

BYLAW 15 -2007

A BYLAW OF STRATHCONA COUNTY TO ESTABLISH RULES AND PROCEDURES FOR THE CONDUCT OF ELECTIONS.

WHEREAS the Local Authorities Election Act, R.S.A. 2000, Chapter L-21, as amended, provides for the holding of local elections by municipalities; and

WHEREAS the Local Authorities Election Act provides options with respect to Nomination Day and Election Day hours, Voting Subdivisions, Advance Vote, Institutional Vote, Incapacitated Elector, joint elections and Special Ballots; and

WHEREAS the Local Authorities Election Act provides for the taking of the votes of the Electors by means of voting machines, vote recorders or automated voting systems through the passing of a bylaw that prescribes the form of ballot, directions for the marking of a ballot, and the directions for the voting procedures to be used;

NOW THEREFORE the Council of Strathcona County, in the Province of Alberta, duly assembled, enacts as follows:

PART I: TITLE

1.1 This Bylaw shall be called the Election Bylaw.

PART II: DEFINITIONS

Definitions

- 2.1 Except as otherwise provided for in this Bylaw, the terms used in the Act, where used or referred to in this Bylaw, shall have the same meaning as defined or provided in the Act.
- 2.2 In this Bylaw:
- (a) "Act" means the Local Authorities Election Act, R.S.A. 2000, Chapter L-21, as amended;
 - (b) "Automated Voting System" means an automated or electronic system designed to automatically count and record votes and process and store the election results, and includes, without limiting the generality of the foregoing, the use of Vote Tabulators, voting machines, and vote recorders;
 - (c) "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;

- (d) "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;
- (e) "Ballot Box" means a secure container for Ballot Cards that have been marked by Electors;
- (f) "Ballot Card" means a paper card containing all Ballots to be voted on by Electors from a particular Ward;
- (g) "Counting Centre" means a controlled access area designated by the Returning Officer where election results are determined;
- (h) "Manager" means Manager of Legislative and Legal Services for Strathcona County, or whatever subsequent name shall be conferred on that position from time to time;
- (i) "Marking Device" means a writing instrument approved by the Returning Officer for use by an Elector in marking a Ballot;
- (j) "Memory Card" 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.
- (k) "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;
- (l) "Rejected Ballot Card" means a Ballot Card that has been submitted by the Elector under Section 4;
- (m) "Secrecy Sleeve" means an open-ended envelope in a form approved by the Returning Officer, intended to be used to cover the Ballot Card so as to conceal the markings made on the Ballot Card by the Elector without covering the initials of the Deputy;
- (n) "Special Ballot" means a Ballot Card provided to an Elector pursuant to Section 6;

- (o) "Spoiled Ballot Card" means a Ballot Card that has been submitted by the Elector under Section 4;
- (p) "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 ballots rejected, 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;
- (q) "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.

PART III: STRATHCONA COUNTY ELECTION ADMINISTRATION

APPLI-
CATION OF
L.A.E.A.

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

RETURNING
OFFICER

3.2 The Manager is hereby appointed as the Returning Officer for Strathcona County for the purpose of conducting elections under the Act.

CONDUCT OF
ELECTIONS
FOR OTHER
ELECTED
BODIES

3.3 In the event that an election for another Elected Authority is held in conjunction with the Strathcona County election, the provisions of this Bylaw shall apply to the election for that Elected Authority.

3.4 The Manager is authorized to negotiate agreements on behalf of Strathcona County for the conduct of elections for other Elected Authorities.

NOMINATION
DAY HOURS

3.5 The Returning Officer shall receive nominations between the hours of 9:00 a.m. and 12:00 noon on Nomination Day.

VOTING
HOURS

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

VOTING
SUBDIVISION

3.7 The Returning Officer may divide the Wards into Voting Subdivisions.

3.8 The Returning Officer may alter the boundaries of Voting Subdivisions or create additional Voting Subdivisions as long as the changes are made before notice is given for the election.

DEPOSIT TO
ACCOMPANY
NOMINATION

3.9 Every Nomination Paper which nominates a Candidate for the office of Mayor or Councillor shall be accompanied by a deposit in the amount of One Hundred (\$100.00) Dollars.

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

PART IV: VOTING SYSTEM

USE OF
AUTOMATED
VOTING
SYSTEM

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

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

4.3 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 and an Incapacitated Elector Vote, insofar as is practicable and may be modified as necessary at the discretion of the Returning Officer.

4.4 Notwithstanding anything in this Bylaw, in the event of:

- (a) a malfunction of the Automated Voting System;
- (b) the unavailability of the Automated Voting System or any of its components;
- (c) a defect in the Ballots or Marking Devices; or
- (d) anything related to the operation of the Automated Voting System or any of its components,

the Returning Officer may make any directions that he or she thinks necessary or desirable with respect:

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

4.5 Without restricting the generality of the foregoing, 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.

4.6 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; and
- (b) take whatever reasonable safeguards may be necessary to secure the Automated Voting System from unauthorized access, entry, use or tampering.

BALLOT
CARDS

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

4.8 Ballot Cards for Candidates will be in the general form prescribed in Schedule "A", attached hereto and forming part of 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.

VOTING
PROCEDURE

4.9 On receiving, from a Deputy, the Ballot Card that an Elector is entitled to receive, together with a Secrecy Sleeve, the Elector shall forthwith proceed into the voting compartment provided and shall mark each of his or her Ballots with a Marking Device:

- (a) by completing the arrow pointing to his or her choice of Candidate or Candidates where there is more than one vacancy, and
- (b) in the case of a Ballot for a bylaw or question, completing the arrow pointing to the "yes" or "no" or pointing to the "for" or "against", whichever way he or she desires to vote.

4.10 After marking a Ballot Card, the Elector shall

- (a) without folding the Ballot Card, insert the Ballot Card into the Secrecy Sleeve in such a manner as to conceal 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 at the Ballot Box.

4.11 The Deputy supervising at the Ballot Box shall 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.

4.12 When the Elector's Ballot Card has been inserted into the Vote Tabulator, the Elector must immediately leave the Voting Station.

SPOILED
BALLOT
CARDS

4.13 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.

4.14 If the Elector requests another Ballot Card, the Deputy must issue a new Ballot Card to the Elector and mark the returned Ballot Card "SPOILED".

4.15 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

4.16 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.

4.17 If the Elector refuses to request another Ballot Card, the Deputy at the Ballot Box must mark the Ballot with the word "REJECTED".

4.18 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

4.19 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.

4.20 Once the Vote Tabulator has been repaired or replaced, the Presiding Deputy in the presence of at least one other Deputy may, either before or after the close of the Voting Station, insert the Ballot Cards from the Auxiliary Ballot Box into the Vote Tabulator.

PART V: ADVANCE, INSTITUTIONAL AND INCAPACITATED ELECTOR VOTE

ADVANCE
VOTE

5.1 There will be an Advance Vote for each election.

5.2 Vote Tabulators will be used to conduct the Advance Vote unless the Returning Officer otherwise directs that Portable Ballot Boxes will be used.

5.3 The Returning Officer may, in his or her discretion:

- (a) use one Vote Tabulator for each day of the Advance Vote;
- (b) maintain separate Vote Tabulators for each Elected Authority at the Advance Vote; or
- (c) maintain one or more Vote Tabulators to combine Elected Authorities at the Advance Vote.

5.4 Subject to this Section and any necessary modifications, the voting procedures at the Advance Vote will follow the procedures described in this Bylaw.

5.5 If Vote Tabulators are used for the Advance Vote, 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) no Tally Register Tapes for the Advance Vote are generated; and
- (c) the Vote Tabulators, complete with Memory Cards, are delivered to the Counting Centre, or other location specified by the Returning Officer.

5.6 Where the Vote Tabulators are used for the Advance Vote, the Returning Officer must ensure that:

- (a) the Memory Cards remain secure; and
- (b) the Tally Register Tapes for the Advance Vote are not generated until 8:00 p.m. on Election Day.

INSTITUTIONAL
VOTE

5.7 Institutional Voting Stations shall be established, and Returning Officer may, in his or her sole discretion, designate the location of Institutional Voting Stations.

5.8 Vote Tabulators will be used to conduct the Institutional vote unless the Returning Officer otherwise directs that Portable Ballot Boxes will be used.

INCAPACI-
TATED
ELECTOR AT
HOME VOTE

5.9 If an Elector is unable to attend at a Voting Station because of physical incapacity, that Elector may, before the completion of the Advance Vote and by the date established by the Returning Officer, request that the Returning Officer have two Deputies attend at the Elector's residence to take his or her vote.

5.10 If the request is received by the Returning Officer at least 48 hours before the end of the advance vote period and the Returning Officer is satisfied that the elector is unable to attend at a voting station due to physical incapacity, the Returning Officer must:

- (a) advise the elector that the request has been accepted;
- (b) appoint two deputies to attend at the elector's residence;
- (c) appoint one of the deputies as the Presiding Deputy; and
- (d) inform the elector of the approximate time during the advance vote that the deputies will attend at the residence.

5.11 If the Returning Officer refuses the request, the Returning Officer must advise the elector, and give reasons for it.

5.12 A Portable Ballot Box will be used by the Deputies to take the votes at residences of the Incapacitated Elector.

PORTABLE
BALLOT
BOXES

5.13 Where Portable Ballot Boxes are used for an Advance Vote, Institutional vote and Incapacitated Elector at home vote the Returning Officer shall:

- (a) direct the Portable Ballot Boxes to be opened by Deputies at the Counting Centre on Election Day; and
- (b) direct that all Ballot Cards be removed and inserted into the appropriate Voter Tabulator for counting; and
- (c) direct that a copy or copies of the Tally Register Tape from the Vote Tabulator, be generated at 8 p.m. on Election Day.

PART VI: SPECIAL BALLOTS

6.1 An Elector who is unable to vote at an Advance Vote or at the Voting Station on Election Day because of:

- (a) a physical incapacity,
- (b) absence from the local jurisdiction, or
- (c) being a Returning Officer, Deputy Returning Officer, Constable, Candidate, Official Agent or Scrutineer who may be located on Election Day at a Voting Station other than that for the elector's place of residence

may apply to vote by Special Ballot.

6.2 An application for a Special Ballot may be made by any one of the following methods:

- (a) in writing;
- (b) by facsimile;
- (c) in person;
- (d) by e-mail.

6.3 An Elector may apply to the Returning Officer, at a location or address as determined and advertised by the Returning Officer, for a Special Ballot at any time between that date which is ninety (90) days prior to Election Day and 4:00 p.m. local time on Election Day.

6.4 An application for a Special Ballot must include the following:

- (a) first and last name of the Elector;
- (b) municipal address of the residence of the Elector;
- (c) school Elector status, if the Elector is voting for a school board trustee;
- (d) mailing address to which the Special Ballot is to be sent;
- (e) contact telephone number;
- (f) contact e-mail address, if the Elector is unavailable by telephone; and
- (g) the reason why a Special Ballot is requested.

6.5 On receipt of an application under this Section, the Returning Officer must:

- (a) enter in the Special Ballot Elector register
 - (i) the Elector's name and the Elector's place of residence, and
 - (ii) the name and number of the Voting Subdivision for the Elector's place of residence, and
- (b) cause the appropriate forms to be provided to the applicant.

6.6 The Returning Officer must, on request, make available to any Candidate or a Candidate's Official Agent or Scrutineer in the Voting Station the names and addresses of those Electors in the Voting Station who have applied for and been provided with the appropriate forms under this section.

6.7 On receipt of the appropriate forms pursuant to Section 6.5, the Elector must vote by either writing or printing, in a legible manner, the names of the Candidates of the Elector's choice, or by any other method provided for by the Returning Officer.

6.8 If there is to be a vote on a bylaw or question, the wording will be supplied as part of the appropriate forms.

6.9 After marking the appropriate forms, the Elector must

- (a) place them in the ballot envelope,
- (b) seal the ballot envelope,
- (c) place the ballot envelope in the certificate envelope,
- (d) complete and sign Part 1 of the certificate and seal the certificate envelope,
- (e) place the certificate envelope in the outer envelope, and
- (f) seal the outer envelope.

6.10 The outer envelope, when sealed, must be forwarded so that it reaches the Returning Officer not later than 4:00 p.m. local time on Election Day.

6.11 On receipt of the outer envelope, the Returning Officer must open the outer envelope, remove from it the certificate envelope and determine:

- (a) whether the name on the certificate envelope is the same as that of an individual already recorded in the Special Ballot Elector register under this section, and
- (b) whether Part 1 of the certificate is properly completed.

6.12 On determining that the Elector is recorded in the Special Ballot Elector register, that Part 1 of the certificate is properly completed, the Returning Officer must:

- (a) sign Part 2 of the certificate,
- (b) record in the Special Ballot Elector register in the appropriate column the date and time the Returning Officer received the certificate envelope,
- (c) open the certificate envelope, remove from it the sealed ballot envelope and place the sealed ballot envelope in a sealed ballot box marked "Special Ballot", and
- (d) enter in the Special Ballot Elector register, in the appropriate column, the word "voted" and the reason for using the Special Ballot, that is, physical incapacity, absence, election officer, Candidate, Official Agent or Scrutineer.

6.13 If the Returning Officer is not satisfied:

- (a) that Part 1 of the certificate is properly completed,
- (b) that the Elector has not already been entered on the Special Ballot Voter Register, or
- (c) that the Elector has not already returned a Special Ballot,

the Returning Officer must retain the certificate envelope unopened, treat the Ballot Card in the envelope as a REJECTED Ballot Card and mark the certificate envelope accordingly.

6.14 If the Returning Officer cannot determine whether a certificate is valid under Section 6.12 or rejected under Section 6.13 or the Returning Officer is of the opinion that the Special Ballot does not meet the requirements of this Bylaw, the Returning Officer must forthwith notify a person appointed by the Minister pursuant to the Act and set the unopened certificate envelope aside in a secure ballot box to be reviewed by that person.

6.15 If the certificate is declared valid under Section 6.14, the Returning Officer must treat the ballot as a ballot to which Section 6.12 applies.

6.16 If the certificate is declared rejected under Section 6.14, the Returning Officer must treat the ballot as a ballot to which Section 6.13 applies.

6.17 At the close of the Voting Stations on Election Day, the Special Ballots will be amalgamated with the Advance Vote Ballots at the Counting Centre and fed through a Vote Tabulator.

LATE
RECEIPT
OF
SPECIAL
BALLOT

6.18 If an outer envelope is received by a Returning Officer after the time and date set out in Section 6.10, the ballot it contains must be considered a rejected ballot and the outer envelope must be retained unopened by the Returning Officer, who must record on it the reason for its rejection.

PART VII: POST VOTE PROCEDURES

POST VOTE
PROCEDURE

7.1 Immediately after the close of the Voting Station, the Presiding Deputy shall 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 in one or all of the following ways:
 - (i) by transmitting the results electronically from the Vote Tabulator;
 - (ii) by delivering the Vote Tabulators, complete with Memory Cards, to the Counting Centre, or other location specified by the Returning Officer;
 - (iii) by telephone;
 - (iv) or by any other means determined by the Returning Officer.
- (f) package and seal all voted Ballot Cards and replace them in the Ballot Box;
- (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 Box along with the Voting Registers and all statements;
- (h) seal and initial the Ballot Box(es) and ensure it is 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.

7.2 The Returning Officer may direct that additional reporting procedures be used.

7.3 A Presiding Deputy shall not permit more than one Candidate, or his or her Official Agent, or his or her 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 station is closed.

BALLOTS NOT
COUNTED

7.4 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 he or she 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

7.5 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.

STORAGE, RETENTION & DISPOSITION OF ELECTION MATERIAL

7.6 Upon completion of the tabulation of the election results the Manager shall retain the programs and memory packs from the Automated Voting System in accordance with the provisions of the Act pertaining to the retention of election material.

7.7 The Manager may make any decision he or she deems necessary for the storage of the Ballot Boxes and disposition of the contents of the Ballot Boxes.

PART VIII: EFFECTIVE DATE AND REPEAL OF BYLAWS

8.1 This Bylaw repeals Bylaw 11-2004.

8.2 This Bylaw shall come into effect after third reading and upon being signed.

READ a first time this 20 day of February, 2007.

READ a second time this 20 day of February, 2007.

READ a third time and finally passed this 20 day of February, 2007.

Cathy Dean
MAYOR

[Signature]
Manager, Legislative & Legal Services

Date Signed: February 23, 2007

SCHEDULE A – FORM FOR A BALLOT CARD

**CIVIC ELECTION
CITY OF CANADA**

To Vote, completely fill in the arrows) ←

Pointing to your choice like this. ←

Use Only The Special Pen Provided

MAYOR <small>(maximum of 6 votes)</small>	COUNCILLOR Ward 5 <small>(maximum of 6 votes)</small>	SEPARATE SCHOOL TRUSTEE Ward 1 <small>Electoral Subdivision #1 (maximum of 4 votes)</small>
AYKROYD, Dan ←	LAVIGNE, Avri ←	THOMAS, Dave ←
CANDY, John ←	DION, Coline ←	BAILEY, Donovan ←
FOX, Michael J. ←	ROY, Patrick ←	KIDDER, Margot ←
CAMPBELL, Neve ←	TWAIN, Shania ←	FURTADO, Nathy ←
		SHATNER, William ←

QUESTION NO. 1

Insert wording of question to be responded to.

YES ←

NO ←