

**ADMINISTRATIVE CONSOLIDATION OF BYLAW 35-20
AS OF FEBRUARY 8, 2021**

BYLAW 35-20

**A BYLAW OF THE TOWN OF OKOTOKS
IN THE PROVINCE OF ALBERTA
TO ESTABLISH A THE PROCEDURES FOR
CONDUCTING A MUNICIPAL ELECTION**

(As amended by Bylaw 04-21)

WHEREAS the *Local Authorities Election Act*, Chapter L-21, RSA 2000, as amended, (hereinafter referred to as the “*Act*”), provides for the holding of local elections by municipalities;

NOW THEREFORE the Council of the Town of Okotoks enacts as follows:

1. SHORT TITLE

1.1 This Bylaw may be known as the “Election Procedures Bylaw”.

2. DEFINITIONS

2.1 Except as otherwise provided for in this Bylaw, the terms used in the *Act*, where used or referred to in the Bylaw, shall have the same meaning as defined or provided in the *Act*.

2.2 In this Bylaw, the following terms shall have the following meanings:

- a) “advance vote” means a vote taken before election day;
- ~~a)~~ b) “automated voting system” means an automated or electronic system designed to automatically count and record votes and process and store the election results;
- ~~b)~~ c) “ballot” means the paper card containing all offices, questions, bylaws, or any other legislated vote indicating all available selections to the electors and containing spaces to mark their choices;
- ~~c)~~ d) “ballot account” means an account of ballots prepared in the form required by the *Act*;
- ~~d)~~ e) “ballot box” means a container, in a form approved by the Returning Officer, intended to contain the voted ballots for the vote tabulators at the voting station;

e) f) “by-election” means:

- i. an election to fill a vacancy on a council other than at a general election, or
- ii. a vote on a bylaw or question;

g) “election day” means either:

- i. the day fixed for voting at a general election; or
- ii. the day fixed for voting at a by-election;

and does not include advance vote;

f) h) “election officials” includes the Presiding Deputy Returning Officer(s), staff, appointed election workers, and information technology contractors;

i) “general election” means an election held for all the members of an elected authority to fill vacancies caused by the passage of time;

g) j) “Instructions for Electors” means explicit directions for the elector to follow regarding how to complete the ballots, in the form approved by the Returning Officer;

h) k) “marking devices” means the pen marker or other permanent ink instrument, approved by the Returning Officer, for the use in marking ballots by the elector;

i) l) “memory pack” means a cartridge or memory unit that plugs into the vote tabulator where all tabulated totals are stored for the voting subdivision;

m) “Presiding Deputy Returning Officer” means a deputy who has been appointed as a presiding deputy pursuant to the *Act* by the Returning Officer;

j) n) “portable ballot box” means a cardboard container in the prescribed form, approved by the Returning Officer and intended for the use in the collection of voted ballots in an institutional vote, advance vote, or incapacitated vote;

k) o) “Returning Officer” means a person appointed under the *Act* as a returning officer and includes a person acting in the returning officer’s place;

l) p) “secrecy sleeve” means an open ended envelope, in a form approved by the Returning Officer, intended to be used to cover the ballot so as to

conceal the markings made on the ballot by the elector without covering the initials of the election official;

~~m)~~ q) “spoiled ballot” means a ballot which:

- i. has not been marked, or has not been marked sufficiently for the vote tabulator to discern a vote;
- ii. has been marked for more candidates than there are offices to be filled, or where there is only one vacancy, for more than one candidate; or in the event of a bylaw or question, has been marked both in the affirmative and negative;
- iii. has been marked outside of the space indicated on the ballot for the placing of a mark;
- iv. has been torn, defaced, or dealt with in such a way by an elector so that they can thereby be identified;
- v. does not bear the initials of the election officials.

~~n)~~ r) “tally register tape” means the printed record generated by a vote tabulator showing the number of accepted ballots, the ballots read, and the results of the ballots read by the vote tabulator;

~~o)~~ s) “vote tabulator” means a unit of the automated voting system designed for use at the voting station to receive ballots and automatically scan a specified area or areas on the ballot and record the results;

~~p)~~ t) “voting station” means an area designated by the Returning Officer in a controlled access building and equipped for the counting of votes and the tabulation of election results.

3. NOMINATION FEES

3.1 Every nomination paper filed for the office of Councillor shall be accompanied by \$250.00 in Canadian funds, and every nomination paper filed for the office of Mayor shall be accompanied by \$500.00 in Canadian funds; and said deposit is to be provided in cash, ~~debit card~~, certified cheque, or money order.

3.2 ~~For the 2021 municipal general election deposits can be provided for using a debit card or credit card. (Bylaw 04-21)~~

4. RETURNING OFFICER

- 4.1 The Returning Officer is authorized to appoint the election officials they deem necessary for the fulfillment of election duties. The Returning Officer and the Presiding Deputy Returning Officer(s) are authorized to further sub-delegate any duties necessary for the fulfillment of responsibilities assigned by this Bylaw or by the *Act*.
- 4.2 The Returning Officer is authorized to determine and designate more than one voting station for the voting subdivision as permitted by the *Act*.
- 4.3 The Returning Officer is authorized to enter into an agreement with the public and separate school divisions for the joint conduct of a general election or any other levels of government under applicable legislation, if required.

5. INCAPACITATED ELECTORS

- 5.1 The Returning Officer may direct that the portable ballot boxes, as defined in this Bylaw, be used for the collection of voted ballots of such incapacitated voters at home, if this type of voting is provided as permitted under the *Act*.
- 5.2 Incapacitated elector at home voting will be provided during the hours an advance voting station is open and at the times fixed by resolution of Council, in order to take the votes of an elector who, because of physical incapacity, is unable to attend a voting station or an advance voting station.
- 5.3 If an incapacitated vote at home is being conducted, the Returning Officer shall take such steps as are necessary to ensure the incapacitated voting at home procedures shall, as nearly as possible, follow the voting procedures at the voting station.

6. ADVANCE VOTES

- 6.1 An advance vote will be held and conducted on the dates and during the hours as determined by the Returning Officer.
- 6.2 The Returning Officer may direct that the voted ballots of advance vote electors are to be collected in portable ballot boxes.

7. INSTITUTIONAL VOTING

- 7.1 For the purpose of conducting institutional voting, the Returning Officer ~~shall~~ **may** determine and designate the time or times during which the votes in the designated institutions shall be taken and may appoint the election officials necessary for the taking of the institutional votes.

- 7.2 Portable ballot boxes, as defined in this Bylaw, shall be provided for the collection of the voted ballots of the electors who vote as part of the institutional vote.
- 7.3 If an institutional vote is being conducted, the Returning Officer shall take such steps as are necessary to ensure the institutional voting procedures shall, as nearly as possible, follow the voting procedures at the voting station.

8. AUTOMATED VOTING SYSTEM

- 8.1 The taking of votes of the electors and the tabulation of election results may be done by means of an automated voting system, as directed by the Returning Officer.
- 8.2 In the event that an automated voting system is used in the election, the Returning Officer:
- a) shall be satisfied prior to the date of the election, that the automated voting system has been pre-tested and is accurate and in good working order; and
 - b) shall take whatever reasonable safeguards may be necessary to secure the automated voting system (including the vote tabulators and the ballot boxes) from unauthorized access, entry, use, tampering, or any unauthorized use of the ballots or tabulated results.
- 8.3 Despite anything in this Bylaw, in the event of:
- a) a malfunction of the automated voting system;
 - b) a defect in the ballots or ballot marking devices, or
 - c) subject to clause 10.10 of this Bylaw, anything related to the operation of the automated voting system or any of its components, the Returning Officer may make any direction that they think is necessary or desirable with respect to:
 - i. the voting procedure to be used;
 - ii. the taking of votes;
 - iii. the counting of votes;
 - iv. where required, for a recount under the *Act*.

9. FORM OF BALLOT

- 9.1 Following nomination day, the Returning Officer shall cause sufficient ballots for the election to be printed.
- 9.2 The ballot shall be assembled in the following order and consist of a composite ballot, where possible, for:
- 1) a) candidates for the office of the Mayor;
 - 2) b) candidates for the office of Councillor;
 - 3) c) candidates for the office of public school Trustees, or separate school Trustees if elections are held in conjunction with elections for public or separate school board offices;
 - 4) d) questions(s);
 - 5) e) any other offices or votes as may be specified or required by the *Act* or any other applicable legislation.
- 9.3 Ballots for candidates may be in the general form prescribed by the Returning Officer.
- 9.4 In the event the general election is held in conjunction with the election of school board Trustees, or any other offices or votes as may be required by the *Act* or other applicable legislation, the Returning Officer may direct that separate ballots be printed, containing the ballots for the offices of Mayor, Councillors, and other ballots, and either the public school Trustee ballot(s) or the separate school Trustee ballot(s), or other required votes.

10. VOTING PROCEDURES

- 10.1 ~~Voting stations shall be kept open continuously on Election Day from 6:00 a.m. to 8:00 p.m.~~
- Voting stations shall be kept open continuously from:
- a) 6:00 a.m. to 8:00 p.m. on general election election day; and
 - b) 10:00 a.m. to 8:00 p.m. on by-election election day.
- 10.2 A copy of the Instructions for Electors shall be posted at each voting compartment in each voting station and at conspicuous locations within the voting station, and shall remain posted until the close of the voting station.

- 10.3 In the presence of other election officials, agents, and electors, election officials shall cause the vote tabulator to print a copy of all totals in its memory pack one hour or less before the opening of the voting station.
- 10.4 If the totals are zero for all candidates, questions, and bylaws, the election officials shall ensure that the zero printout remains affixed to the vote tabulator until the results are printed by the vote tabulator after the close of the voting station at 8:00 p.m.
- 10.5 Every person who wishes to vote shall:
 - a) make the statement of elector eligibility in the prescribed form required by the *Act*; and
 - b) produce identification that validates the person's identity and address as prescribed in the *Act* or an elector vouches for the person's identity and address as prescribed by the *Act*.
- 10.6 Once permitted to vote, the elector shall be given the appropriate ballot(s) that has been initialed by the election official, and a secrecy sleeve.
- 10.7 Upon receiving the ballot(s) and secrecy sleeve(s), the elector shall forthwith proceed to the voting compartment to vote.
- 10.8 While the elector is in the voting compartment, they shall mark the ballot(s) using only the marking device provided by completing an oval in the space designated for a vote adjacent to the candidate's name or, where there is more than one vacancy, the candidates of their choice. Where the ballot includes a bylaw or question, the elector shall mark their vote within the portion of the ballot containing the affirmative or negative.
- 10.9 The elector may not mark their ballot for more candidates than there are offices to be filled, or, where the ballot includes a question or a bylaw, the elector may not mark their ballot both in the affirmative and negative for any one bylaw or question.
- 10.10 After the elector has finished marking the ballot(s) and has completed voting, they shall:
 - a) insert the ballot(s) into the secrecy sleeve(s) without showing the markings on the ballot(s) to anyone and without folding the ballot(s); and
 - b) leave the voting compartment and deliver the secrecy sleeve(s) containing the ballot(s), to the election official supervising the ballot box and the vote tabulator; and

- c) observe the placing of their ballot(s) through the tabulator into the ballot box by the election official; or place their ballot(s) through the tabulator into the ballot box themselves, if desired.

10.11 In the event that the elector has inadvertently dealt with their ballot:

- a) in a manner that it cannot be used as a ballot; or
- b) so that the ballot presented by the elector to the election official has been spoiled, the elector may:
 - i. request another ballot wherein the election official must issue a new ballot to the elector and mark the returned ballot "spoiled". Spoiled ballots must be retained and kept separately from all other ballots.
 - ii. refuse to request another ballot wherein the election official will override the vote tabulator to accept the ballot, if possible, otherwise the spoiled ballot will be retained and kept separately from all other ballots.

10.12 Where a vote tabulator is available in the voting station but fails to operate, the:

- a) ballot(s) shall be inserted into a separate ballot box designed for the storage of marked but untabulated ballots; and
- b) ballot(s) shall be inserted into a vote tabulator following the close of the voting station.

10.13 The voting procedure prescribed herein shall, during an advance vote, an institutional vote, and an incapacitated vote, insofar as is practicable, apply and may be modified as necessary upon the direction of the Returning Officer.

10.14 Each elector shall follow the voting procedures in this Bylaw and as outlined in the Instructions for Electors posted in the voting station, and upon the deposit of their ballot(s) into the ballot box, the elector shall immediately leave the voting station.

10.15 Election officials may request anyone not directly engaged in the voting process to leave the voting station.

11. POST VOTE PROCEDURES

11.1 Immediately after the close of the voting station, the Returning Officer or election officials shall:

- a) secure the vote tabulator(s) from receiving any more ballots;
- b) forthwith deliver the vote tabulator and ballot boxes to the counting centre;

- c) activate the vote tabulator to produce the number of copies of the tally register tape, as directed by the Returning Officer, complete the ballot account, and attach one (1) copy of the tally register tape to the ballot account;
 - d) count the unused ballots and place the unused ballots, the voted ballots, and the spoiled ballots together with the voting register, two (2) copies of the tally register tape, and all oaths, declarations, and statements, if any, in the ballot boxes; and
 - e) seal and initial the ballot boxes and provide the sealed ballot boxes for the delivery to the Municipal Centre for storage or as directed by the Returning Officer.
- 11.2 Ballots which are spoiled shall not be counted in the tabulation of results for the election.
- 11.3 The portable ballot boxes used in the advance vote, the incapacitated vote, and the institutional vote, shall be sealed upon the completion of voting in the vote in which they are used, and shall not be unsealed and opened until the close of voting stations on Election Day.
- 11.4 The Returning Officer may direct that the sealed portable ballot boxes be brought to the voting station where they remain sealed until they are opened for the counting of ballots by the automated voting system, and may make any other direction he/she deems necessary for the storage and disposition of the portable ballot boxes.
- 11.5 If the Returning Officer makes a recount, pursuant to the *Act*, the voted ballots will be recounted by the same automated voting system.
- 11.6 Upon the completion of the tabulation of the election results, the Returning Officer shall retain the programs and the memory packs of the automated system as provided for in the *Act* for the keeping of ballots.
- 11.7 If, at the close of the polls, the Returning Officer is of the opinion that it is impracticable to count the vote with the vote tabulator, the Returning Officer may direct that all the votes cast in the election be counted manually following, as far as practicable, the provisions of the *Act* governing the counting of the votes.

12. GENERAL

- 12.1 The Returning Officer, when necessary, is hereby authorized to make application to the Minister of Municipal Affairs and to the Lieutenant Governor in Council for the requisite directions or regulations pursuant to the *Act*, respectively, for the

approval and implementation of the procedure prescribed by this Bylaw, or any other directions or regulations for conducting an election permitted by the *Act*.

- 12.2 In the event that the election for the offices of Councillors and Mayor are held in conjunction with an election for public or separate school board Trustees or any other legislated votes, provisions of this Bylaw shall apply *mutatis mutandis* to the other election.

This Bylaw shall come into full force and effect upon third and final reading, and Bylaws 46-98 and 13-17 shall be repealed.

Bylaw 35-20 received third and final reading October 26, 2020.

ORIGINAL SIGNED BY
MAYOR AND CHIEF ADMINISTRATIVE OFFICER

Bylaw 04-21 received third and final reading February 8, 2021.

ORIGINAL SIGNED BY
MAYOR AND CHIEF ADMINISTRATIVE OFFICER