

**LEGISLATIVE ASSEMBLY OF THE  
NORTHWEST TERRITORIES  
10<sup>TH</sup> ASSEMBLY, 8<sup>TH</sup> SESSION**

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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 elections in cities and towns; 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.

Important

This Bill is tabled by the Minister of Municipal and Community Affairs for public review. This Bill does not represent the final policy of the Government of the Northwest Territories and is subject to change after public review and comment. Furthermore, changes of a technical nature can be expected to prepare the Bill for introduction in the Legislative Assembly.

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 107 and 108;            20

"councillor"            "councillor" means any member of a municipal council or settlement council other than the mayor;

"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

EXPLANATORY NOTES

New Act

"electoral district"	"electoral district" means in respect of an election for (a) a mayor, the municipality or settlement, as the case may be, (b) a councillor, the municipality, the ward where a ward system is in effect or the settlement, as the case may be, 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"	"local authority" means (a) a municipal council, (b) a settlement council, and (c) a local education authority;	20
"local education authority"	"local education authority" means (a) a community education committee, (b) a community education society, (c) a Board of Education, (d) a community education council, (e) a Divisional Board of Education for an education division that is comprised of one education district, and (f) an Advisory Board, as defined in the <u>Education Act</u> ;	25  30
"mayor"	"mayor" means the presiding member of a municipal council or a settlement council, as the case may be;	
"member of a local authority"	"member of a local authority" means a person who holds office on a local authority;	35
"municipal corporation"	"municipal corporation" means a city, town, village, hamlet or charter community;	
"municipal council"	"municipal council" means the council of a municipal corporation;	40
"municipal taxing authority"	"municipal taxing authority" means a municipal corporation with the authority to levy property taxes under the <u>Property Assessment and Taxation Act</u> ;	45

"municipality"	"municipality" means the geographic area of a jurisdiction of a municipal corporation;	
"public notice"	"public notice" means the giving of a notice to the general public in accordance with section 10;	
"registrar"	"registrar" means the person appointed as registrar pursuant to subsection 24(1);	5
"returning officer"	"returning officer" means the person appointed as returning officer pursuant to subsection 28(1);	
"senior administrative officer"	"senior administrative officer" means the senior administrative officer of a municipal corporation or settlement corporation, as the case may be;	10
"settlement"	"settlement" means a settlement as defined in the <u>Settlements Act</u> ;	
"settlement corporation"	"settlement corporation" means a settlement corporation as defined in the <u>Settlements Act</u> ;	15
"voter"	"voter" means a person who is eligible to vote at an election;	
"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;	20
"voting division"	"voting division" means a division of the electoral district, fixed by the local authority, for which a list of voters is prepared;	
"voting station"	"voting station" means the place where a voter casts his vote.	25

#### Application

Application	3. This Act applies to the election of members of all local authorities, except to the extent that its application to a charter community is varied in a community charter, pursuant to the <u>Charter Communities Act</u> .	30
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PART I  
CONDUCT OF ELECTIONS

Administration

First election for a local authority	4.(1) For the purposes of the first election of the members of a local authority, 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.	5 10
Preliminary election	(2) The election day for the first election of the members of a local authority may be fixed on a day prior to the establishment of the local authority, but the terms of office of the members of the local authority do not commence until the local authority is established.	15
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.	20
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.	25
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 officers.	30
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.	35
Joint elections	7.(1) A local authority may conduct an election (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.	40

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 or any of the powers and duties of the other in respect of an election and that any election officer appointed by one local authority may act on behalf of the other.	5
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.	10
Votes on other questions	8.(1) A local authority may submit to the voters any question relevant to the local authority 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.	15
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.	20
Public 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: (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.	25 30 35

Election Dates

Election day for mayor and councillors	11.(1) The day for a general election for the mayor and councillors (a) of a city, town, village and municipal taxing authority, is the third Monday in October; and	40
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(b) of a hamlet and charter community, other than a municipal taxing authority, and a settlement corporation, is the second Monday in December.

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.	5
Election dates	12.(1) Subject to this Act, the dates for the conduct of an election must be in accordance with this section.	10
Advance vote	(2) An advance vote, if required, must be held at least seven but not more than fourteen days before election day.	
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.	15
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.	20
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.	
Calling for nominations	(6) Notice calling for nomination of candidates must be given at least two weeks before the time for nominating candidates expires.	25
Appointment of returning officer	(7) A returning officer must be appointed at least eight weeks before election day.	
By-election dates	13. When a by-election is required, the local authority shall fix the election day.	30
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.	

## Ward System Option

Ward system for councillors	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	5
	(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;	
	(b) the geographic area of each ward; and	10
	(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	15
	(b) the mayor must be elected by the voters of the municipality voting at large.	
Effect of ward system by-law	16.(1) Except for a by-law altering existing ward boundaries, a by-law passed under section 15 and any by-law that amends that by-law	20
	(a) applies to the general election following the passing of the by-law, if it is passed at least nine months before the date of that general election;	25
	(b) does not apply to or affect the composition of the council until the date of the next general election to which the by-law applies; and	
	(c) does not apply to a by-election until the ward system is in place throughout the municipality.	30
Approval of appropriate Minister	(2) No by-law enacted under section 15 that establishes, amends or repeals a ward system has any effect until approved by the appropriate Minister.	35

## Language Option

Definition	17.(1) In this section "aboriginal language" means an aboriginal language as defined in the <u>Official Languages Act</u> .	
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.	40

Eligibility of Voters and Candidates

Eligibility to vote	18. A person is eligible to vote at an election if the person	
	(a) is a Canadian citizen;	
	(b) is at least nineteen years of age;	5
	(c) has been a resident of the electoral district for at least twelve consecutive months immediately preceding the day on which he votes; and	
	(d) is a resident of the electoral district on the day on which he votes.	10
Eligibility of candidates	19.(1) A person is eligible to be nominated and stand as a candidate if the person	
	(a) is a Canadian citizen;	
	(b) is at least nineteen years of age;	15
	(c) has been a resident of the electoral district for at least twelve consecutive months immediately preceding the day nominations close;	
	(d) is a resident of the electoral district; and	20
	(e) is not disqualified by subsection (2) and sections 20 and 21.	
Ineligibility of candidates	(2) A person is not eligible to be nominated or to stand as a candidate if the person	25
	(a) is a judge, territorial judge, youth court judge or justice of the peace;	
	(b) is a member of the Legislative Assembly;	
	(c) is a full time permanent employee of the local authority in receipt of a salary;	30
	(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	
	(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.	35 40
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	
	(a) a teacher,	
	(b) a classroom assistant, or	45
	(c) an adult educator,	
	as defined in the <u>Education Act</u> .	

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; 5
- (b) is an assessor or auditor of the municipal corporation or settlement corporation; 5
- (c) is a surety for any officer or employee of the municipal corporation or settlement corporation; 10
- (d) is personally indebted to the municipal corporation for a sum greater than five hundred dollars for more than ninety days, other than in respect of any current taxes; or 10
- (e) has a controlling interest in a private or public corporation that is indebted to the municipal corporation or settlement corporation for a sum greater than five hundred dollars for more than ninety days, other than in respect of any current taxes. 20

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. 25

#### Determining Residence 30

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.

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. 35

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. 40

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.	5
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.	
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.	10
Enumeration		15
Enumeration by municipal and settlement councils	23.(1) A municipal council and settlement council shall cause the voters in the electoral district to be enumerated and a list of voters to be prepared 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 cause the voters in the electoral district to be enumerated and a list of voters to be prepared in advance of the election.	20
Application	(3) Sections 24 to 27 apply to any local authority that causes the voters in an electoral district to be enumerated and a list of voters to be prepared.	25
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.	30
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.	35
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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.	5
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.	10
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.	15
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.	20
Registrar's decision	(2) After notifying in writing 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.	25 30
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.	35
Election Officers		40
Returning officer	28.(1) A local authority shall appoint a person as returning officer.	

Acting  
returning  
officer

(2) If a returning officer is not appointed in accordance with subsection (1),

- (a) the senior administrative officer shall perform the duties and exercise the powers of the returning officer for a municipal corporation or settlement corporation, and
- (b) the Superintendent of Education shall perform the duties and exercise the powers of the returning officer for a local education authority.

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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;
- (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
- (d) give the notices required and generally take any action necessary to ensure the proper conduct of the election in accordance with this Act.

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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.

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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.

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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 or affirmation in Form 2 of Schedule A.

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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.	
Duty of deputy returning officer	32.(1) A deputy returning officer shall be responsible for the conduct of the vote at a voting station.	5
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.	10
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.	15
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	20
	(b) take such other action as he considers necessary to ensure the proper conduct of an election.	25
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.	
Other duties	35. The election officers shall perform the duties specified in Schedule B.	30

#### 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.	35
Separate candidates	37.(1) In a city, town or village a person may only be nominated for mayor or councillor, but not both.	
Candidate for both mayor and councillor	(2) In a hamlet, a person may be nominated as a candidate for both mayor and councillor.	40



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.	
Councillor running for mayor	38.(1) A councillor whose term of office does not expire in the year in which a general election is held must submit his resignation from council before notice of calling for nomination of candidates is given in order to be eligible to be a candidate for mayor.	5
Effective date of resignation	(2) The resignation must be effective (a) November 1 for the councillor of a city, town, village and municipal taxing authority; and (b) January 1 for the councillor of a hamlet and charter community, other than a municipal taxing authority, and a settlement.	10 15
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.	20
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 and without delay, 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.	25 30
Filing of declaration with nomination	(3) The returning officer shall 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.	35
Effect of refusal	(4) Where the returning officer refuses to accept the nomination of a person as a candidate pursuant to subsection (1), that person shall not stand as a candidate.	40
Close of nominations	40.(1) Nominations of candidates must be received by the returning officer 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.	45

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.	5
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.	10
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 in writing of the grounds for that belief.	15
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 delivered 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.	20
Filing of declaration	(3) A returning officer shall 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).	25
Effect of rejection	(4) Where the returning officer rejects the nomination of a candidate under subsection (3), that person shall not stand as a candidate.	30

#### 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 39 or 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.	35
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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.	5
Certificate of election	(3) The returning officer shall send to each candidate declared elected a certificate of election in Form 5 of Schedule A.	
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 and the other members of the local authority shall appoint a sufficient number of persons as members of the local authority to fill any remaining vacant positions.	10 15
Eligibility of appointees	(2) The persons appointed pursuant to subsection (1) must be eligible to be candidates.	
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.	20
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.	25 30
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.	35
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.	40

Allocation for appointees (4) Where, at an election referred to in subsection (1), the candidates must appoint persons 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. 5

#### 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. 10

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. 15

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. 20

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. 25

#### 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. 30

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. 35

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. 40

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.	5
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.	10

## PART II

### VOTING PROCEDURE

#### General

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.	15
Secret ballot	(2) Voting at all elections must be by secret ballot.	
Election proceedings	51. The proceedings at and following the close of each voting station must be in accordance with Schedule B.	20
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.	25
Alphabetical listing	(2) The names of candidates on a ballot must be listed in alphabetical order, unless the local authority authorizes a random listing.	30
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.	35
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.	40

Proxy Voting

Designation of proxy voter	54.(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	55.(1) The returning officer shall issue a proxy certificate in triplicate in Form 8 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	56.(1) No person shall cancel a proxy certificate that has been issued under subsection 55(1).	
Number of proxies	(2) No person shall be a proxy voter for more than three voters.	
Idem	(3) No person shall have more than one proxy voter.	35
Proxy vote	57. If, on election day or advance voting day, a proxy voter (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 (b) makes the declaration of proxy voter set out in the proxy certificate the proxy voter may then vote at the election for and in the place of the voter.	40 45

Entry in voters' register 58. 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. 5

Validity of proxy 59. 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. 10

Duty to make proxy voting known 60. When the returning officer is made aware of a disabled or incapacitated voter who (a) is unable to leave his residence to vote on election day by reason of his disability or incapacity, or (b) requires assistance, of a type not available at a voting station, in order to vote, the returning officer shall notify the voter of provisions in this Act concerning proxy voting and the provisions for advance voting. 15 20

#### Advance Voting

Advance vote 61.(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. 25

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. 30 35

Establishing voting stations 62.(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. 40 45

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.	5
Declaration at advance vote	63.(1) Before being entitled to vote at an advance vote, a voter shall make a declaration in Form 9 of Schedule A.	10
Idem	(2) The deputy returning officer shall keep the declaration with the other election material.	
Voters' register	64. 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.	15
Sealing ballot box	65.(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.	20
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.	25
Names of voters at advance vote	66.(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.	30
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.	35
Election Day Voting		
Compartments for voting	67.(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.	40



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.	5
Hours voting station is open	68.(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.	10
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.	15
Notice of eligibility and voting offence	69. 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.	20
Right to vote	70.(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 10 of Schedule A.	25 30
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 10 of Schedule A, notwithstanding that the person's name appears on the list of voters.	35
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.	40
Voting	71.(1) Subject to this section, a voter may vote once for each candidate of his choice.	45

Assisting a person	(2) A person shall not be considered to have voted if <ul style="list-style-type: none"> <li>(a) he has assisted another person to cast a ballot; or</li> <li>(b) he has voted as a proxy voter, where authorized pursuant to this Act.</li> </ul>	5
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.	10
Marking ballot	72.(1) A voter shall mark his ballot by <ul style="list-style-type: none"> <li>(a) placing an "X"; or</li> <li>(b) making some other mark clearly indicating his choice,</li> </ul> opposite the name of the candidate of his choice.	15
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.	20
Persons present at voting station	73.(1) During the time for voting, no person shall be present in a voting station other than <ul style="list-style-type: none"> <li>(a) election officers;</li> <li>(b) persons in attendance for the purpose of voting;</li> <li>(c) a candidate or one authorized agent of the candidate, but not both; and</li> <li>(d) any other person permitted to attend under this Act.</li> </ul>	25  30
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.	
Evidence of voting	74.(1) The receipt of a ballot by a voter, within the voting station, is evidence that the voter has there and then voted.	35
Forfeiting right to vote	(2) A person receiving a ballot who <ul style="list-style-type: none"> <li>(a) leaves the voting station without delivering it to the deputy returning officer; or</li> <li>(b) refuses to vote,</li> </ul> forfeits his right to vote at that election.	40

Assistance to voters	75.(1) If a voter is able to attend at a voting station but requires assistance in order to vote, the deputy returning officer or person authorized by him shall assist the voter in accordance with section 16 of Schedule B or provide such other assistance as is appropriate to enable the voter to vote.	5
Disabled voters	(2) A voter who is blind, unable to read or understand the ballot, or otherwise disabled to such an extent that it prevents the person from casting a ballot, may have a person assist him in casting his ballot.	10
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.	15  20
Equality of votes	76. 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 (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.	25  30  35
Declaration of results	77.(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.	40
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.	45

Certificate of election	78. The returning officer shall, immediately after the conclusion of the vote, send (a) a certificate of results of the election in Form 11 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	79.(1) A 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	80.(1) At any time after a period of three months since election day, the senior administrative officer, in respect of a municipal or settlement election, or a person designated by the local authority, in respect of any other election, shall 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 25
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 12 of Schedule A specifying the date, time and place that the ballots and election material were destroyed.	30

PART III

RECOUNT

35

Administrative Recount

Request for recount	81.(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 in writing to the returning officer for a recount.	40
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.	

Idem	82. 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 B.	15
Correction of records	83. After the recount, the returning officer shall	
	(a) correct the result of the election and correct the certificates sent pursuant to section 78, 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	84.(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 81.	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	85.(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	86. 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	87.(1) A returning officer who has reasonable grounds to believe that	20
	(a) the election is being conducted, in whole or in part, in contravention of this Act through inadvertence or error,	
	(b) the contravention is not the result of any bad faith;	25
	(c) no corrupt practice has occurred, other than an offence under subparagraph 107(1)(q)(iii), and	
	(d) the contravention would cause the election to be invalid if the election were to continue	30
	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.	35
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	88.(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 87(1).	5 10
Decision final	(2) The decision of a judge under subsection (1) is final.	
Opening ballot boxes	89. No person shall open any ballot box or count any ballots where an application has been made pursuant to section 87, unless the judge refuses to cancel the election under section 88.	15

#### Election Petition

Election petition	90.(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	91.(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	92. 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	93. The judge, on or before the trial of an election petition, may <ul style="list-style-type: none"> <li>(a) make any order with respect to the giving of security for costs as he considers reasonable in the circumstances;</li> <li>(b) direct the service of the petition on such persons or bodies as he considers necessary;</li> <li>(c) direct that any person be added as a party to the proceedings as he considers necessary;</li> <li>(d) order the petitioner to provide further particulars of the allegations in the election petition; and</li> <li>(e) make such further or other order as in the circumstances appears just.</li> </ul>	25 30 35
Effect of respondent ceasing to hold office	94. Subject to section 98, 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	95. 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	96. At the conclusion of the trial, the judge shall declare whether (a) the person whose election is complained of, or any and what other person, was duly elected; (b) the election was invalid; (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.	10 15 20 25
Acts of member not duly elected	97. 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	98. No petitioner shall withdraw an election petition, unless (a) the petitioner applies for and obtains the leave of a judge; and (b) public notice of the intention to withdraw it has been previously given in such manner as the judge directs.	35
Substitution of petitioner	99.(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 liabilities as the original petitioner.	
Consent of all petitioners to withdrawal	100. Where there is more than one petitioner, no person shall apply to withdraw a petition without the consent of all the petitioners.	5

Abatement of Petition

Abatement of petition	101.(1) An election petition is abated by the death of a sole petitioner or of the sole survivor of several petitioners.	10
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.	
Notice of abatement	102.(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.	15
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.	20 25
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	103.(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.	30
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 (a) by the party who incurred or caused them, irrespective of the outcome of the trial; or	35 40

	(b) if caused by an employee or representative of the local authority, by the local authority.	
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	104. The decision of a judge on an election petition is binding on the local authority and all parties to the action.	10
Appeal	105. An appeal may be taken from the decision of a judge on an election petition in the same manner as in a civil action.	15
<u>Supreme Court Rules</u>	106. 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.	

PART V

OFFENCES AND PENALTIES 20

Corrupt Practices

Corrupt practices	107.(1) Subject to subsection (2), a person commits a corrupt practice who	
	(a) directly or indirectly	
	(i) gives, lends or agrees to give or lend any money or valuable consideration;	25
	(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;	30
	(b) makes or proposes to make a gift or loan for the purpose of procuring the election of any person;	35
	(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;	40

- (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; 5
- (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; 10
- (f) intentionally votes or attempts to vote more than once at the same election, except where permitted by this Act;
- (g) votes at an election knowing that he is ineligible to vote; 15
- (h) knowingly has more than one proxy voter;
- (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; 20
- (k) intentionally conducts any electioneering in a voting station or posts or places any advertising or electioneering signs or material in, on, over or in the immediate vicinity of a voting station; 25
- (l) intentionally supplies ballots for an election to any person without due authority;
- (m) intentionally puts into a ballot box at an election any paper other than a ballot that he is authorized to put in; 30
- (n) intentionally takes a ballot out of the voting station except when authorized to do so by this Act;
- (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; 35
- (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 officer; 40
- (q) being an election officer, 45
  - (i) communicates any information known to him as to the candidates for whom a ballot has been cast; 50
  - (ii) induces any person to display his ballot;
  - (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.

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 10

Intimidation 108. 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 15  
(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 20 interferes with the free exercise of any voter's right to vote at an election.

#### Other Offences and Penalties

Corrupt practice 109. A person who commits a corrupt practice is guilty of an offence. 25

Removal of signs 110.(1) Within fourteen days of the election day, a candidate shall remove all his electioneering signs and material from public property.

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. 30

General offence 111. A person who contravenes any provision of this Act for which an offence is not specifically provided is guilty of an offence. 35

Penalties 112.(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. 40

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.	5
Limitation period	113. 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.	10
Evidence	114.(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.	15
Idem	(2) The certificate of the results of the election issued by the returning officer pursuant to paragraph 78(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.	20

PART VI

COMMENCEMENT AND TRANSITIONAL

Coming into force	115. This Act shall come into force on a day or days to be fixed by order of the Commissioner.	25
Transitional	116.(1) The term of office for any mayor or councillor for a city, town or village elected pursuant to the <u>Municipal Act</u> before this Act comes into force shall end at noon on the first Monday in November in the year in which the term would otherwise end.	30
Idem	(2) The term of office for any mayor or councillor of a city, town or village appointed pursuant to the <u>Municipal Act</u> before this Act comes into force shall end at noon on the first Monday in November in the year this Act comes into force.	35
Saving provision	117. 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.	40

PART VII

CONSEQUENTIAL AMENDMENTS

EDUCATION ACT

	118. The Education Act is amended by repealing paragraph 2(p) and substituting the following:	5
"voter"	(p) "voter" means a voter as defined in the <u>Local Authorities Elections Act</u> ;	
	119. The Act is further amended by repealing subsection 5(3) and substituting the following:	
"Election of members"	(3) The provisions of the <u>Local Authorities Elections Act</u> apply to all matters respecting the election of members of a local education authority."	10
	120. The Act is further amended by repealing subsection 5(4) and substituting the following:	15
"Resignation"	(4) Any member of a local education authority may resign from his position by giving notice, in writing, to the local education authority."	
	121. The Act is further amended by repealing subsection 5(5).	20
	122. 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 <u>ex officio</u> members as this Act may require."	35

Clause 118

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 119

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~~ and the regulations, and any member may resign from his position by giving notice in writing to the local education authority.

Clause 120

Sub-section 5(4) now reads

Residential 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 121

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 122

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~~ 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.



123. The Act is further amended by repealing the heading "Election of Committee" immediately following section 8.

124. 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

125. The Act is further amended by repealing section 10 and substituting the following:

"Annual general election

10. A general election, as defined in the Local Authorities Elections Act, must be held every year for members of a community education committee."

30

126. 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,".

127. 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 123

The heading immediately following section 8 now reads

ELECTION OF COMMITTEE

Clause 124

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 Ordinance~~ <sup>Act</sup> 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 ~~Executive Member~~ <sup>Minister</sup> shall within three months after the commencement of this ~~Ordinance~~ <sup>Act</sup> 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 ~~Ordinance~~ <sup>Act</sup>.

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 125

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 126

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 127

Section 23 now reads

Board of  
Education

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



	128. The Act is further amended by repealing subsection 26(3).	
	129. The Act is further amended by repealing section 27.	
	130. 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
	131. The Act is further amended by repealing subsection 28(3).	
	132. 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
	133. The Act is further amended by repealing section 36.	20
	134. 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
	135. The Act is further amended by repealing subsection 43(5).	
	136. 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 election apply to the conduct of a vote on a by-law submitted to the ratepayers, with such modifications as the circumstances require."	35

Clause 128

Subsection 26(3) now reads

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

Clause 129

Section 27 now reads

27. Any person is eligible to be elected a member of a Board of <sup>Eligibility for</sup> Education who <sub>election</sub>

- (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 130

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 131

Subsection 28(3) now reads

Appointment by  
Commissioner

(3) Where fewer than seven candidates are nominated, the ~~Executive~~ <sup>Member</sup> 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 132

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 amendments 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 133

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 134

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~~ <sup>Minister</sup> by forwarding a copy of the by-law and the authorization from the ~~Executive Member~~ <sup>Minister</sup> 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.

Notice

Clause 135

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 136

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. Item

(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 of the total expense. Item

(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 at the request of either party. Dispute  
Minister

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



	137. 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
	138. 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
	139. 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
	140. The Act is further amended by repealing subsection 53.3(4).	
	141. 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."	
	142. The Act is further amended by repealing subsection 53.3(7).	35
	143. 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 137

Section 52 now reads

Member of  
Board of Education

82. (1) Any member of a Board of Education or a Separate Board of Education who is convicted of an offence against this ~~Ordinance~~ <sup>Act</sup> 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 138

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 139

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 140

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 141

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 142

Subsection 53.3.(7) now reads

Appointment by  
~~Executive Minister~~  
Member

- (7) Where fewer than seven candidates are nominated, the ~~Executive Minister~~<sup>Minister</sup> 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 143

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.



	144. The Act is further amended by repealing subsections 53.3(9) to (14) inclusive.	
	145. The Act is further amended by repealing subsection 53.3(18).	
	146. 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
	147. 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 144

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 <sup>Act</sup> 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 <sup>Act</sup> 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 145

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 146

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 147

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.







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) and Paragraph 78(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).



Proxy Certificate

I certify that \_\_\_\_\_ (name of proxy voter) may vote for and in the place of \_\_\_\_\_ (name of voter) at the election of \_\_\_\_\_ (name of election).

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

\_\_\_\_\_  
Returning Officer

Declaration of Proxy Voter

I, \_\_\_\_\_, declare that:

- (a) I am the person named as the proxy voter in the proxy certificate; and
- (b) I have not been appointed as a proxy voter for more than three voters at this election.

\_\_\_\_\_  
(Proxy Voter's signature)

Declared before me, \_\_\_\_\_, at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

-----

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\_\_\_\_.

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Declaration of Inability  
to Mark Ballot

I, \_\_\_\_\_, deputy returning officer,  
declare that \_\_\_\_\_ was unable to  
mark his/her ballot because \_\_\_\_\_  
\_\_\_\_\_

Declared before me, \_\_\_\_\_, at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
\_\_\_\_\_

SCHEDULE B

(Sections 35,  
51, 75 and 82)

ELECTION PROCEDURE

Election material delivered	<p>1. Before a voting station opens, the returning officer shall provide to each deputy returning officer</p> <p>(a) at least one ballot box; and</p> <p>(b) the ballots, materials for marking the ballot, and a sufficient number of printed directions for voting.</p>	<p>5</p> <p>10</p>
Proceedings before balloting starts	<p>2.(1) Immediately before the commencement of the vote, a deputy returning officer shall</p> <p>(a) open the ballot box and call anyone who is present to look to see that it is empty;</p> <p>(b) lock and seal the ballot box to prevent its being opened without breaking the seal; and</p> <p>(c) place the ballot box in view for the reception of ballots.</p>	<p>15</p> <p>20</p>
Seal unbroken	<p>(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.</p>	<p>25</p>
List of voters	<p>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.</p>	<p>30</p>
Information for voters' register	<p>4. The deputy returning officer shall ensure that in the voters' register is recorded</p> <p>(a) the name and address of each person intending to vote; and</p> <p>(b) where appropriate, whether the person is a public or separate school supporter.</p>	<p>35</p>
Declaration	<p>5. If the person takes the declaration of eligibility, the word "declared" must be entered in the voters' register opposite the voter's name.</p>	<p>40</p>
Refusal to make declaration	<p>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.</p>	<p>45</p>
Objection	<p>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.</p>	<p>50</p>

Initialed ballot paper	8. A person entitled to vote shall receive from the deputy returning officer a ballot on the back of which the deputy 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	35
	(a) if required by any candidate or agent, receive an oral declaration of that voter that he is unable to mark his ballot and record it in Form 13 of Schedule A;	40
	(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.

5

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".

10

Idem

18. All ballots marked "cancelled" shall be preserved by the deputy returning officer.

15

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".

Idem

20. All ballots marked "declined" shall be preserved by the deputy returning officer.

20

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.

#### Counting of Ballots

25

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.

30

Examination  
of ballots

23. The deputy returning officer shall examine the ballots and reject any ballot

- (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.

35

40

Objections	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.	
Notation on ballot	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.	5
Calculation of votes	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.	10 15
Ballot packets	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 (a) make three separate packets containing (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 and unused ballots; (b) seal and initial the envelopes and mark the contents of it on the outside of the envelope.	20 25 30
Certificate of results	28. After the result of an election has been declared and upon request to do so, the 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.	35
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.	40
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 its safekeeping and for its destruction when required by this Act.	45