

# Bylaw No. 948-2017

## ELECTION BYLAW

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### A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE PROCEDURES FOR CONDUCTING A MUNICIPAL ELECTION

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**WHEREAS** under the authority of and subject to the provisions of the *Local Authorities Election Act*, RSA 2000, c. L-21, and amendments thereto, Council may establish, by bylaw, election procedures;

**THEREFORE**, the Council of the City of Leduc, in the Province of Alberta, duly assembled, hereby enacts as follows:

#### **PART I: BYLAW TITLE**

1. That bylaw shall be known as the "Election" Bylaw.

#### **PART II: DEFINITIONS**

- 2.1 *Act*: the *Local Authority Elections Act*, RSA 2000, c. L-21, as amended, together with any regulations made thereunder
- 2.2 Automated Voting System: the vote tabulators, memory storage, remote accumulation systems, printers, computers and software used to count votes and generate election results
- 2.3 Auxiliary Ballot Box: the separate compartment in a Ballot box into which electors place their marked Ballots that have not been read by the vote tabulator
- 2.4 Ballot: the paper listing the names of candidates standing for election, and questions or bylaws posed to electors, with places for electors to mark their choices as generally set out in Schedule "A" to this bylaw
- 2.5 Ballot Account: the form prescribed under the Local Election Authorities Forms Regulation, AR 106/2007 and amendments thereto
- 2.6 Ballot Box: the box meeting the specifications of the Ballot Box Regulation, AR 387/2003, modified with an auxiliary Ballot compartment
- 2.7 Bylaw: this Bylaw
- 2.8 City: the Municipal Corporation of the City of Leduc

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- 2.9 City Clerk: administers the legislative process for municipal government
- 2.10 City Manager: means the Chief Administrative Officer of the City or his delegate
- 2.11 Council: the Council of the City
- 2.12 Councillor: an elected official of the City except for the Mayor
- 2.13 Counting Centre: the secure area designed by the Returning Officer
- 2.14 Eligible Electors: electors eligible to vote in a municipal election in accordance with s. 27 and 47 of the *Act*.
- 2.15 Electronic Ballot Marking Device: the electronic device that has an auto instruction and vote confirmation component and Braille-embossed voting buttons that is used by blind or visually impaired electors to mark the Ballot
- 2.16 Institutional Vote: the vote conducted at a hospital, auxiliary hospital, nursing home or seniors' accommodation facility for the benefit of electors confined to, or resident of, those facilities
- 2.17 Mayor: the Chief Elected Official of the City
- 2.18 Portable Ballot Box: the container for voted Ballots in a form meeting the specifications of the Ballot Box Regulation, AR 387/2003 that is not used with a Vote Tabulator
- 2.19 Register Tape: the printed record generated by a Vote Tabulator which shows the votes cast for each election counted and the total votes cast
- 2.20 Returning Officer: the individual appointed by the City Manager who has the powers, duties and functions as set out in the *Act*
- 2.21 Secrecy Sleeve: the open ended envelope used to cover a marked Ballot that conceals the elector's choices but reveals the initials of the Deputy who issued the Ballot to the elector
- 2.22 Vote Tabulator: a device with a memory storage component into which marked Ballots are inserted and which automatically counts the votes on the ballot for an election

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**PART III: ELECTION ADMINISTRATION**

- 3.1 This Bylaw applies to all City elections.
- 3.2 **Returning Officer:** The City Clerk is hereby appointed as the Returning Officer for the City of Leduc for the purposes of conducting elections under the *Act*.
- 3.3 In the event that an election for another Elected Authority is held in conjunction with the City of Leduc election, the provisions of this Bylaw shall apply.
- 3.4 The Returning Officer is authorized to negotiate agreements on behalf of the City of Leduc for the conduct of elections for other Elected Authorities.
- 3.5 The Returning Officer may delegate any of the Returning Officer's powers, duties and functions to deputies appointed pursuant to the *Act*, and will designate a presiding Deputy for each voting station.

**PART IV: PREPARATION FOR ELECTIONS**

- 4.1 **Voting Subdivisions/Stations:** The Returning Officer may create, and alter, the boundaries of Voting Subdivisions.
- 4.2 The Returning Officer will designate the location of each voting station.
- 4.3 The Returning Officer will determine the locations, and dates and times of operation, for both the Advance and Institutional voting stations.
- 4.4 The Returning Officer will provide an electronic Ballot marking device for blind and visually impaired electors to use during the advance vote.
- 4.5 **Nomination Day:** The Returning Officer shall receive nominations at the Civic Centre between the hours of 9 am and 12 noon on Nomination Day.
- 4.6 Every Nomination Paper that nominates a Candidate for the office of Mayor shall contain a minimum of 50 signatures of Eligible Electors and be accompanied by a deposit in the sum of One Hundred (\$100) Dollars.

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- 4.7 Every Nomination Paper that nominates a Candidate for the office of Councillor shall contain a minimum of 25 signatures of Eligible Electors and be accompanied by a deposit in the sum of Fifty (\$50) Dollars.
  - 4.8 The deposit must be provided in cash, by certified cheque or money order payable to the City of Leduc.
  - 4.9 The deposit will be returned to the candidate in accordance with the *Act*.
  - 4.10 **Death:** If after Nomination Day a candidate for any position dies before 9 am on Election Day, the election for that position will be discontinued and the appropriate elected authority will make arrangements for a new election for that position as soon as is practical

### **PART V: BALLOTS**

- 5.1 Following Nomination Day the Returning Officer shall cause sufficient Ballots to be printed in the general form prescribed in Schedule "A" attached hereto and forming part of this Bylaw, unless otherwise prescribed by the Returning Officer.
- 5.2 Ballots shall be assembled in the following order and contain separate categories for:
  - a) candidates for the office of Mayor
  - b) candidates for the office of Councillor
  - c) candidates for the office of School Trustee, if elections are held in conjunction with elections for school board offices
  - d) bylaw and/or question
  - e) any other offices as may be specified by the *Act* or any other applicable legislation
- 5.3 The Returning Officer may differentiate between Ballots containing different elections occurring within the same voting subdivision by colour or other means.

### **PART VI: AUTOMATED VOTING SYSTEMS**

- 6.1 An election may be conducted by means of an Automated Voting System as directed by the Returning Officer.
- 6.2 If an Automated Voting System is not used, the provisions of the *Act* will be followed.

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- 6.3 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, an Institutional Vote, an Incapacitated Election Vote and Special Ballots insofar as is practicable and may be modified as necessary at the discretion of the Returning Officer.
  - 6.4 The Returning Officer must test all vote tabulators in advance of an election to ensure that they are functioning correctly.
  - 6.5 The Returning Officer will take whatever reasonable safeguards may be necessary to secure the vote tabulators from unauthorized access, entry, use or tampering.

### **PART VII: PRE-VOTING PROCEDURES**

- 7.1 In the presence of other deputies, staff, agents and electors, the Presiding Deputy Returning Officer of each voting station using a vote tabulator shall call the vote tabulator to print a copy of all totals in its memory one hour or less before the opening of the voting station.
- 7.2 If the totals are zero for all candidates, questions and bylaws, the Presiding Deputy Returning Officer shall ensure that the zero printout remains affixed to the vote tabulator until the results are printed by the vote tabulator after the voting station closes at 8 pm on Election Day.
- 7.3 If the totals are not zero for all candidates, questions and bylaws, the Presiding Deputy Returning Officer shall immediately notify the Returning Officer and shall conduct the vote by opening and placing the voted Ballots into the auxiliary Ballot compartment until the vote tabulator is operational or replaced. The replacement must adhere to Part VI of this Bylaw.

### **PART VIII: VOTING PROCEDURES**

- 8.1 Prior to issuing a Ballot a Deputy must ensure that:
  - a) the Elector is in the correct voting station;
  - b) the Elector produces identification as required by the *Act*;
  - c) the Elector gives the Statement of Elector Eligibility;
  - d) the Elector completes the Voting Register;
  - e) if the City is conducting an election for the school boards, the elector is asked if they are a resident of the Black Gold Regional Schools Division No. 18 or the Saint Thomas Aquinas Roman Catholic School Division; and
  - f) the Ballot issued to the elector is initialed by the Deputy.

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- 8.2 Upon receipt of the Ballot and secrecy sleeve, the Elector must enter the voting booth alone to mark the Ballot, or with an assistant as permitted by the *Act*.
- 8.3 The Elector may bring a minor child into the voting booth.
- 8.4 The Elector shall mark the Ballot with an "X", or other legible mark, in the space designated for a vote adjacent to the Candidate(s) name(s) of their choice, that clearly indicates the Elector's choice.
- 8.5 When finished marking the Ballot, the Elector shall place the voted Ballot into the secrecy sleeve with the Deputy's initials showing at the top and proceed to the vote tabulator.
- 8.6 The Elector, or the Deputy supervising the vote tabulator and the Ballot box, shall insert the voted Ballot directly from the secrecy sleeve without exposing the choices made on the Ballot by the Elector.
- 8.7 Once the Elector's voted Ballot has been entered into the vote tabulator, the Elector must immediately leave the voting station.
- 8.8 In the event that the Elector makes and inadvertent error in making a Ballot, the Elector may request a new Ballot upon returning the original Ballot to the Deputy who issued the original Ballot. The original Ballot shall be marked as "SPOILED" and will not be counted or included in the tally of election results.
- 8.9 If a Ballot is rejected by the vote tabulator, the Deputy supervising the vote tabulator and the ballot box must advise the Elector to request a new Ballot, and if the Elector:
- a) requests another Ballot, the original Ballot will be marked "SPOILED";
  - b) declines to obtain another Ballot, the original Ballot will be marked "REJECTED".
- A Deputy will retain both the SPOILED and the REJECTED Ballots separately from each other, and from all other Ballots.
- 8.10 If the vote tabulator fails to work, or stops working, the Deputy supervising the vote tabulator and the Ballot box shall:
- a) insert the voted Ballot from the secrecy sleeve into the auxiliary Ballot box; and
  - b) after the closing of the voting station, and in the presence of the Presiding Deputy Returning Officer, candidates, official agents or

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scrutineers, the Deputy will open the auxiliary Ballot box and feed the voted Ballots through the vote tabulator;

- c) if the vote tabulator rejects a Ballot, and it is possible to ascertain the votes on the Ballot, the Deputy will:
  - i. prepare a replacement Ballot duplicating the Elector's choices and mark it "DUPLICATE";
  - ii. mark the word "SPOILED" on the original Ballot;
  - iii. insert the replacement Ballot into the vote tabulator.

8.11 The voting procedure described herein shall, during an Advance Vote, an Institutional Vote and a Special Ballot Vote, as far as possible, apply and may be modified as necessary upon the direction of the Returning Officer.

8.12 Notwithstanding the general voting procedures in this Part, the Returning Officer may choose to conduct an election using a paper Ballot system instead of an automated voting system, in which case, the procedures for such an election prescribed by the Act will be followed.

### **PART IX: POST-VOTING PROCEDURES**

9.1 **Regular Voting Stations:** After a voting station closes, except as modified for special Ballots, institutional voting and advance voting stations, the Presiding Deputy Returning Officer must ensure that the following functions are performed:

- a) any Ballots in the auxiliary ballot box are inserted into the vote tabulator in the prescribed manner for counting;
- b) when all Ballots from the auxiliary ballot box are counted, the vote tabulator will be secured so that no other Ballots can be inserted into it;
- c) two (2) register tapes, or as many as directed by the Returning Officer, will be printed by the vote tabulator and certified by two Deputies;
- d) one (1) register tape will be posted on the wall of the voting station, or another conspicuous place within the voting station;

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- e) election results will be sent to the Returning Officer in a manner prescribed by the Returning Officer;
  - f) unused Ballots are counted;
  - g) ballots marked SPOILED or REJECTED are placed in separate, sealed envelopes;
  - h) all election material from the voting station will be returned to the Civic Centre as indicated by the Returning Officer, ensuring that the Ballot box, with the voted Ballots, is secured as required before transport; and
  - i) the prescribed Ballot account is completed and a copy of the certified register tape is attached to it.
- 9.2 A Presiding Deputy Returning Officer will not allow more than one Candidate, or their Official Agent or Scrutineer, or more than one Official Agent, or one Scrutineer of either side of a vote on any bylaw or question to be present at the same time after the voting stations is closed.
- 9.3 The Returning Officer may make any decision deemed necessary for the storage of the Ballot boxes and disposition of the contents of the Ballot boxes.
- 9.4 **Advance Voting Stations:** After close of the Advance Voting Stations, the Presiding Deputy Returning Officer will ensure the Vote Tabulator is secured and the Ballot box sealed, and return both to the Civic Centre to be held in a secure area.
- 9.5 After 8 pm on Election Day, the Returning Officer, in the presence of a Deputy, as well as scrutineers, candidates or agents, will generate the results tape from the vote tabulator. The Deputy will ensure that the same post vote procedures identified in this bylaw for regular voting stations are followed.

### **PART X: SPECIAL BALLOTS**

- 10.1 An Elector who meets the requirements in the *Act* may in writing, by telephone, by telecopier, in person, by e-mail or via a secure website, apply for a special Ballot:
- a) between August 1 in the year of a general election and 4:30 pm on Election Day for a general election; or



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- b) as determined by resolution of Council for a vote on a question or bylaw that does not coincide with an election.
- 10.2 The Returning Officer will ensure that special Ballots are issued, reviewed and received in accordance with the *Act*.
- 10.3 Special Ballots must be received at the address designated by the Returning Officer no later than 7 pm on Election Day, and upon receipt, a Deputy, in the presence of the Returning Officer, will place each sealed envelope containing a special Ballot into a portable Ballot box designated for special Ballots only.
- 10.4 The special Ballot box will be unsealed at the counting centre after 8 pm on Election Day, and the sealed special Ballots will, in the presence of the Returning Office and a Deputy, as well as scrutineers, candidates or agents, be unsealed and inserted into the vote tabulator designated for special Ballots.
- 10.5 If the vote tabulator rejects a special Ballot, and it is possible to ascertain the votes on the special Ballot, the Returning Officer will follow the same procedure as set out in Part 8.10(c).

### **PART XI: INSTITUTIONAL VOTING**

- 11.1 Institutional voting will take place on the same dates as Advance Voting, at times determined by the Returning Officer.
- 11.2 Electors residing in, and voting at, an Institutional Voting Station may vote after producing one piece of identification as prescribed in the *Act*.
- 11.3 Voting procedures will follow those outlined in Part 8.1 through to 8.8. Electors at an Institutional Voting Station will place their Ballot into a portable ballot box designated for institutional Ballots only.
- 11.4 The institutional ballot box will be unsealed at the Civic Centre after 8 pm on Election Day, and the Ballots will, in the presence of the Returning Office and a Deputy, as well as scrutineers, candidates or agents, be inserted into the vote tabulator designated for institutional Ballots.
- 11.5 If the vote tabulator rejects an institutional Ballot, and it is possible to ascertain the votes on the Ballot, the Returning Officer will follow the same procedure as set out in Part 8.10(c).

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**PART XII: INCAPACITATED ELECTORS**

- 12.1 The Returning Officer will provide an electronic Ballot marking device for incapacitated electors during the Advance Vote.

**PART XIII: RECOUNT**

- 13.1 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.
- 13.2 The Returning Officer and one Deputy will print, and certify, two register tapes from the Vote Tabulator.

**PART XIV: ENACTMENT**

This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS 8<sup>th</sup> DAY OF MAY, 2017.

READ A SECOND TIME IN COUNCIL THIS 23<sup>rd</sup> DAY OF MAY, 2017.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 23<sup>rd</sup> DAY OF MAY, 2017.

"Original Signed"

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**Greg Krischke  
MAYOR**

"Original Signed"

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**Sandra Davis  
CITY CLERK**

May 23, 2017

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Date Signed

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## Schedule A

11	<p><b>LOGO HERE</b></p>		<div style="border: 1px solid black; width: 60px; height: 20px; margin: 0 auto; text-align: center; font-size: 8px;">D.R.O'S INITIALS</div>
21	<p>To vote, fill in the oval (inside the box) that indicates your choice, like this: (Use only the pen provided)</p>		<p style="text-align: right;">Monday October 16, 2017 Local Authorities Election Act (Sections 42, 43, 44)</p>
	<p>1</p> <div style="border: 1px solid black; width: 30px; height: 20px; margin: 0 auto; text-align: center; line-height: 20px;">○</div>	<p>2</p> <div style="border: 1px solid black; width: 30px; height: 20px; margin: 0 auto; text-align: center; background-color: black; color: white; line-height: 20px;">○</div>	
	<p><b>MAYOR</b> Vote for ONE (1) candidate only</p>	<p><b>COUNCILLOR</b> Vote for SIX (6) candidates only</p>	<p><b>SCHOOL TRUSTEE</b> Vote for TWO (2) candidates only</p>
	Candidate <span style="float: right;"><b>ONE</b> ○</span>	Candidate <span style="float: right;"><b>TEN</b> ○</span>	Candidate <span style="float: right;"><b>NINETEEN</b> ○</span>
40	Candidate <span style="float: right;"><b>TWO</b> ○</span>	Candidate <span style="float: right;"><b>ELEVEN</b> ○</span>	Candidate <span style="float: right;"><b>TWENTY</b> ○</span>
41	Candidate <span style="float: right;"><b>THREE</b> ○</span>	Candidate <span style="float: right;"><b>TWELVE</b> ○</span>	Candidate <span style="float: right;"><b>TWENTY ONE</b> ○</span>
42	Candidate <span style="float: right;"><b>FOUR</b> ○</span>	Candidate <span style="float: right;"><b>THIRTEEN</b> ○</span>	Candidate <span style="float: right;"><b>TWENTY TWO</b> ○</span>
43	Candidate <span style="float: right;"><b>FIVE</b> ○</span>	Candidate <span style="float: right;"><b>FOURTEEN</b> ○</span>	Candidate <span style="float: right;"><b>TWENTY THREE</b> ○</span>
	Candidate <span style="float: right;"><b>SIX</b> ○</span>	Candidate <span style="float: right;"><b>FIFTEEN</b> ○</span>	Candidate <span style="float: right;"><b>TWENTY FOUR</b> ○</span>
51	Candidate <span style="float: right;"><b>SEVEN</b> ○</span>	Candidate <span style="float: right;"><b>SIXTEEN</b> ○</span>	Candidate <span style="float: right;"><b>TWENTY FIVE</b> ○</span>
	Candidate <span style="float: right;"><b>EIGHT</b> ○</span>	Candidate <span style="float: right;"><b>SEVENTEEN</b> ○</span>	Candidate <span style="float: right;"><b>TWENTY SIX</b> ○</span>
	Candidate <span style="float: right;"><b>NINE</b> ○</span>	Candidate <span style="float: right;"><b>EIGHTEEN</b> ○</span>	