the other records of the poll. Declaration by voter

(6) Any person signing any such declaration knowing that any statement therein is false is guilty of an offence. Offence

(7) The poll clerk shall record in the poll book after the name of each person who votes pursuant to this section a note that he has made the declaration mentioned in subsection (5) and the number of the polling subdivision in which he is entered on the list of voters. Record of application

(8) The ballot box shall not be opened after the opening of the poll until 7 o'clock in the afternoon of the general polling day, but on adjourning the poll the deputy returning officer shall, and any candidate or agent present who desires to do so may, affix his seal to the ballot box in such manner that it cannot be opened or any ballot deposited in it without breaking the seal. Ballot box not to be opened

(9) At the close of the poll, the deputy returning officer shall forthwith make up and deliver or mail to the returning officer a list of the names of all persons who have voted showing in each case the number of the polling subdivision in which the voter is entered on the polling list, and the returning officer shall, at the request of any candidate, furnish him with a copy of such list. List of persons voting

(10) Upon receiving from the deputy returning officer the list mentioned in subsection (9), the returning officer shall make an entry in the polling list to be supplied to each deputy returning officer on polling day opposite the name of each voter whose name appears on such list and whose vote has been received at an advance poll, showing that such voter has polled his vote. Noting other lists

Procedure on
close of poll

(11) On the general polling day, the deputy returning officer shall, in the presence of such candidates and agents as are present at the hour fixed for the closing of the poll, open the ballot boxes, count the votes and perform all other duties required of deputy returning officers by this Ordinance. *Act*

Agents

40. Any person producing to the deputy returning officer a written authority to represent a candidate as his agent at a polling place, shall be recognized as such by the deputy returning officer.

Evidence of
having voted

41. The receipt by any voter, other than a deputy returning officer, of a ballot paper within the polling booth shall be received as *prima facie* evidence that he has there and then voted.

Oath to be
administered to
voter

42. At the request of a candidate or his agent or of an elector, the following oath shall be administered to any person tendering his vote at the election:

"Do you solemnly swear (or affirm) that you are the person named or purporting to be named by the name of.....
.....on the voters' list now shown to you; that you have not before voted at this election; and that you have not received or been promised any consideration whatsoever for voting at this election; that you are a Canadian citizen ~~or other British subject~~; that you are of the full age of nineteen years; and that you have been ordinarily resident in this municipality for not less than six consecutive months prior to the day of nomination."

Voting by secret
ballot

43. Voting at all elections shall be by secret ballot as set forth in this Ordinance. *Act*

Form of ballot

44. Every ballot paper shall contain the names of the candidates in full, alphabetically arranged, and all ballot papers shall be in Form I of Schedule A.

Provision for
ballot boxes

45. The returning officer shall procure or cause to be procured as many ballot boxes as there are polling divisions in the municipality and cause to be printed a sufficient number of ballot papers for the purpose of the election.

Delivery to
deputy returning
officer

46. The returning officer shall at least two days before polling day deliver one of the ballot boxes to each deputy returning officer.

Other voting
material

47. The returning officer shall, before the poll opens, cause to be delivered to every deputy returning officer the ballot papers, materials for marking the ballot papers, and a sufficient number of printed directions for voting in Form J of Schedule A, and shall supply to each deputy returning officer before the opening of the poll a voters' list, in Form K of Schedule A, containing the names of all the electors of that polling division.

Compartment for
marking ballots

48. Each deputy returning officer shall provide a compartment at the polling place to which he is appointed where the voters can mark their ballots free from observation.

Persons
authorized to
attend in polling
places

49. During the time appointed for polling, no person is entitled or shall be permitted to be present in a polling place other than the officers, clerks and other persons authorized to attend and persons in attendance for the purpose of voting.

Ballot boxes to
be emptied and
sealed

50. Every deputy returning officer shall immediately before the commencement of the poll open the ballot box and call such persons as may be present to witness that it is empty; he shall then lock and properly seal the same to prevent its being opened without breaking the seal and then place the box in view for the reception of the ballots and the seal shall not be broken nor the box unlocked during the time appointed for taking the poll.

Proceedings at
poll

51. Proceedings at the poll shall be as follows:

- (a) upon any person presenting himself for the purpose of voting the deputy returning officer shall ascertain that the name of such person is entered or purports to be entered on the voters' list at his polling division;
- (b) if such person takes the oath or affirmation prescribed by this Ordinance, the deputy returning officer shall cause to be entered opposite the name of such person in the proper column of the voters' list "sworn" or "affirmed", according to the fact;
- (c) where any person required to take the oath or affirmation prescribed by this Ordinance refuses to take the same, the deputy returning officer shall cause to be entered in the proper column of the voters' list, opposite the name of such person the words "refused to be sworn or to affirm";
- (d) no person who has refused to take the oath or affirmation prescribed by this Ordinance when requested so to do shall receive a ballot paper or be admitted to vote;
- (e) whenever any vote is objected to, the deputy returning officer shall cause to be entered in the proper column of the voters' list, opposite the voter's name, the words "objected to", and shall add thereto the name of the candidate by whom or on behalf of whom the objection is made;
- (f) after the proper entries respecting a person claiming to vote have been made in the voters' list in the manner prescribed by this section, if such person then appears to be entitled to vote he shall receive from the deputy returning officer a ballot paper on the back of which the returning officer has previously put his initials so placed that when the ballot is folded they can be seen without opening it;
- (g) the deputy returning officer either personally or through his poll clerk may, and upon request, shall, explain the mode of voting as concisely as possible to any voter presenting himself for a ballot;
- (h) the deputy returning officer shall cause to be placed in the proper column of the voters' list a mark opposite the name of every voter receiving a ballot paper;
- (i) only one person claiming to be entitled to vote shall be allowed at a time in the compartment where the ballot papers are marked;
- (j) each person receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark his ballot paper opposite the name of the candidate or candidates for whom he desires to vote, he shall then fold the ballot paper so as to conceal the names of the candidates and the marks on the face of the paper but so as to expose

the initials of the deputy returning officer, and on leaving the compartment shall forthwith and without exposing the face of the ballot paper to anyone or in any manner making known to any person for or against whom he has voted, deliver the same to the deputy returning officer who shall without unfolding the ballot paper verify his initials and at once deposit it in the ballot box in the presence of all other persons entitled to be present in the polling place;

- (k) while any voter is in the compartment for the purpose of marking his ballot paper no other person shall be allowed in the same compartment or be in any position from which he can see the manner in which such voter marks his ballot paper except as hereinafter provided;
- (l) in case any elector states he is unable to mark his ballot paper,
 - (i) the deputy returning officer shall, in the presence of the interpreters, the candidates or their agents present, if required by any candidate or agent, administer an oath to such elector that he is unable to mark his ballot papers and shall then cause the vote of such elector to be marked as the elector directs and shall then place the same in the ballot box, and
 - (ii) the deputy returning officer shall state in the voters' list opposite the name of such elector in the column for remarks the fact that the ballot paper was marked by him at the request of the voter and the reason therefor;
- (m) any elector who has spoiled his ballot paper in marking it and discovers the fact before it has been placed in the ballot box may, upon returning the same to the deputy returning officer and proving the fact to him, obtain another ballot paper and the deputy returning officer shall mark upon the face of the ballot paper so returned the word "cancelled", all ballot papers so marked shall be preserved by the deputy returning officer and by him returned to the returning officer; and
- (n) any person who has received a ballot paper and who leaves the polling place without delivering the same to the deputy returning officer in the manner provided or, after receiving the same, refuses to vote shall forfeit his right to vote at the election then pending and the deputy returning officer then shall make an entry in the voters' list opposite the name of such person in the column for remarks that such person received the ballot paper and did not return the same or that the person returned the ballot paper and declined to vote, in which latter case the deputy returning officer shall mark upon the face of the ballot paper the word "declined", and all ballot papers so marked shall be preserved by the deputy returning officer and by him returned to the returning officer in the manner hereinafter provided.

Persons not
named in voters'
list

52. (1) A person who, under section 15, is eligible to vote but whose name does not appear on the voters' list, may vote at an election upon compliance with this section.

Oath to be
administered

(2) The deputy returning officer shall administer to a person applying to vote an oath in the following form:

"Do you solemnly swear (or affirm) that you are a Canadian citizen or other British subject; that you are of the full age of nineteen years; that you have been ordinarily resident in this municipality for not less than six consecutive months immediately preceding the day of the close of nominations; that you have not before voted at this election and that you have not received or been promised any consideration whatever for voting at this election."

Person to be
vouched for

(3) The person applying to vote shall be vouched for by a person whose name appears on the voters' list and the deputy returning officer shall administer to the person so vouching, an oath in the following form:

"Do you solemnly swear (or affirm) that you are the person named or purporting to be named by the name of.....
.....on the voters' list now shown to you; that you know the person applying to vote and that you verily believe him to be qualified to vote pursuant to section 15 of the *Municipal Ordinance*."

A & T

Proceedings
upon close of
poll

53. Immediately after the close of the poll the deputy returning officer shall, in the presence of the poll clerk and of such of the candidates and their agents (not exceeding two for any candidate) as may be present, open the ballot box and proceed as follows:

- (a) examine the ballot papers and reject all those on the back of which his initials are not found or on which more votes are given than the elector is entitled to give or on which anything appears by which the voter can be identified, and any ballot paper on which votes are given for a greater number of candidates than the voter is entitled to vote for shall be void as regards all candidates;
- (b) take a note of any objection made by any candidate or his agent to any ballot paper found in the ballot box and decide on any question arising out of the objection;
- (c) number all such notations of objection and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed," as the case may be, and his initials;
- (d) count the votes given for each candidate by the ballot papers not rejected and make a written statement of the number of votes given to each candidate and of the number of ballot papers rejected and not counted by him, which statement shall be then signed by him and such other persons authorized to be present as may desire to sign the same;
- (e) certify under his own hand in full words on the voters' list the total number of persons who have voted at the polling place at which he is appointed and make up into seven separate packets,
 - (i) the statement of votes given to each candidate and of the number of rejected ballot papers,
 - (ii) the used ballot papers that have not been objected to and that have been counted,
 - (iii) the ballot papers that have been objected to but that have been counted,
 - (iv) the rejected ballot papers,
 - (v) the declined and cancelled ballot papers,
 - (vi) the unused ballot papers, and
 - (vii) the voters' list,

and forthwith transmit to the returning officer the packets, closed up, sealed, initialled by him and marked on the outside with a memorandum designating their respective contents;

(f) before returning the said voters' list to the returning officer, make and subscribe before the returning officer, a justice of the peace or a poll clerk an affidavit in the following form, which shall thereafter be annexed to the voters' list and may be inspected at any time in the presence of the returning officer by any elector of the municipality:

"I, C.D., the undersigned, deputy returning officer for polling division No.....of the Municipality of.....do swear (or in the case of a person permitted by law to affirm, do affirm) that to the best of my knowledge the voters' list used in and for the said polling division No.....of the said Municipality was as prescribed by law and that the entries required by law to be made therein were correctly made."

SWORN (or affirmed) before
me at.....
thisday of
....., A.D. 19..... XY } C.D.
Deputy Returning
Officer

(g) upon being requested to do so, give to the persons authorized to represent a candidate under section 40, a certificate showing the total number of votes cast at such polling place for each candidate and the number of rejected ballot papers.

Counting votes 54. (1) At the time and place fixed for declaring the result of the election, the returning officer shall

- (a) open the packets containing the statement of the number of votes given for each candidate;
- (b) publicly declare elected the candidate for mayor ~~or chairman, as the case may be~~ who receives the greatest number of votes;
- (c) in respect of those vacancies that are required to be filled, publicly declare elected the candidate or candidates for councillor who receive the greatest number of votes;
- (d) publicly declare the term of office of each candidate elected as specified in subsection 7(5); and
- (e) deliver or send by registered mail to each candidate a certificate of his election showing the total number of votes cast for each candidate and those declared elected by him, together with their respective terms of office.

Deciding vote (2) Where it appears that two or more candidates have an equal number of votes the returning officer shall, at the time the result of the poll is determined, cast a vote for one or more of such candidates so as to decide the election, and except in such case the returning officer shall not vote at any election.

Custody of ballots, etc. 55. After the election the ballot boxes, packets and returns shall be transmitted to the secretary-treasurer who shall be responsible for their safekeeping and for their destruction when required.

Clause 160

The heading immediately preceding section 56 now reads:

| RECOUNT

Clause 161

Sections 56 to 62 now read

Application for
recount

56. If within two weeks after the returning officer has declared the result of the voting, any person entitled to vote at the election applies to a judge showing by affidavit reasonable grounds for entering into a recount of the ballot papers, and enters into a recognizance before the judge in the sum of one hundred dollars, with two sufficient sureties conditioned to prosecute the petition and to pay any costs that he may be adjudged to pay, the judge may appoint a time and place within the limits of the municipality for entering into the recount.

Notice

57. At least one week's notice of the time and place so appointed shall be given by the applicant to such persons as the judge directs, and to the secretary-treasurer of the municipality.

Determination of
application

58. At the time and place appointed the secretary-treasurer shall attend before the judge with the ballot boxes and all books, papers and documents relevant to the inquiry, and the judge, upon inspecting the ballot papers and lists of ratepayers and hearing such evidence as he deems necessary, and on hearing the parties, or such of them as attend, or their counsel, shall, in a summary manner, determine the result of the election.

Evidence of
persons
disqualified

59. The judge may take evidence as to the death or disqualification of any person whose name appeared on the list of persons eligible to vote at the election and also as to persons whose names appear on the list for more than one polling division, and he may exclude from the computation of the total number of persons eligible to vote those who had died or become disqualified, and all such repetitions of names.

Powers and
authority of
judge

60. The judge shall, on the recount, possess the like powers and authority, as to all matters arising upon the recount, as are possessed by him upon a trial of an election petition; and in all cases costs shall be in the discretion of the judge, or he may apportion the costs as to him seems just.

Destruction of
ballots

61. The secretary-treasurer having retained for six months all ballot and other papers transmitted to him, shall, unless proceedings for a recount or an election petition are pending, then destroy the same in the presence of two other persons, who shall join with the secretary-treasurer in a statutory declaration setting out the time and place when and where the ballots were destroyed, how destruction was effected and that this took place in the presence of the declarants.

Election
expenses

62. All reasonable expenses incurred on behalf of the municipality for printing, providing ballot boxes, ballot papers, balloting compartments for an election and for the transmission of materials, and reasonable fees and allowances for services rendered under this Part, shall be paid by the municipality upon production of accounts verified as the council of the municipality may direct.

162. The Act is further amended by repealing section 63 and substituting the following:

"Assent of ratepayers	63.(1) Where this Act requires a by-law to be assented to by the ratepayers of a municipality before it is finally passed, the assent shall be ascertained in accordance with this section.	5
Public notice	(2) After the proposed by-law has been introduced and considered by the council, the council shall give public notice, as defined in the <u>Local Authorities Elections Act</u> , of the objects of the by-law.	10
Vote	(3) The council shall submit the by-law in such form as the council may specify, to a vote of the ratepayers at the next election in accordance with provisions of the <u>Local Authorities Elections Act</u> respecting an election.	15
Scrutineers	(4) The mayor shall, if so requested, appoint by instrument in writing a sufficient number of persons from among those who support and those who oppose the proposed by-law to act as scrutineers at each voting station and at the final count of the ballots.	20
Powers and duties	(5) The persons appointed as scrutineers have the same powers and duties as agents of a candidate at an election."	25

163. The Act is further amended by repealing sections 65 to 67 inclusive.

164. The Act is further amended by repealing the headings "CORRUPT PRACTICES" and "BRIBERY, PERSONATION, ETC." immediately preceding section 70. 30

165. The Act is further amended by repealing sections 70 and 71.

166. The Act is further amended by repealing the heading "INTIMIDATION" immediately preceding section 72. 35

Clause 162

Section 63 now reads

63. Where by this Ordinance a by-law requires the assent of the ratepayers of a municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent:

Assent of ratepayers

- (a) after the proposed by-law has been introduced and considered by the council, the council shall publish at least once each week for two successive weeks in a newspaper published or circulated in the municipality, and post up in four or more public places in the municipality, copies of a notice signed by the secretary-treasurer setting forth concisely the objects of the by-law;
- (b) the by-law shall be submitted to a vote of the ratepayers at the next election, and shall be in such form as the council prescribes;
- (c) the mayor ~~or chairman as the case may be~~ shall, if so requested, appoint by instrument in writing two ratepayers to attend at the final summing up of the votes, and one ratepayer to attend at each polling place on behalf of those persons favourable to the passing of the proposed by-law and a like number on behalf of those opposed to its passing; and
- (d) every person so appointed, before being admitted to the polling place or the summing up of votes, shall produce to the returning officer or deputy returning officer, as the case requires, evidence in writing of his appointment.

Clause 163

Sections 65 to 67 now read:

65. (1) Any person offering to vote on such a by-law may be required by the deputy returning officer or by a ratepayer entitled to vote on such by-law to take the oath or affirmation, substantially in the form set forth in section 42, before his vote is recorded.

Oath to be administered to ratepayer

(2) In case of a new municipality having no assessment roll, the person offering to vote may be required to specify in the oath or affirmation the land in respect of which he claims the right to vote, which shall be noted in the poll book. R.O.,c.73,s.53.

Idem

66. (1) The proceedings for and incidental to and at the poll shall be, as nearly as possible, as at an election of councillors and all provisions of this Ordinance relating to such elections so far as applicable and except as otherwise in this Ordinance provided, apply to the taking of a vote on a by-law and to all matters incidental thereto.

Provisions of Ordinance relating to elections to apply

(2) In making application of such provisions, the word "elector" shall be read "ratepayer" and the word "election" shall be read "voting on a by-law". R.O.,c.73,s.54.

Idem

67. All provisions of this Ordinance ^{act} prohibiting the doing of any act or making any act an offence under this Ordinance and prescribing penalties therefor applicable to the election of councillors shall, unless a contrary intention appears, apply to the voting upon a by-law.

Offences and prohibitions

CORRUPT PRACTICES

BRIBERY, PERSONATION, ETC.

70. The following persons are guilty of corrupt practices:

Corrupt practices

- (a) every person who, directly or indirectly, by himself, or by any other person on his behalf, gives, or lends, or agrees to give or lend, or offers or promises, any money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at an election or upon any by-law of or submitted by a municipality, or who corruptly does any such act on account of such voter having voted or refrained from voting at any such election or upon any such by-law;
- (b) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise or agreement to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve as a councillor or the passing or rejection of any such by-law, or the vote of any voter at any such election or for or against any such by-law;
- (c) every person who, by reason of any such gift, loan, offer, promise, procurement or agreement procures, or engages, promises or engages, promises or endeavours to procure, the return of any person in any election, or the passing or rejection of any by-law of or submitted by a municipality, or the vote of any voter at any such election or for or against any such by-law;
- (d) every person who advances, pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any such election or at any voting upon a by-law, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part extended in bribery at any such election or at the voting upon any such by-law;
- (e) every person who, before or during any election or the voting on any by-law, directly or indirectly, by himself or any other person in his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting, at any such election or upon any such by-law;
- (f) every person who, after any such election or the voting upon any such by-law directly or indirectly, by himself or any other person in his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at any such election or upon any such by-law;
- (g) every candidate or person acting on his behalf who hires any vehicle for the purpose of conveying voters to or from the polls at any such election or voting on such by-law, and every person who knowingly receives pay for the use of any vehicle for such purpose;
- (h) every person who knowingly, by himself or by or with any other person or by any other ways or means on his behalf, at any time, either before or during any such election or

voting upon any such by-law, directly or indirectly, gives or provides, or causes to be given or provided, or is accessory to the giving or providing of, or pays wholly or in part any expenses incurred for, any food, drink, refreshment or other provisions, to or for any person in order to be elected, or for being elected or for procuring the election of any other person, or for procuring or preventing the passage of any such by-law, or for the purpose of knowingly influencing the person to whom such provisions are given or provided, or any other person, to give or refrain from giving his vote at such election or upon such by-law;

- (i) every person who, during the voting at any such election or upon any such by-law, knowingly personates and falsely assumes to vote in the name of another person whose name appears on the list of electors, whether such other person is living or dead or a fictitious person;
- (j) every person who, having already voted at any such election or upon any such by-law, presents himself again to vote at the same election or upon the same by-law;
- (k) every person who
 - (i) without due authority supplies any ballot paper to any person,
 - (ii) fraudulently puts into the ballot box any paper other than a ballot paper that he is authorized to put in,
 - (iii) fraudulently takes out of the polling place any ballot paper, or
 - (iv) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballots then in use for the purpose of the election;
- (l) every deputy returning officer, poll clerk, candidate or agent who interferes or attempts to interfere with any voter in marking his ballot or who marks or causes to be marked a ballot paper so as to defeat the intentions of the voter or who at any time communicates any information he may be possessed of as to the candidate for whom any vote has been given or who induces any person to display the ballot paper so as to make known to him or to any other person the manner in which he has voted or for or against whom he has marked his ballot paper;
- (m) any duly appointed election officer who neglects or refuses to discharge any duty under this Part; and
- (n) every person who aids, incites, counsels or facilitates the commission by any person of any of the acts in this section mentioned.

Saving provision

71. The actual personal expenses of any candidate, his expenses for actual professional services performed and *bona fide* payments for the fair cost of printing and advertising shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention of the provisions of section 70.

INTIMIDATION

167. The Act is further amended by repealing section 72.
168. The Act is further amended by repealing the heading "PENALTIES" immediately preceding section 73. 5
169. The Act is further amended by repealing sections 73 to 75 inclusive.
170. The Act is further amended by repealing the headings "CONTROVERTED ELECTIONS" and "PETITION AND SECURITY" immediately preceding section 76. 10
171. The Act is further amended by repealing sections 76 to 80 inclusive.
172. The Act is further amended by repealing sections 83 and 84.
173. The Act is further amended by repealing the heading "TRIAL" immediately preceding section 88. 15
174. The Act is further amended by repealing sections 88 to 96 inclusive.
175. The Act is further amended by repealing the heading "JUDGMENT" immediately preceding section 97. 20
176. The Act is further amended by repealing sections 97 to 100 inclusive.
177. The Act is further amended by repealing the heading "DISCLAIMER" immediately preceding section 101. 25
178. The Act is further amended by repealing sections 101 to 104 inclusive.
179. The Act is further amended by repealing the heading "WITHDRAWAL OF PETITION" immediately preceding section 105. 30
180. The Act is further amended by repealing sections 105 to 110 inclusive.
181. The Act is further amended by repealing the heading "ABATEMENT OF PETITION" immediately preceding section 111. 35
182. The Act is further amended by repealing sections 111 to 116 inclusive.

Clauses 167 to 182

Sections 72 to 116 now read

Intimidation

72. Every person who, directly or indirectly, by himself or by any other person in his behalf, makes use of any force, violence or restraint, or inflicts or threatens the infliction by himself, or by or through any other person, of any injury, damage or loss, or in any manner practices intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at an election or upon a by-law of or submitted by a municipality or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter, is guilty of corrupt practices.
R.O.,c.73,s.60.

PENALTIES

Penalties

73. (1) Any person who is adjudged guilty of corrupt practices under section 70 or 72 is liable on summary conviction to a fine not exceeding two hundred dollars and in default of payment to imprisonment for a period not exceeding six months and shall, in the case of a member of the council, cease to hold the office to which he was elected and shall in any case be disqualified from being a candidate or elector entitled to vote at any election, or from voting upon any by-law, for the next succeeding three years and shall continue to be so disqualified until the amount that he has been adjudged to pay has been fully paid and satisfied.

Evidence of prosecution

(2) It is not necessary at the hearing of a prosecution under this section to produce any by-law, pollbook, list of electors or ratepayers, or other official document or record, or authority of a returning officer or deputy returning officer, but oral evidence of these facts is sufficient proof thereof, and the certificate of the returning officer as to the election or voting having been held constitutes sufficient proof to that effect, and of the fact of any person therein stated to have been a candidate having been such candidate, but such facts may also be proved by oral evidence.

Costs

(3) Unless for any special reason the ^{territorial judge} magistrate deems it advisable to order otherwise, the party failing in a prosecution under this section shall bear the costs thereof, and, if such party is the defendant, the costs shall be payable over and above the penalty imposed.

74. (1) The ^{territorial judge} ~~magistrate~~ finding any person guilty of corrupt practices under this ~~Ordinance~~ shall report the same forthwith to the secretary-treasurer of the municipality wherein the offence was committed. Report to secretary-treasurer

(2) The secretary-treasurer shall duly enter in a book to be kept for the purpose the names of all persons within the limits of the municipality who have been adjudged guilty of any corrupt practices and of which he has been notified by the ~~tribunal~~ ^{territorial judge} who tried the case. Record to be kept

75. All proceedings, other than a petition to contest an election, against any person for any corrupt practices shall be commenced within two months after the election or voting at which the offence was committed. Time for commencement

CONTROVERTED ELECTIONS

PETITION AND SECURITY

(76) (1) An election in, or the right of a person to sit on the council of, any municipality may be questioned in an election petition on the ground Election petition

(a) that the election is wholly void by reason of corrupt practices or offences committed at the election;

(b) that the person whose election is questioned was at the time of the election disqualified; ✓

(c) that he was not duly elected by a majority of lawful votes; or

(d) that the person elected has forfeited his seat on the council or his right thereto, or has become disqualified to hold his seat or his seat has become vacant by disqualification.

(2) An election shall not be questioned on any of the above grounds, except by an election petition. Idem

Who may present petition

77. (1) An election petition may be presented by any person who had a right to vote at the election or by a person who was a candidate at the election. Who may present petition

Idem

(2) In the case of a petition alleging that a member of the council has forfeited his seat on the council or his right thereto or has become disqualified from holding his seat or that his seat has become vacant by disqualification or otherwise, the petition may be presented by a person whose name appears on the last revised list of electors of the municipality. Idem

Respondent to
petition

78. (1) A person whose election is questioned by the petition and any returning officer or deputy returning officer of whose conduct a petition complains may be made a respondent to the petition, and in any event, shall be served by the petitioner with a notice of the petition within ten days after presentation.

Trial of petition

(2) Two or more candidates may be made respondents to the same petition, and their cases may be tried at the same time; but for the purpose of such contestation the petition shall be deemed to be a separate petition against each respondent.

Delivery of
petition to clerk
of Court

79. A petition shall be submitted to a judge by delivering it at the office of the Clerk of the Court during office hours together with the payment of a filing fee of two dollars.

Time for
presentation

80. (1) The petition shall be presented within two months after the day on which the election was held, except that if it complains of the election on the ground of corrupt practices and specifically alleges that a payment of money or other reward has been made or promised since the election by a person elected at the election, or on his account or with his privity, in pursuance or furtherance of such corrupt practices, it may be presented at any time within two months after the date of the alleged payment or promise, whether or not any other petition against that person has been previously presented or tried.

(2) Where the petition alleges that a council member has ^{idem} forfeited his seat on council, or his right thereto, or has become disqualified from holding his seat, or that his seat has become vacant by disqualification or otherwise, the petition may be presented to the judge at any time during the term of the council member when the alleged forfeiture, disqualification or act is said to have taken place.

83.(1) Within ten days after the presentation of the petition, ^{Notice of} the petitioner shall serve on the respondent a notice of _{petition} presentation of the petition and a copy of the petition, both of which must be served in accordance with the Rules of the Court of the Supreme Court of the Northwest Territories.

(2) After service pursuant to subsection (1), the petition shall ^{Joinder of issue} be at issue.

84. The judge, upon application by any party to the proceedings, may make such order with respect to the giving of security for costs as he considers reasonable in the circumstances.

TRIAL

88. An election petition shall be tried in open court.
R.O.,c.73,s.76.

Trial

89. The place of trial shall be within the limits of the municipality except that the judge may, on being satisfied that special circumstances exist rendering it desirable that the petition be tried elsewhere, appoint some other convenient place for the trial.

Place of trial

90. The secretary-treasurer of the municipality shall provide proper accommodation for holding the election court; and any expenses incurred by him for the purpose shall be paid by the municipality.

Provision of accommodation

91. The judge may in his discretion adjourn the trial, from time to time, and from any one place to any other place.

Adjournment of trial

92. On the trial of a petition, unless the judge otherwise directs, any charge of any corrupt practice or offence shall be gone into, and evidence in relation thereto received, before any proof has been given of agency on behalf of any candidate in respect of the corrupt practice or offence.

Order of proceedings

93. On the trial of a petition complaining of an election and claiming the office for some person, the respondent may give evidence

Evidence of respondent

to prove that that person was not duly elected, in the same manner as if he had presented a petition against the election of that person.

Respondent
ceasing to hold
office:

94. The trial of a petition shall be proceeded with, notwithstanding that the respondent has ceased to hold the office in respect of which his election is questioned by the petition.

Admissibility of
evidence

95. A statement made by any person on the trial in answer to a question put to him by or before the judge shall not be admissible in evidence in any other proceeding.

Affidavit
evidence

96. Where, upon the petition, any question is raised as to whether the candidate or any voter has been guilty of any corrupt practices, affidavit evidence shall not be used to prove the offence, but it shall be proved by oral evidence taken before the judge, or by an examiner upon an appointment granted by him.

JUDGMENT

Judgment

97. At the conclusion of the trial, the judge shall determine

- (a) whether the person whose election is complained of, or any and what other person, was duly elected or whether the election was void; or
- (b) whether any member of the council has forfeited his seat on the council or his right thereto, or has become disqualified to hold his seat, or whether his seat has become vacant by disqualification or otherwise, and shall forthwith certify in writing the determination to the secretary-treasurer of the municipality.

Report of judge

98. Where a petition charges that any corrupt practice, or any offence deemed a corrupt practice, has been committed at the election, the judge shall, in addition to the certificate and at the same time report, in writing, to the secretary-treasurer of the municipality,

- (a) whether any such corrupt practice or offence has or has not been proved to have been committed by, or with the knowledge and consent of, any candidate at the election, and the nature of the corrupt practice or offence;
- (b) the names of all persons proved at the trial to have been guilty of any such corrupt practice or offence; and
- (c) whether any corrupt practices have, or whether there is reason to believe that any corrupt practices have, extensively prevailed at the election.

Acts done by
councillor

99. Where a candidate who has been declared elected is by a decision of the judge declared not to have been duly elected, acts done

by him in execution of the office, before the time when the certificate or decision is certified to the secretary-treasurer of the municipality, shall not be invalidated by reason of that declaration.

100. Any candidate who has been declared elected and who, upon trial of a petition, is found guilty by the judge of any corrupt practice as defined in this Ordinance shall forfeit his seat and shall be ineligible as a candidate at any election for three years thereafter. Forfeiture of seat

DISCLAIMER

101. (1) Any person whose election is complained of, otherwise than on the ground of corrupt practices on his part, may, within four days after service on him of a petition, transmit postpaid and registered through the post office, directed to the judge, or may cause to be delivered to the judge, a disclaimer signed by him to the following effect: Disclaimer

DISCLAIMER OF CANDIDATE (After Petition)

I, A.B., upon whom a petition has been served contesting my right to the office of a member of the council of the Municipality of.....do hereby disclaim the office, and all defence of any right I may have thereto.

Dated the.....day of....., 19.....

(Signed) A.B.

(2) The disclaimer, or the envelope containing it, shall be endorsed on the outside thereof with the word "Disclaimer". Endorsement

102. Any person disclaiming shall deliver a duplicate of his disclaimer to the secretary-treasurer of the municipality. Copy to secretary-treasurer

103. In the case of any contested election, the person elected may at any time before his election is complained of, deliver to the secretary-treasurer of the municipality a disclaimer signed by him to the following effect: Disclaimer before complaint

DISCLAIMER OF CANDIDATE (Before Petition)

I, A.B., do hereby disclaim all right to office as a member of the council for the municipality of....., and all defence of any right I may have thereto.

Dated the.....day of....., 19.....

(Signed) A.B.

Disclaimer to
operate as
resignation

104. Where a disclaimer has been made in accordance with section 101 or 103 the secretary-treasurer shall forthwith communicate the disclaimer to the council and such disclaimer shall operate as a resignation.

WITHDRAWAL OF PETITION

Withdrawal of
petition

105. A petition shall not be withdrawn without the leave of the judge on special application made after public notice of the intention to make it has been given in such manner as the judge directs.

Substitution of
petitioner

106. On the hearing of the application, any person who might have been a petitioner, may apply to be substituted as a petitioner, and the judge may, if he thinks fit, substitute him accordingly.

Withdrawal
corruptly
induced

107. (1) Where the proposed withdrawal is, in the opinion of the judge, induced by any corrupt bargain or consideration, he may, by order, direct that the security given on behalf of the original petitioner remain as security for any costs incurred by the substituted petitioner, and that, to the extent of the sum named in the security, the original petitioner and his sureties be liable to pay the costs of the substituted petitioner.

Security to be
given by
substituted
petitioner

(2) Where the judge does not so direct, security to the same amount as is required in the case of a new petition and subject to the same conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within a time, after the order of substitution, to be fixed in such order or otherwise.

Position of
substituted
petitioner

108. Except as in this ^{act} Ordinance provided, a substituted petitioner shall, as nearly as possible, stand in the same position and be subject to the same liabilities as the original petitioner.

Costs

109. Where a petition is withdrawn, the petitioner is liable to pay the costs of the respondent.

Consent of all
petitioners

110. Where there are more petitioners than one, an application to withdraw a petition shall not be made except with the consent of all the petitioners.

ABATEMENT OF PETITION

Abatement of
petition

111. An election petition shall be abated by the death of a sole petitioner, or of the survivor of several petitioners.

112. The abatement of any election petition does not affect the liability of any petitioner, or of any person, to the payment of costs previously incurred. Effect of abatement

113. (1) On the abatement of a petition, public notice thereof shall, on the order of a judge, be given by the secretary-treasurer of the municipality at the expense of the municipality; and within the time prescribed by the judge, after the notice is given, any person who might have been a petitioner may apply to the judge to be substituted as a petitioner; and the judge may, if he thinks fit, substitute him accordingly. Notice of abatement

(2) Security shall be given on behalf of a petitioner so substituted, as in the case of a new petition. Security to be given

114. Subject to this Ordinance the principles and rules of evidence and agency shall be observed as far as possible in the case of an election petition under this Ordinance. Rules of evidence to be observed

115. (1) All costs, charges and expenses of, and incidental to, the presentation of an election petition and the proceedings consequent thereon, except such as are by this Ordinance otherwise provided for, shall be defrayed by the parties to the petition, or by the municipality, in such manner and proportions as the judge determines. Costs

(2) Where in the opinion of the judge any costs, charges or expenses have been needlessly caused or caused by vexatious conduct, or unfounded allegations or objections on the part either of the petitioner or of the respondent, he may order the costs, charges or expenses to be defrayed by the party by whom they have been incurred or caused, whether he is or is not on the whole successful, or if so caused by a servant or representative of the municipality, by the municipality; but, before any such order is made against the municipality, a summons to show cause why such an order should not be made shall be served on the secretary-treasurer of the municipality affected, and if such order is made the municipality is entitled to notice of the taxation of such costs. Vexatious petitions

(3) An order for costs may be enforced by execution in the manner provided by law. Enforcement of payment of costs

116. The decision of a judge on any election petition is final and binding on all parties thereto. Decision of judge final

	183. The Act is further amended by repealing subsection 120(2) and substituting the following:	
"First meeting of council following election	(2) The first meeting of council following any election must be held on the Monday two weeks following the commencement of the term of council at eight o'clock in the evening or at such other date and time in that month as is fixed by by-law."	5
	184. The Act is further amended by repealing section 150 and substituting the following:	10
"Petition for submission of by-law to voters	150.(1) Where at least twenty-five per cent of the voters in any municipality petition the council to submit to a vote of the voters any by-law dealing with any matter within its legislative competence, the council shall cause a by-law dealing with the subject matter of the petition to be prepared and read a first time, and shall direct copies of it to be posted in at least four public places in the municipality for a period of not less than two weeks prior to the date fixed for the vote, and a further copy of it to be forwarded to the Commissioner.	15
By-law to be finally passed	(2) If a majority of the voters who vote assent to the passing of the by-law, the by-law as submitted shall be finally passed by the council within four weeks after the vote without any alteration being made in the by-law affecting the substance of it."	20
	185. The Act is further amended by repealing paragraph 340(a) and substituting the following:	25
	"(a) of a general election, or".	
	186. The Act is further amended by repealing paragraph 340(b) and substituting the following:	30
	"(b) members of council are declared elected pursuant to section 41 of the <u>Local Authorities Elections Act</u> ,".	35
	187. The Act is further amended by repealing, from Schedule A, Forms A to K inclusive.	

Clause 183

Subsection 120(2) now reads

First meeting of
council following
election

(2) The first meeting of a council following any election shall be held on the second Monday in January immediately following the date of the election at eight o'clock in the afternoon or at such other date and time in that month as is fixed by by-law.

Clause 184

Section 150 now reads

150. (1) Where at least twenty-five per cent of the electors in any municipality petition the council to submit to a vote of the electors any by-law dealing with any matter within its legislative competence, the council shall cause a by-law dealing with the subject matter of the petition to be prepared and read a first time, and shall direct copies thereof to be posted in at least four public places in the municipality for a period of not less than two weeks prior to the date fixed for the voting thereon, and a further copy thereof to be forwarded to the Commissioner.

Petition for
submission of
by-law to
electors

(2) If a majority of the votes polled favours the passing of the by-law ~~so~~ submitted, the by-law as submitted shall be finally passed by the ~~council~~ ^{council} within four weeks after the voting thereon without any alteration having been made in the by-law affecting the substance thereof.

By-law to be
finally passed

Clause 185

Paragraph 340(a) now reads

Prohibited acts
after polling day

340. Where after the day

(a) a poll is held for the election of a new council; or

Clause 186

Paragraph 340(b) now reads

(b) all members of council are elected by acclamation or are appointed by the Commissioner pursuant to section 34,

the existing council shall not

Clause 187

Schedule A, Forms A to K now read:

SCHEDULE A

FORM A

[Subsection 20(1)]

Notice is hereby given that a Court will be held pursuant to the *Municipal Ordinance* in the.....at.....
.....on.....the.....
.....day of.....A.D., 19....., at.....
o'clock in the.....noon before.....
.....for the
purpose of hearing all applications for revision of the list of electors
for the Municipality of.....for the year
.....

All persons having business at the Court are hereby required to attend at the time and place mentioned.

Dated this.....day of.....A.D.,
19.....

.....
Registrar.

FORM B

[Subsection 20(1)]

You are hereby notified that, pursuant to the *Municipal Ordinance* ^{act}, a court for the revision of the list of electors for 19.....for
the municipality of.....will be held
before.....a.....
.....at.....on the.....day of..
.....19.....at.....o'clock in the.....
.....noon, at which time all applications for
revision of the said list will be heard and determined.

Dated this.....day of.....A.D.,
19.....

To (giving the names of the parties complaining).

.....
Registrar.

FORM C

[Subsection 20(1)]

You are hereby notified that, pursuant to the *Municipal Ordinance*, a Court for the revision of the list of electors for 19.....for the municipality of.....will be held before.....at.....on the.....day of.....19.....at.....o'clock in the.....noon and that.....has made application for revision of the said List in respect of your name, alleging that (state grounds of application concisely).

Take notice that.....may proceed to hear and determine the application whether or not you appear. Dated this.....day of.....A.D., 19..... To (giving the names of the parties complained against).

Registrar.

FORM D

[Subsection 22(1)]

I certify that the foregoing is a correct list of electors of polling division No.....in the Municipality of.....as revised by me this.....day of....., 19.....

Magistrate

FORM E

NOTICE OF ELECTION

(Section 33)

Public notice is hereby given to the electors of the Municipality of.....that an election will be held for the purpose of electing persons to represent them in the conduct of the affairs of the municipality.

- 1. The list of offices to be filled by the said election is as follows:
2. The period for the delivery to the returning officer of nomination papers shall be at any time from the giving of this notice to three o'clock in the afternoon of Monday, the.....day of November, 19.....

3. The place of delivery of the nomination papers to the returning officer shall be at.....or wherever he may be found.

4. The questions (if any) to be submitted to persons qualified to vote thereon are as follows:

5. The date for polling the electors (if required) is Monday, theday of December, 19.....

Dated at.....this.....day of.....
.....19.....

.....
Returning Officer

FORM F

NOMINATION PAPER

[Subsection 34(1)]

We,.....residing at.....
.....in the Municipality of.....
....., (occupation), and.....residing at
.....in the Municipality of.....
....., (occupation), hereby nominate (full name of candidate) residing at.....(occupation), as a candidate at the election now about to be held for.....
.....in the Municipality of.....

Each of us hereby declares that to the best of his knowledge, information and belief, the above-named candidate:

- (a) is nineteen years of age or over;
- (b) is a Canadian citizen ~~or other British subject~~;
- (c) is legally qualified to be nominated, elected and to hold the office of.....in this Municipality;
- (d) is not subject to any of the disqualifications set out in subsection 13(2) of the *Municipal Ordinance*. *U.C.T*

Dated at.....this.....day
of....., 19.....

.....
Nominator

.....
Nominator

I consent to the
above nomination.

.....
Candidate

FORM G

NOTICE OF POLL

(Section 36)

Municipality of.....

Public notice is hereby given to the electors of the Municipality aforesaid that a poll has been granted for the election now pending for the said Municipality and that such poll will be held on..... the.....day of..... 19....., from ten o'clock in the morning (standard time) until seven o'clock in the evening (standard time), at (name of Municipality), in each of the following polling divisions:

In polling division No. 1 (or other designation bounded as described or otherwise describing it clearly) at (describing the polling place, and so on for all the other polling divisions and places in the municipality).

Given under my hand at.....this... ..day of....., 19.....

G.H.,

.....
Returning Officer.

FORM H

(Section 39)

DECLARATION AT ADVANCE POLL

I....., declare that I expect to be absent from the municipality of.....where I am ordinarily resident on the day for holding the poll for the coming municipal election.

Dated at....., in the Northwest Territories, this.....day of....., 19.....

Witness

.....
Deputy Returning Officer

.....
Signature of Voter

FORM I

FORM OF BALLOT PAPER

(Section 44)

Ballot Paper for Election of Mayor (Chairman)

FOR MAYOR (CHAIRMAN)

JONES, John.....
LOW, Sam.....
PATRICK, James.....

Ballot Paper for Election of Councillors

FOR COUNCILLORS

ABEL, James.....
BRUCE, Donna.....
FERGUSON, John.....
MILTON, Tom.....
PETERS, James.....

FORM J

(Section 47)

DIRECTIONS FOR GUIDANCE OF VOTERS

The voter will go into one of the compartments provided and with a pencil provided make a cross on the right hand side of the ballot paper opposite the name or names of the person or persons for whom he wishes to vote, thus X.

If the voter votes for more candidates than he is by law entitled to vote for, his ballot paper will be void, but if the voter inadvertently spoils a ballot paper in any way he may obtain a new one upon satisfying the deputy returning officer of the fact and returning the ballot paper so spoiled by him to the deputy returning officer.

If the voter places any mark on the ballot paper by which he may afterwards be identified his ballot paper will be void.

After the voter has made the cross X opposite the name or names of the person or persons for whom he wishes to vote, he shall fold his ballot paper so as to show the initials of the deputy returning officer on the back thereof but so as to conceal the manner in which he has voted and shall deliver the same to the deputy returning officer and shall forthwith leave the polling place.

FORM K

(Section 47)

VOTERS LIST

Column for mark indicating the voter has voted	Names of voters in alphabetical order	Public School Supporter—P OR Separate School Supporter—S	Objections	Sworn	Refusal to Swear	Remarks

SCHEDULE A

FORM 1

(Section 2)

Voters' Register

Column to indicate voter received a ballot	Name of voter	Address of voter	Type of school support (where applicable)	Objection	Name of objector	Other comments

Oath of Election Officer

I, (name of election officer), swear that

- (a) I will not attempt to influence the vote of any person;
- (b) I will not attempt to find out how anyone voted;
- (c) If I find out how anyone has voted, I will not tell anyone else; and
- (d) I will carry out my duties faithfully and in accordance with the Local Authorities Elections Act.

Notice Calling for
Nomination of Candidates

Notice is given to the voters of _____ (name of electoral district) that an election for _____ (name of office) is proposed to be held on the _____ day of _____, 19_____.

Nominations for candidates for election as _____ (name of office) must be received before 3:00 p.m. of the _____ day of _____, 19_____.

Nomination papers must be delivered to the Returning Officer personally or to his office at:

_____.

Dated at _____ this _____ day of _____, 19_____.

Returning Officer

Nomination of Candidates

I, _____ (nominator) _____ (address) and I

(nominator)(address) nominate _____ (full name and
address of candidate) _____ as a candidate at the election
about to be held for _____ (name of office) _____ in the

(name of electoral district) _____.

Each of us declare that to the best of our knowledge, information and belief, the candidate is

- (a) a Canadian citizen;
- (b) at least nineteen years of age;
- (c) eligible to be nominated, elected and to hold the office of _____; and
- (d) not subject to any of the disqualifications set out in sections 19, 20 and 21 of the Local Authorities Elections Act.

Dated at _____ this _____ day of _____, 19 _____.

Nominator

Nominator

Declared before me, _____, at _____
this _____ day of _____, 19 _____.

I, _____ (name of candidate) _____, consent to the above nomination and declare that I am eligible to be a candidate for _____ (name of office) _____ and am not subject to any of the disqualifications set out in sections 19, 20 and 21 of the Local Authorities Elections Act.

Dated at _____ this _____ day of
_____, 19____.

Candidate

Declared before me, _____, at _____
this _____ day of _____, 19____.

FORM 5

(Subsection 43(3);
Paragraph 71(b))

Certificate of Election

I certify that _____ (name of successful candidate)
was duly elected to the office of _____ (name of office)
of the _____ (name of local authority) on the _____
day of _____, 19____ for a term ending on the
_____ day of _____, 19____.

Dated at _____ this _____ day of _____,
19____.

Returning Officer

Notice of Election

Notice is given that an election for _____
(name of office) in _____ (name of electoral
district) will be held on _____
between the following hours _____.

(Where appropriate, describe the date, times and
place of the advance vote, the voting divisions
established and the location of each voting station.)

Dated at _____ this _____
day of _____, 19____.

Returning Officer

Ballot for Election of (name of office)

(Front)

1.

Photograph
(where
applicable)

(name of candidate)

2.

Photograph
(where
applicable)

(name of candidate)

(Back)

Election for (name of office)

(date)

To be eligible to vote at this election you must

- (a) be a Canadian citizen;
- (b) be at least 19 years of age;
- (c) have been resident of (name of electoral district) for at least twelve consecutive months immediately preceding election day or the day of the advance vote;
- (d) be a resident of (name of electoral district);
- (e) have not voted yet at this election;
- (f) have not voted by proxy (where applicable);
- (g) have not received any consideration for voting at this election; and
- (h) (other applicable criteria, if any).

Declaration at Advance Vote

I declare that

- (a) I will be absent or otherwise unable to vote on election day;
- (b) I am a Canadian citizen;
- (c) I am at least nineteen years of age;
- (d) I have been resident in _____ (name of electoral district) _____ for at least twelve consecutive months immediately preceding advance voting day;
- (e) I am a resident of _____ (name of electoral district) _____;
- (f) I have not yet voted at this election;
- (g) I have not voted by proxy (where applicable);
- (h) I have not received any consideration for voting at this election; and
- (i) (other applicable criteria, if any).

(Voter's signature)Declared before me, _____, at _____
this _____ day of _____, 19____.

Declaration of Eligibility

I declare that

- (a) I am a Canadian citizen;
- (b) I am at least nineteen years of age;
- (c) I have been resident in _____ (name of electoral district) _____ for at least twelve consecutive months immediately preceding election day;
- (d) I am a resident of _____ (name of electoral district) _____;
- (e) I have not yet voted at this election;
- (f) I have not voted by proxy (where applicable);
- (g) I have not received any consideration for voting at this election; and
- (h) (other applicable criteria, if any).

(Voter's signature)

Declared before me, _____, at _____
this _____ day of _____, 19____.

Certificate of Results
of Election

I certify that the results of the election of (name
of election) held on (date) at (place)
were as follows:

<u>Candidate</u>	<u>Elected/Acclaimed/ Not Elected</u>	<u>Number of Votes Cast</u>
1.		
2.		
3.		

Dated at _____ this _____ day of _____,
19____.

Returning Officer

Declaration of Destruction
of Election Material

I, _____, declare that I am the _____ (name
of position) for the _____ (name of local authority)
and that on the _____ day of _____, 19____ at
_____ I destroyed the ballot and election
material from the election of _____ (name of office)
held on the _____ day of _____, 19____ at _____
_____.

(signature)

Declared before me, _____, at _____
this _____ day of _____, 19____.

Declaration of Inability
to Mark Ballot

I, _____, declare that I am unable to mark
my ballot because

_____.

(Voter's signature)

Declared before me, _____, at _____
this _____ day of _____, 19____.

SCHEDULE B (Section 16)

PROXY VOTING

Application	1. This Schedule applies to elections where proxy voting is authorized pursuant to this Act.	
Designation of proxy voter	2.(1) If a person is eligible to vote at an election and has reason to believe that he will be unable to vote either at an advance vote or on election day, he may apply for a proxy certificate authorizing another voter in the electoral district to vote on his behalf as a proxy voter.	5
Application for proxy certificate	(2) A voter shall apply for a proxy certificate by applying in writing to the returning officer and obtaining the consent of the proxy voter.	10
Issuing proxy certificate	3.(1) The returning officer shall issue a proxy certificate in triplicate in Form 12 of Schedule A where (a) a person eligible to vote at the election has applied for it; (b) the proxy voter is eligible to vote at the election; (c) the proxy voter consents; and (d) he is satisfied that the voter has no other proxy voter and that the proxy voter is not a proxy voter for more than three voters.	15 20
Distribution of proxy certificate	(2) The returning officer shall (a) deliver the original copy of the proxy certificate to the voter or proxy voter; (b) if possible, transmit a copy of the certificate to the deputy returning officer for the polling division in which the voter is eligible to vote; and (c) retain a copy of the certificate.	25 30
No cancellation	4. No person shall cancel a proxy certificate that has been issued under subsection 3(1).	
Number of proxies	5.(1) No person shall be a proxy voter for more than three voters.	35
Idem	(2) No person shall have more than one proxy voter.	

Proxy vote	<p>6. If, on election day or advance voting day, a proxy voter</p> <p>(a) delivers to the deputy returning officer for the voting division in which the voter who appointed him is eligible to vote, a proxy certificate issued to him, and</p> <p>(b) makes the declaration of proxy voter set out in the proxy certificate</p> <p>the proxy voter may then vote at the election for and in the place of the voter.</p>	<p>5</p> <p>10</p>
Entry in voters' register	<p>7. The election clerk shall enter in the voters' register opposite the voter's name, in addition to any other required entry, the fact that the voter voted by proxy together with the name of the proxy voter and the deputy returning officer shall transmit the proxy certificate or declaration to the returning officer.</p>	<p>15</p>
Validity of proxy	<p>8. A proxy certificate is valid only on the election day or advance voting day, as the case may be, in respect of the election for which the proxy certificate is issued.</p>	<p>20</p>
Duty to make proxy voting known	<p>9. When the returning officer is made aware of a disabled or incapacitated voter who</p> <p>(a) is unable to leave his residence to vote on election day by reason of his disability or incapacity, or</p> <p>(b) requires assistance, of a type not available at a voting station, in order to vote,</p> <p>the returning officer shall notify the voter of provisions in this Act concerning proxy voting and the provisions for advance voting.</p>	<p>25</p> <p>30</p>

SCHEDULE C

(Sections 35,
51 and 75)

ELECTION PROCEDURE

Election material delivered	1. Before a voting station opens, the returning officer shall provide to each deputy returning officer	5
	(a) at least one ballot box; and	
	(b) the ballots, materials for marking the ballot, and a sufficient number of printed directions for voting.	
Proceedings before balloting starts	2.(1) Immediately before the commencement of the vote, a deputy returning officer shall	10
	(a) open the ballot box and call anyone who is present to look to see that it is empty;	
	(b) lock and seal the ballot box to prevent its being opened without breaking the seal; and	15
	(c) place the ballot box in view for the reception of ballots.	
Seal unbroken	(2) No person shall break the seal on the ballot box or unlock the ballot box during the time that the voting station is open.	20
List of voters	3. When a person arrives to vote at the voting station, the deputy returning officer shall see whether the person's name is on the list of voters.	
Information for voters' register	4. The deputy returning officer shall ensure that in the voters' register is recorded	25
	(a) the name and address of each person intending to vote; and	
	(b) where appropriate, whether the person is a public or separate school supporter.	
Declaration	5. If the person takes the declaration of eligibility, the word "declared" must be entered in the voters' register opposite the voter's name.	30
Refusal to make declaration	6. If a person refuses to take the declaration of eligibility, the words "refused to take declaration" must be entered in the voters' register opposite the voter's name.	35
Objection	7. If a person's vote is objected to, the words "objected to" must be entered in the voters' register opposite the voting name together with the name of the objector.	40

Initialed ballot paper	8. A person entitled to vote shall receive from the deputy returning officer a ballot on the back of which the returning officer has previously put his initials, so placed that when the ballot is folded the initials can be seen without opening it.	5
Explanation of ballot	9. The deputy returning officer or election clerk may, and on request shall, explain the way to mark a ballot.	
Marking ballot	10. A mark shall be made on the voters' register opposite the name of every voter receiving a ballot.	10
One person at a time	11. Except when the Act otherwise permits, only one person claiming to be entitled to vote shall be allowed at a time in the compartment where ballots are marked.	15
Voting compartment	12. Each person receiving a ballot shall immediately proceed to the compartment provided for marking ballots.	
Folding of ballot	13. After marking the ballot, the voter shall fold the ballot so as to conceal the names of the candidates and the marks on the ballot but so as to expose the initials of the deputy returning officer.	20
Delivery of ballot to deputy returning officer	14. On leaving the compartment a voter shall immediately and without exposing the face of the ballot to anyone or making known to any person for whom he has or has not voted, deliver the ballot to the deputy returning officer.	25
Deposit of ballot in ballot box	15. On receipt of a marked ballot the deputy returning officer shall, without unfolding the ballot, verify his initials and at once deposit it in the ballot box in the presence of the persons entitled to be present in the voting station.	30

Inability to mark ballot	16. If a voter states that he is unable to mark his ballot, the deputy returning officer shall	
	(a) if required by any candidate or agent, receive a declaration of that voter that he is unable to mark his ballot in Form 13 of Schedule A;	5
	(b) cause the ballot of the voter to be marked as the voter directs;	
	(c) place the ballot in the ballot box; and	
	(d) record in the voters' register, opposite the name of the voter the fact that the ballot was marked by him at the request of the voter and the reason for it.	10
Cancelled ballot	17. A voter who spoils his ballot in marking it and discovers that fact before it has been placed in the ballot box may, upon returning the ballot to the deputy returning officer and proving the fact to him, obtain another ballot and the deputy returning officer shall mark upon the face of the ballot paper so returned the word "cancelled".	15 20
Idem	18. All ballots marked "cancelled" shall be preserved by the deputy returning officer.	
Where voter declines to vote	19. If a voter declines to vote, the deputy returning officer shall record the fact in the voters' register and mark upon the face of the ballot paper the word "declined".	25
Idem	20. All ballots marked "declined" shall be preserved by the deputy returning officer.	
Where voter leaves without voting	21. A record in the voters' register shall be made of any person who receives a ballot and who leaves the voting station without voting.	30

Counting of Ballots

Proceedings after voting ends	22. Immediately after the close of the voting station, the deputy returning officer, in the presence of the election clerk and of such of the candidates and their agents, not exceeding one for any candidate, as may be present, shall open the ballot box and the advance ballot box.	35
-------------------------------	--	----

Examination of ballots	<p>23. The deputy returning officer shall examine the ballots and reject any ballot</p> <ul style="list-style-type: none"> (a) that was not previously intialled by the deputy returning officer; (b) on which more votes are given than the voter is entitled to give; (c) to which anything has been done or on which anything appears by which the voter can be identified; and (d) that is improperly marked. 	<p>5</p> <p>10</p>
Objections	<p>24. The deputy returning officer shall take note of any objection made by any candidate or his agent to any ballot found in the ballot box and decide on any question arising out of the objection.</p>	
Notation on ballot	<p>25. The deputy returning officer shall number all objections and place a corresponding number on the back of the ballot with the word "allowed" or "disallowed", as the case may be, and his initials.</p>	15
Calculation of votes	<p>26. The deputy returning officer shall count the valid ballots given for each candidate, and make a written statement of the number of votes given to each candidate and of the number of ballots rejected and not counted by him and then sign the statement together with such other persons authorized to be present as may desire to sign it.</p>	<p>20</p> <p>25</p>
Ballot packets	<p>27. The deputy returning officer shall certify on the voters' register the total number of persons who voted at the voting station for which he is responsible and</p> <ul style="list-style-type: none"> (a) make three separate packets containing <ul style="list-style-type: none"> (i) the statements of votes and the ballots that have been counted, whether objected to or not, (ii) the rejected ballots and those ballots declined and cancelled, and (iii) the voters' register, list of voters, if any, and unused ballots; (b) seal and initial the envelopes and mark the contents of it on the outside of the envelope. 	<p>30</p> <p>35</p> <p>40</p>
Certificate of results	<p>28. After the result of an election has been declared and upon request to do so, the deputy returning officer shall provide a candidate or his agent with a certificate showing the total number of votes cast at a voting station for each candidate and the number of rejected ballot papers.</p>	45

Disposition
of election
material

29. After the election, the returning officer shall transmit the ballot boxes, packets and returns to the secretary-treasurer, in respect of a municipal election, or a person designated by a local authority, in respect of any other election.

5

Responsibility
for safekeeping
and destruction

30. The person who receives the election material on behalf of the local authority from the returning officer is responsible for their safekeeping and for their destruction when required by this Act.