

Appendix B: Legal Implications

1. At the polls election workers do have the authority to deny someone the right to vote if they feel they do not resemble their identification photo, however there are significant risks involved in doing so.

The election may be overturned if eligible electors are denied the opportunity to vote and the contravention had a material effect on the result of the election. If an elector was wrongly denied the ability to vote, the risk include:

- Prosecution for breaches of the LAEA against the Returning Officer, where the penalties include fines and jail time;
 - Civil claims against the Returning Officer, the County or both; and
 - A human rights complaint against the Returning Officer, the County or both, if the denial was based on a protected ground.
2. A Returning Officer who acts willfully in contravention of the LAEA (for example by refusing to allow someone to vote when they met the requirements of section 53) is guilty of an offence and liable to a fine of not more than \$5,000 or to imprisonment for not more than 2 year or both. (LAEA, s. 149(c))
 3. Similar, a Returning Officer who takes or receives a vote from a person who does not meet the requirements of s. 53 of the LAEA, is also guilty of an offence and liable to a fine of not more than \$5,000 or to imprisonment for not more than 2 year or both. (LAEA, s. 149(a)).
 4. An elector who was denied the right to vote may bring a civil claim against the Returning Officer in the basis of negligence and against the County as being vicariously liable for the actions of a Returning Officer. However, it is difficult to identify what damages the elector would be entitled to. The loss of the opportunity to vote is a significant infringement on the elector's rights but one that is virtually impossible to quantify in terms of monetary damages.
 5. If the Returning Officer denied a person the right to vote on grounds which may be considered discrimination under the Alberta Human Rights Act, RSA 2000, c A-25.5 (the "Human Rights Act"), the County may be subject to a claim for discrimination under the Human Rights Act. As an example, if a Returning Officer denied a racialized person the ability to vote on the basis that the Returning Officer did not believe the person was a Canadian citizen, the person may have a claim against the County under the Human Rights Act.