

## Appendix A: Extracts from the Local Authorities Election Act, RSA 2000, c L-21

### 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. February 3, 2021.

**(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.

### **Bylaws with respect to proof of elector eligibility**

**53.01(1)** An elected authority may, by a bylaw passed no later than 6 months prior to nomination day of a year in which an election is to be held, provide for the number and types of identification that are required to be produced by a person to verify the person's name and current address for the purpose of determining whether the person is eligible to vote.

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

(3) A bylaw passed under subsection (1) or (2) must provide that a returning officer shall accept one piece of identification referred to in section 53(3)(b) for that purpose. February 3, 2021

(4) A Bylaw under subsection (1) or (2)

- (a) may specify identification that a person may produce to validate the person's identity and the address of the person's residence in addition to the identification referred to in section 53(3)(b), and
- (b) may provide for the number and types of identification that a person must produce to validate the person's age.

(5) Before passing a bylaw in accordance with subsection (1) or (2), an elected authority must

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

### **Other acceptable identification**

**53.02(1)** The relevant Minister may, by order,

- (a) establish other acceptable identification for the purpose of section 53(1)(b)(iii), and
- (b) provide a process for establishing the address of a person's residence if the person produces identification under section 53(1)(b) that uses a non-residential address.

(2) The *Regulations Act* does not apply to an order referred to in subsection (1).

### **Advertising a proof of elector eligibility bylaw**

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

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

(b) be mailed or delivered to every residence in the area to which the proposed bylaw relates.

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

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

(a) a statement of the general purpose of the proposed bylaw and the proposed requirements for the number and types of identification that must be produced to verify elector name and current address and, if applicable, age, February 3, 2021

(b) the address where a copy of the proposed bylaw may be inspected, and

(c) an outline of the procedure to be followed by anyone wishing to file a petition in respect of the proposed bylaw, as provided for in the *Municipal Government Act*.

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

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