

**BYLAW 60-2020
STRATHCONA COUNTY**

ELECTION BYLAW

AS:

- A. The *Local Authorities Election Act*, RSA 2000, c. L-21 (the "Act") and the *Municipal Government Act*, RSA 2000, c. M-26 (the "MGA") establish the general rules for the conduct of elections for municipal councils and school boards;
- B. The Act provides that an elected authority must:
 - (a) by resolution appoint a substitute returning officer; and
 - (b) by bylaw ensure automated voting system equipment used for the taking of votes of electors is not part of or connected to an electronic network before the close of polls.
- C. The Act provides that an elected authority may:
 - (a) enter into an agreement with one or more elected authorities for the conduct of an election;
 - (b) by resolution appoint a returning officer;
 - (c) by bylaw require that every nomination be accompanied by a deposit in the amount specified by bylaw;
 - (d) by bylaw provide for events in circumstances of a death of a candidate;
 - (e) by bylaw provide for a voting station to be opened before 10:00 a.m.;
 - (f) provide for special ballots;
 - (g) by bylaw set out a blind elector template;
 - (h) by resolution designate, or authorize the returning officer to designate, the location of one or more institutional voting stations;
 - (i) by bylaw provide for the taking of the votes of the electors by means of voting machines, vote recorders or automated voting systems, and the bylaw must prescribe the form of the ballot, the directions for the marking of the ballot by the elector, and the directions for voting procedures to be used and followed;
 - (j) by bylaw allow the returning officer to count the special ballot box, advance vote ballot box, and institutional ballot box starting at 7:30 p.m. on election day;
 - (k) by resolution divide the local jurisdiction into voting subdivisions and from time to time alter their boundaries, or may by resolution authorize the returning officer to do so; and
 - (l) by bylaw authorize the returning officer to designate more than one voting station for each subdivision.

D. The MGA provides that:

- (a) councillors and the chief elected official are to be elected in accordance with the Act;
- (b) the term of office of councillors is governed by the Act; and
- (c) a council must hold by-elections to fill vacancies on council and a vacancy of the office of the chief elected official in specified circumstances.

F. The MGA provides that where Council is required or authorized under the MGA or other enactment to do something by resolution, or do something without specifying that it be done by bylaw or resolution, it may be done by bylaw or resolution;

Council enacts:

PART I – PURPOSE, DEFINITIONS, AND INTERPRETATION

PURPOSE

1. The purpose of this bylaw is to establish rules for the conduct of elections.

DEFINITIONS

2. Except as otherwise provided for in this bylaw, the terms used in the Act, when used or referred to in this bylaw, shall have the same meaning as defined or provided in the Act.
3. In this bylaw:
 - (a) "Automated Voting System" means an automated or electronic system designed to automatically count and record votes, and to process and store election results, and includes the use of Vote Tabulators, voting machines, and vote recorders;
 - (b) "Auxiliary Ballot Box" means a separate compartment in the Ballot Box for Ballots that have been marked by electors but not counted by the Vote Tabulator;
 - (c) "Ballot" means a separate marked area on the Ballot Card stating the office(s) and candidates, question or bylaw to be voted for, indicating all choices available to the electors and containing spaces in which the electors mark their votes;
 - (d) "Ballot Box" means a secure container for Ballot Cards that have been marked by electors;
 - (e) "Ballot Card" means a paper card containing all Ballots to be voted on by an elector;

- (f) "Ballot Transfer Container" means a container used to transport election materials from a voting station to the Returning Officer.
- (g) "Counting Centre" means a controlled access area designated by the Returning Officer where election results are determined;
- (h) "County" means the municipal corporation of Strathcona County, a specialized municipality established under the Municipal Government Act and Order in Council 761/95;
- (i) "Director" means Director of Legislative and Legal Services for the County, or whatever future title is conferred on that position;
- (j) "Election Day" in the case of a general election is the 3rd Monday in October, or in the case of a by-election or vote on a bylaw or question, shall be the day fixed by a resolution of the elected authority;
- (k) "Manager" means Manager, Legislative Services and Contract Management for the County, or whatever future title is conferred on that position;
- (l) "Marking Device" means a writing instrument approved by the Returning Officer for use by an Elector in marking a Ballot;
- (m) "Mayor" means the Chief Elected Official of the County;
- (n) "Memory Storage Device" means a computer memory unit that plugs into the Vote Tabulator and contains:
 - (i) the names of the candidates for each contest;
 - (ii) the alternatives "yes" and "no" for each bylaw or question (where there is a bylaw or question); and
 - (iii) a secure mechanism to record and count votes.
- (o) "Nomination Day" is 4 weeks before Election Day;
- (p) "Portable Ballot Box" means a container for voted Ballot Cards, in the form approved by the Returning

Officer, that is not used with a Vote Tabulator;

- (q) "Secrecy Sleeve" means an open-ended envelope in a form approved by the Returning Officer, intended to be used to cover the Ballot Card to conceal the markings made on the Ballot Card by the Elector without covering the initials of the deputy;
- (r) "Special Ballot" means a Ballot Card provided to an elector who qualifies under s. 77.1 of the Act;
- (s) "Tally Register Tape" means the printed record generated from a Vote Tabulator showing the number of ballots received, the number of ballots accepted, the number of votes for each candidate; and, where there is a vote on a bylaw or question, the number of votes for and against each bylaw or question;
- (t) "Vote Tabulator" means a machine into which Ballot Cards are inserted that scans each Ballot and:
 - (i) records the number of votes for each candidate; and
 - (ii) where applicable, records the number of votes for and against each bylaw or question.

INTERPRETATION

4. The following rules apply to interpretation of this bylaw:

- (a) headings, titles, margin notes, and preambles in this bylaw are for ease of reference only;
- (b) gender-specific words, phrases, and references are intended to be gender-neutral, and the singular includes the plural as the context requires;
- (c) every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid by a Court, all other provisions of this bylaw remain valid and enforceable;
- (d) references to bylaws and enactments in this bylaw include amendments and replacement bylaws and enactments, and regulations and orders made thereunder; and
- (e) If a time is specified in this bylaw it is Alberta time.

PART II – ELECTION ADMINISTRATION

APPLICATION
OF THE ACT

5. The provisions of the Act, except as modified by this bylaw, shall apply to all elections conducted within the County.

RETURNING
OFFICER

6. The Director is hereby appointed as the County's Returning Officer for the purpose of conducting elections under the Act.

SUBSTITUTE
RETURNING
OFFICER

7. The Manager is hereby appointed as the County's Substitute Returning Officer for the purpose of conducting elections under the Act.
8. If the Director is unable to perform the duties of Returning Officer, the Substitute Returning Officer will act as the Returning Officer for the purpose of conducting elections under the Act.

CONDUCT OF
ELECTION
FOR OTHER
ELECTED
AUTHORITIES

9. If an election for another elected authority is held in conjunction with the County election, the provisions of this bylaw shall apply to the election for that elected authority.
10. The Returning Officer is authorized to negotiate agreements on behalf of the County for the conduct of elections for other elected authorities.

PART III – ELECTION PREPARATION

VOTING
SUBDIVISION

11. The Returning Officer may divide the wards within the County into voting subdivisions and may designate locations for more than one voting station in each of the voting subdivisions.
12. The Returning Officer may alter the boundaries of voting subdivisions or create additional voting subdivisions if the changes are made before notice is given for the election.

NOMINATION
PERIOD

13. Nominations will be accepted by the Returning Officer at the Legislative and Legal Services Department, located in the Strathcona County Community Centre, beginning on January 1 in a year in which a general election is to be held and ending at 12 noon on Nomination Day. Nomination papers will be accepted from 8:30 a.m. until 4:30 p.m., Monday to Friday, except during office closure from 12 noon until 1:00 p.m. and statutory and civic holidays and any day in lieu of holiday days as declared by the County.

DEPOSIT TO
ACCOMPANY
NOMINATION

14. Every Nomination Paper which nominates a candidate for the office of Mayor or councillor must be accompanied by a deposit of one hundred Canadian dollars (C\$100.00).

15. The deposit must be provided in cash, by certified cheque, or money order payable to Strathcona County.

DEATH OF A
CANDIDATE

16. If a candidate for any position dies after Nomination Day, but before 9:00 a.m. on Election Day, the election for that position will be discontinued.

17. The appropriate elected authority will arrange a new election for the position as soon as practicable.

BALLOT CARDS

18. Following Nomination Day, the Returning Officer must cause enough Ballot Cards to be printed containing separate Ballots for each office, bylaw, or question to be voted on.

19. Ballot Cards for candidates will be in the general form prescribed in Schedule "A", to this bylaw, unless otherwise prescribed by the Returning Officer; and the Ballots required for offices, bylaws, or questions as set out in this bylaw may be separated or combined in any manner deemed appropriate by the Returning Officer.

ELECTION DAY
HOURS

20. Each Voting Station shall be kept open continuously on Election Day from 9:00 a.m. until 8:00 p.m.

BLIND ELECTOR
TEMPLATE

21. The blind elector template, as required by the Act, will be in the form of an audio ballot used in conjunction with an electronic ballot marking device during the advance vote. This voting option will be advertised in the notice of advance vote.

PART IV – AUTOMATED VOTING SYSTEM

USE OF
AUTOMATED
VOTING SYSTEM

22. An election may be conducted by means of an Automated Voting System as directed by the Returning Officer.

23. If an Automated Voting System is not used, the provisions of the Act will be followed.

24. If an Automated Voting System is used for the purposes of an election, the procedures prescribed in this Part shall apply during an advance vote and institutional vote insofar as is practicable and may be modified as necessary at the discretion of the Returning Officer.

25. Notwithstanding anything in this Bylaw, if the Automated Voting System or any of its components malfunction, is inoperable or unavailable, or if there is a defect in the Ballots or Marking Devices; then the Returning Officer may make any directions that are necessary or desirable, including:

- (a) the voting procedures to be used;
- (b) the taking of votes;
- (c) the counting of the votes; and
- (d) when required, for a recount under the Act.

26. If it becomes impossible or impractical to count the Ballots with the Vote Tabulator, the Returning Officer may direct that the Ballots be counted manually following as far as practicable the provisions of the Act governing the counting of Ballots.

27. When an Automated Voting System is used in an election, the Returning Officer shall:

- (a) ensure that the Automated Voting System has been tested before each Election to ensure that it is in good working order;
- (b) take whatever reasonable safeguards may be necessary to secure the Automated Voting System from unauthorized access, entry, use or tampering; and
- (c) ensure the automated voting equipment is not part of or connected to an electronic network before the close of polls.

PART V – VOTING PROCEDURES

REGISTRATION

28. A deputy responsible for issuing Ballot Cards will:

- (a) ensure that the elector is in the correct voting station;
- (b) ensure that the elector produces the required identification as prescribed by the Act;
- (c) ensure that the elector gives the statement of elector eligibility;
- (d) ensure that the voting register is completed;
- (e) initial the appropriate Ballot Card and give it to the elector, along with a Secrecy Sleeve.

MARKING BALLOT

29. On receiving the Ballot Card that an elector is entitled to receive, together with a Secrecy Sleeve, the elector must proceed into the voting compartment provided and mark each of the Ballots with a Marking Device:

- (a) by making a legible mark on each ballot beside the chosen candidate or, where there is more than one vacancy, candidates; and
- (b) in the case of a Ballot for a bylaw or question, making a legible mark beside “yes” or “no”, whichever way the elector intends to vote.

AFTER VOTING

30. After marking a Ballot Card, the elector will:

- (a) without folding the Ballot Card, insert the Ballot Card into the Secrecy Sleeve in a manner that conceals the names of the candidates or the bylaw or question, and the marks on the face of the Ballot Card made by the elector; and
- (b) leave the voting compartment and immediately deliver the Secrecy Sleeve to the deputy supervising the Ballot Box.

CHECKING AND
INSERTING
BALLOT CARDS

- 31. The deputy supervising at the Ballot Box must verify the deputy's initials on the Ballot Card and cause the Ballot Card to be inserted directly from the Secrecy Sleeve into the Vote Tabulator without exposing the marks made on the Ballot Card by the elector.
- 32. When the elector's Ballot Card has been inserted into the Vote Tabulator, the elector must immediately leave the Voting Station.

SPOILED BALLOT
CARDS

- 33. If an elector has made a mistake when marking a Ballot Card, the elector may return the Ballot Card to the deputy who issued the Ballot Card. If requested, the deputy must issue a replacement Ballot Card to the elector and mark the returned Ballot Card "SPOILED".
- 34. Spoiled Ballot Cards must be retained and kept separately from all other Ballot Cards and must not be counted in the election results.

REJECTED
BALLOT CARDS

- 35. If a Ballot Card is rejected by the Vote Tabulator, the deputy at the Ballot Box must advise the elector to request another Ballot Card. If the elector refuses, the deputy at the Ballot Box must mark the Ballot with the word "REJECTED".
- 36. Rejected Ballot Cards must be retained and kept separately from all other Ballot Cards and must not be counted in the election results.

VOTE TABULATOR
FAILURE

- 37. If the Vote Tabulator fails to work or stops working, the deputy at the Ballot Box must ensure that all Ballot Cards delivered by electors while the Vote Tabulator is not working are inserted into the Auxiliary Ballot Box.

PART VI – ADVANCE AND INSTITUTIONAL

ADVANCE VOTE

- 38. Vote Tabulators will be used to conduct the advance vote.
- 39. The presiding deputy must, upon completion of each day of the advance vote, ensure that:

- (a) no additional Ballot Cards are inserted in the Vote Tabulator between the completion of that day's advance vote and the beginning of the next scheduled advance vote day;
- (b) the Vote Tabulators, complete with Memory Storage Devices, are stored in a secure location specified by the Returning Officer; and
- (c) the Tally Register Tapes for the advance vote are not generated until 8:00 p.m. on Election Day.

INSTITUTIONAL
VOTE

40. Vote Tabulators will be used to conduct the institutional vote unless the Returning Officer otherwise directs that Portable Ballot Boxes will be used.
41. Institutional voting stations may be established by the Returning Officer. Only electors residing in the institution may vote at the institution.
42. The Presiding Deputy must, upon completion of each institutional vote, ensure that:
- (a) no additional Ballot Cards are inserted in the Vote Tabulator between the completion of that institution and the beginning of the next institution;
 - (b) the Vote Tabulators, complete with Memory Storage Devices, are stored in a secure location specified by the Returning Officer; and
 - (c) the Tally Register Tapes for the institution are not generated until 8:00 p.m. on Election Day.

PART VII – SPECIAL BALLOTS

CRITERIA FOR
SPECIAL
BALLOT

43. An elector who meets the requirements in the Act may apply to vote by Special Ballot.

APPLICATION
FOR SPECIAL
BALLOT

44. An elector may apply to the Returning Officer, at a location, address, or telephone as determined and advertised by the Returning Officer, for a Special Ballot at any time between July 1 of the election year and up to 4:00 p.m. on Election Day.
45. An application for a Special Ballot may be made by any one of the following methods:
- (a) in writing
 - (b) by telephone;
 - (c) in person; or
 - (d) by e-mail.

RECEIPT OF
SPECIAL
BALLOTS

46. A Special Ballot must be received by the Returning Officer at the specified location no later than 7:00 p.m. on Election Day.

PROCESSING
SPECIAL
BALLOTS

47. Special ballots will be amalgamated with the Advance Vote ballots and processing of Special Ballots may begin at 7:30 p.m. on Election Day in the Counting Centre. The Tally Register Tapes must not be generated until 8:00 p.m. on Election Day.

PART VIII – POST VOTE PROCEDURES

POST VOTE
PROCEDURE

48. Immediately after the close of the voting station, the presiding deputy must in the presence of at least one other deputy:
- (a) insert the Ballot Cards from the Auxiliary Ballot Box, if any, into the Vote Tabulator;
 - (b) secure the Vote Tabulator so that no more Ballot Cards can be inserted;
 - (c) produce as many copies of the Tally Register Tape from the Vote Tabulator as may be directed by the Returning Officer;
 - (d) together with another deputy, certify, in a manner prescribed by the Returning Officer that the Tally Register Tapes are accurate and that the counters on the Vote Tabulator were zero (0) when the voting stations were opened;
 - (e) report the results to the Returning Officer by:
 - i) delivering the Vote Tabulators, complete with Memory Storage Device, to the Counting Centre, or other location specified by the Returning Officer; or
 - ii) any other means determined by the Returning Officer.
 - (f) remove all voted Ballot Cards and place them in the Ballot Transfer Container;
 - (g) count the unused Ballot Cards, the rejected Ballot Cards and the spoiled Ballot Cards and place them, packaged separately and sealed, in the Ballot Transfer Container along with the voting registers and all statements
 - (h) seal and initial the Ballot Transfer Containers and ensure they are ready to be delivered to the Returning Officer; and
 - (i) complete the ballot account and deliver a copy of the certified Tally Register Tape and the ballot account to the Returning Officer as soon as possible.
49. The Returning Officer may direct that additional reporting procedures be used.
50. Only one candidate, scrutineer, or official agent per campaign may be present at any time in the voting station.

BALLOTS NOT
COUNTED

51. A Ballot will not be counted in the election results if:
- (a) the Ballot Card has not been initialed by a deputy,
 - (b) more votes are cast on the Ballot than an elector is entitled to cast;
 - (c) the Ballot Card is torn, defaced or otherwise marked by an elector so that they can be identified;
 - (d) no vote is cast by an elector or the Ballot has not been marked sufficiently for the Vote Tabulator to discern a vote; or
 - (e) it cannot be read by the Vote Tabulator.

RETURNING
OFFICER
RECOUNT

52. If the Returning Officer makes a recount pursuant to the Act and an Automated Voting System has been used to conduct the election, the voted Ballots shall be recounted by the Automated Voting System.
53. The Returning Officer may make any decision they deem necessary for the storage of the Ballot Boxes and disposition of the contents of the Ballot Boxes.

PART IX – EFFECTIVE DATE AND REPEAL

54. Bylaw 28-2013 is repealed.
55. This bylaw shall come into effect after third reading and upon being signed.

FIRST READING: _____

SECOND READING: _____



THIRD READING: _____

SIGNED THIS ____ day of _____, 20____.

MAYOR

DIRECTOR, LEGISLATIVE AND LEGAL
SERVICES

SCHEDULE A – FORM FOR A BALLOT CARD

 CIVIC ELECTION CITY OF CANADA		
Municipal Election TO VOTE, COMPLETELY FILL IN THE OVAL  NEXT TO YOUR CHOICE. Use only the pen provided. If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.		
MAYOR (maximum one vote)	COUNCILLOR Ward 5 (maximum one vote)	SEPARATE SCHOOL TRUSTEE Ward 1 Electoral Subdivision #1 (maximum one vote)
John A. MacDONALD <input type="radio"/> Wilfred LAURIER <input type="radio"/>	Patsy CLINE <input type="radio"/> Kris KRISTOPHERSON <input type="radio"/> William NELSON <input type="radio"/>	John DOE <input type="radio"/> Jane SMITH <input type="radio"/>