



ELIGIBILITY TO VOTE

Excerpts from the *Local Authorities Election Act*

Eligibility to vote

- 47(1)** A person is eligible to vote in an election held pursuant to this Act if the person
- (a) is at least 18 years old,
 - (b) is a Canadian citizen, and
 - (c) resides in Alberta and the person's place of residence is located in the local jurisdiction on election day.
- (2)** Subject to subsection (3) and sections 75, 77.1, 79, 81 and 83, an elector is eligible to vote only at the voting station for the voting subdivision in which the elector's place of residence is located on election day.
- (3)** If a local authority establishes a voting station at a work site, the local authority may direct that those workers who are electors who wish to vote and who are required to work at the site during the hours for which the voting station is open shall vote at that voting station, notwithstanding that those workers do not reside in the voting subdivision in which that voting station is located.
- (4)** Repealed 2018 c23 s19.

Rules of residence

- 48(1)** For the purposes of this Act, the place of residence is governed by the following rules:
- (a) a person may be a resident of only one place at a time for the purposes of voting under this Act;
 - (a.1) if a person has more than one residence in Alberta, that person shall, in accordance with subsection (1.1), designate one place of residence as the person's place of residence for the purposes of this Act;
 - (b) the residence of a person is the place where the person lives and sleeps and to which, when the person is absent, the person intends to return;
 - (c) a person does not lose the person's residence by leaving the person's home for a temporary purpose;
 - (d) subject to clause (e), a student who
 - (i) attends an educational institution within or outside Alberta,
 - (ii) temporarily rents accommodation for the purpose of attending an educational institution, and

- (iii) has family members who are resident in Alberta and with whom the student ordinarily resides when not attending an educational institution is deemed to reside with those family members;
 - (e) if a person leaves the area with the intention of making the person's residence elsewhere, the person loses the person's residence within the area.
- (1.1)** For the purposes of subsection (1)(a.1), a person shall designate the person's place of residence in accordance with the following factors in the following order of priority:
- (a) the address shown on the person's driver's licence or motor vehicle operator's licence issued by or on behalf of the Government of Alberta or an identification card issued by or on behalf of the Government of Alberta;
 - (b) the address to which the person's income tax correspondence is addressed and delivered;
 - (c) the address to which the person's mail is addressed and delivered.
- (2)** A person who is a resident of a public school division or of a separate school division under the *Education Act* is deemed to be a resident of that public school division or that separate school division, as the case may be, under this Act.
- (3)** Repealed 2012 cE-0.3 s276.

Proof of elector eligibility

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

- (a) the person's name appears on the list of electors, if any, or
 - (b) the person
 - (i) makes a statement that the person is eligible to vote as an elector in the presence of an officer at the voting station, in the prescribed form,
 - (ii) validates the person's identity and address of the person's residence in accordance with subsection (3), and
 - (iii) where required by a bylaw passed under section 53.01, produces the number and types of identification permitted by the bylaw to verify the person's age.
- (2)** A statement referred to in subsection (1)(b)(i) must include the address of the person's residence.
- (3)** A person may validate the person's identity and the address of the person's residence for the purpose of subsection (1)(b)(ii)
- (a) if a bylaw has been passed under section 53.01, by producing the number and types of identification required by the bylaw, or
 - (b) by producing one of the following:

- (i) one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of that government, that contains a photograph of the person, the person's name and the address of the person's residence;
- (ii) one piece of identification authorized by the Chief Electoral Officer under the *Election Act* for the purposes of section 95(1)(a)(ii) of that Act that establishes the person's name and current address;
- (iii) one piece of other acceptable identification referred to in section 53.02.

(4) Notwithstanding subsection (1)(b)(ii) and (iii), a person may validate the person's identity, the address of the person's residence and, if applicable, the person's age if the person is accompanied by an elector who

- (a) validates the elector's identity and the address of the elector's residence in accordance with subsection (3) and, if applicable, verifies the elector's age in accordance with subsection (1)(b)(iii), and
- (b) vouches for the person in accordance with subsection (7).

(5) A scrutineer shall not vouch for a person under subsection (4)(b).

(6) An elector shall not vouch for a person if any of the following circumstances apply:

- (a) the elector has relied on the process described in subsection (4) to validate the elector's identity, address and, if applicable, age;
- (b) subject to subsection (6.1), the elector has already vouched for another person.

(6.1) An elector may vouch for more than one person if every person the elector vouches for shares the same place of residence.

(7) For the purposes of subsection (4)(b), an elector who vouches for a person must make a statement, in the prescribed form, that

- (a) the elector knows the person,
- (b) the elector knows that the person resides at the address indicated in the person's statement, and
- (c) the elector has not relied on the process described in subsection (4) to validate the elector's identity, address and, if applicable, age.

(8) A person who attends at a voting station shall not be permitted to vote unless that person meets the requirements of this section.

Voting time for employees

58(1) An employee who is an elector shall, while the voting stations are open on election day, have 3 consecutive hours for the purpose of casting the employee's vote.

(2) If the hours of the employee's employment do not allow for 3 consecutive hours, the employee's employer shall allow the employee any additional time for voting that is necessary to provide the employee the 3 consecutive hours, but the additional time for voting is to be granted at the convenience of the employer.

(3) No employer shall make any deduction from the pay of an employee nor impose on the employee or exact from the employee any penalty by reason of the employee's absence from the employee's work during the 3 consecutive hours or part of it.

(4) Subsections (1), (2) and (3) do not apply if the employer provides for the attendance of an employee who is an elector at a voting station while it is open during the hours of the employee's employment with no deduction from the employee's pay and without exacting any penalty.

Excerpts from the Education Act

Eligibility

74(1) In addition to section 48(1) and (1.1) of the *Local Authorities Election Act*, this section applies to determine whether an individual is a resident of a public school division or a separate school division for the purposes of determining eligibility to vote or to be nominated as a candidate for election as a trustee of a school board under the *Local Authorities Election Act*.

(2) Subject to subsection (3), for the purposes of subsection (1), an individual is a resident of the school division in which the individual resides.

(3) Where a separate school district is established, an individual residing within the boundaries of the separate school district is a resident of the separate school division if the individual declares that the individual is of the same faith as those who established the separate school district, whether Protestant or Roman Catholic.

(4) Notwithstanding the *Local Authorities Election Act*, a resident of a separate school division is eligible

(a) to vote for, and

(b) to be nominated as a candidate for election as,

a trustee of the board of either the public school division or the separate school division in which the person's residence is located, but not both.