PARKLAND COUNTY
PROVINCE OF ALBERTA

BYLAW 2017-06

BEING A BYLAW OF PARKLAND COUNTY TO ESTABLISH CONDITIONS AND PROCEDURES FOR THE CONDUCT OF ELECTIONS AND REPEAL PRECEDING ELECTION BYLAWS

WHEREAS pursuant to sections 2 and 3 of the *Local Authorities Election Act*, R.S.A. 2000 c. L-21, an elected authority may, by resolution, enter into an agreement with one or more elected authorities for the conduct of an election;

WHEREAS pursuant to section 29 of the *Local Authorities Election Act*, an elected authority may, by bylaw, require that every nomination be accompanied by a deposit in the amounts specified by bylaw;

WHEREAS pursuant to section 33 of the *Local Authorities Election Act*, an elected authority may, by bylaw, provide for events in circumstances of a death of a candidate;

WHEREAS pursuant to section 46 of the *Local Authorities Election Act*, an elected authority may, by bylaw, provide for a voting station to be opened before 10:00 a.m.;

WHEREAS pursuant to section 73 of the *Local Authorities Election Act*, an elected authority may, by resolution, provide for the holding of an advance vote on any vote to be held in an election;

WHEREAS pursuant to section 84 of the *Local Authorities Election Act,* an elected authority may, by bylaw, provide for the taking of the votes by the electors by means of voting machines, vote recorders or automated voting system, and the bylaw shall 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;

WHEREAS pursuant to section 160(2) of the *Local Authorities Election Act*, an elected authority may apply to the relevant Minister to authorize, by order, the passing of a bylaw to allow modification of voting procedures such as allowing for more than one voting station in each voting subdivision;

WHEREAS pursuant to section 148 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 and Parkland County Bylaws 63-2003 and 2015-20, the County is divided into wards and councillors are elected for each ward;

WHEREAS pursuant to section 150 of the *Municipal Government Act* and Parkland County Bylaw 63-2003, the chief elected official of the County is elected by a vote of the electors in accordance with the provisions of the *Local Authorities Election Act*;

WHEREAS pursuant to section 157 of the *Municipal Government Act*, the term of office of councillors is governed by the *Local Authorities Election Act*;

WHEREAS pursuant to section 162 of the *Municipal Government Act*, council must hold by-elections to fill vacancies in specified circumstances;

WHEREAS pursuant to section 163 of the *Municipal Government Act*, a vacancy in the office of the chief elected official must be filled in specified circumstances;

WHEREAS Council enacted Voter Identification Bylaw No. 2013-01, pursuant to section 53(1) of the *Local Authorities Election Act*, R.S.A. 200, c. L-21;

WHEREAS the Parkland County Voter Identification Bylaw 2013-01 is no longer required as section 53(1) of the *Local Authorities Election Act*, R.S.A. 200, c. L-21 adequately provides for the forms of identification to prove elector eligibility in an election;

NOW THEREFORE the Council of Parkland County hereby enacts as follows:

TITLE

1.   This bylaw shall be called the "Election Bylaw".

DEFINITIONS

2.   In this bylaw, unless the context otherwise requires:

(1)   "Automated Voting System" means a system of taking of the votes by means of voting machines, vote recorders, and/or any other devices, printers, or systems required for automated voting;

(2) "Auxiliary Ballot Box" means a separate compartment in the ballot box for Ballot Cards that have been marked by Voters but not counted by the Vote Tabulator;

(3) "Ballot" means a paper ballot or a Ballot Card;

(4) "Ballot Account" means an account of ballots prepared in the form required by the *Local Authorities Election Act*;

(5) "Ballot Box" means the container for paper ballots or Ballot Cards that have been marked by the Voters;

(6) "Ballot Card" means a paper card to be used with The Vote Tabulator;

(7) "Ballot Transfer Box" means a box used to transport election materials from a voting station to the Returning Officer;

(8) "Council" means the municipal Council of Parkland County;

(9) "County" means Parkland County;

(10) "Deputy" means a Deputy Returning Officer appointed by the Returning Officer to assist with an election;

(11) "Designated Deputy" means a Deputy Returning Officer appointed by the Presiding Deputy;

(12) "Elector" means a person eligible under the *Local Authorities Election Act* to vote at an election;

(13) "Legible Mark" means a mark (including an X) in the space provided on a paper ballot or Ballot Card denoting the choice of the voter;

(14) "Local Authorities Election Act" means the *Local Authorities Election Act*, R.S.A. 2000, C L-21, and amendments thereto;

(15) "Municipal Election" means any by-election or vote on a bylaw or question held in the municipality to elect a member or members of Council or the members of a Board of Trustees, or to determine a vote on a bylaw or question, or any combination of these alternatives;

(16) "Presiding Deputy" means a Presiding Deputy Returning Officer who has been appointed by the Returning Officer to be in charge of a voting station;

(17) "Register Tape" means the printed record generated from a Vote Tabulator which shows:

    a.   the number of ballots received,

    b.   the number of votes for each candidate, and

    c.   where there is a vote on a bylaw or question, the number of votes for and against each bylaw or question;

(18) "Returning Officer" means a person appointed under the *Local Authorities Election Act* as a returning officer and includes a person acting in the returning officer's place;

(19) "Secrecy Sleeve" means an open-ended envelope used to cover Ballot Cards to conceal the Voter's marks but reveal the initials of the Deputy;

(20) "Vote Tabulator" means a machine into which Ballot Cards are inserted and:

    a.   records the number of votes for each candidate, and

    b.   where there is a vote on a bylaw or question, records the number of votes for and against each bylaw or question;

(21) "Voter" has the same meaning as "elector" under the *Local Authorities Election Act*.

WARD BOUNDARIES AND COUNCIL COMPOSITION

3. Wards, ward boundaries and the composition of Council are determined by Parkland County Bylaw No. 63-2003 and Bylaw No. 2015-20.

ELECTION ADMINISTRATION

4. The Chief Administrative Officer shall appoint the Returning Officer for the municipality of Parkland County (hereinafter referred to as the "Returning Officer"). The Returning Officer may appoint a Substitute or Assistant Returning Officer, and by one or more Deputies and by other such persons as necessary to carry out Election duties under the *Local Authorities Election Act*.

5. The Returning Officer is authorized to enter into agreements, on behalf of the County, to conduct elections on behalf of other local jurisdictions in Parkland County whose boundaries may or may not be contiguous with the County but do have areas in common.

CANDIDATE NOMINATION DEPOSIT

6.   Every nomination must be accompanied by a deposit of one hundred dollars ($100.00) in the form of cash, bank draft or money order.

DEATH OF A CANDIDATE

7.   If a candidate for any position dies after being nominated but before 9:00 a.m. on Election Day, the election for that position will be discontinued, and the appropriate elected authority will arrange a new election for the position as soon as practicable.

8.   The Returning Officer shall cause a notice that the position election is discontinued to be posted in a conspicuous location at all the relevant voting stations.

VOTING STATION HOURS

9.   Voting stations are to be open from 9:00 a.m. until 8:00 p.m. on Election Day, and these hours also apply to voting stations in areas that are subject to an agreement for Parkland County to conduct an election for another elected authority.

VOTER REQUIREMENTS

10.   A voter must produce the required identification to be permitted to vote, as prescribed by the *Local Authorities Election Act.*

ADVANCE VOTE

11.   There will be an Advance Vote for a Municipal Election, to be held on the dates and times set by the Returning Officer.

12.   The procedures to be followed for an advance vote are those procedures set out in the *Local Authorities Election Act.*

USE OF AUTOMATED VOTING SYSTEM

13.   The Returning Officer may decide to conduct an election by using an Automated Voting System.

14.   The form of the Ballot Card shall be as prescribed in Schedule A to this bylaw.

15.   Notwithstanding anything in this bylaw, in the event of malfunction, unavailability, defect, or anything related to the operation of an Automated Voting System or any of its components, the Returning Officer may make any directions that they believe necessary or desirable with respect to the voting procedures to be used to the taking, counting, and recounting (when required, pursuant to section 98 of the *Local Authorities Election Act*) of the votes.

16.   Without restricting the generality of section 15 of this bylaw, if it becomes impossible or impractical to count the ballots with the Vote Tabulator, the Returning Officer may direct that the ballots:

(1)   be counted manually, or

(2)   be duplicated and counted following the procedure in section 38 of this bylaw;

following as far as practicable the provisions of the *Local Authorities Election Act* governing the counting of ballots.

17.   The Returning Officer must conduct a test of an Automated Voting System before each election and must be satisfied that it is in good working order.

18.   As soon as the test of the Automated Voting System is completed, the Returning Officer must secure any memory storage devices and ensure that they will remain secured until the election.

AUTOMATED VOTING PROCEDURES

19.   If requested by a Voter before voting, a Deputy must explain voting procedures.

20.   A Deputy responsible for issuing Ballot Cards will:

(1)   ensure that the Voter produces the required identification as provided in section 8 of this bylaw;

(2)   ensure that the Voter gives the Statement of Elector Eligibility;

(3)   ensure that the Voting Register is completed;

(4)   if an agreement has been entered into with a School District, ask the Voter if the Voter is a resident of the School District;

    (5)   initial the appropriate Ballot Card and give it to the Voter in a Secrecy Sleeve, and where necessary, the ballot marking pen and any further instructions the Voter requests.

21.   Unless section 32 applies, immediately after receiving the Ballot Card, the Voter must go to the voting compartment to vote.

22.   When marking the ballot, the Voter may:

    (1)   only vote by making a Legible Mark on each ballot beside the chosen candidate (or candidates, where there is more than one vacancy), and where there is a vote on a bylaw or question, beside "yes" or "no";

    (2)   mark only up to the same number of spaces on a ballot as the number of vacancies in office, and may not mark more than one space on a ballot for each bylaw or question.

23.   Once the Voter has finished marking the Ballot Card, the Voter must insert the Ballot Card into the Secrecy Sleeve without showing the markings on the Ballot Card to anyone, and without folding the Ballot Card, and return the Ballot Card to the Deputy at the Ballot Box.

24.   The Deputy at the Ballot Box must:

    (1)   ensure that the Ballot Card was initialed by a Deputy, and

    (2)   insert the Ballot Card directly from the Secrecy Sleeve into the Vote Tabulator, ensuring that the ballots are not exposed.

25.   If a Voter has made a mistake when marking a Ballot:

    (1)   the Voter may return the Ballot Card to the Deputy, and

    (2)   the Deputy must issue a new Ballot Card to a Voter and mark the returned Ballot Card "SPOILED" if the Deputy is satisfied that the Voter made a mistake.

26.   If a Ballot Card is rejected by the Vote Tabulator, the following procedures are to be followed:

    (1)   the Deputy must advise the Voter to request another Ballot Card.

    (2)   if the Voter requests another Ballot Card, the Deputy must issue a new Ballot Card to the voter and mark the returned Ballot Card "SPOILED."

    (3)   if the Voter refuses to request another Ballot Card, the Deputy at the Ballot Box must mark the Ballot Card with the word "REJECTED."

27.   SPOILED Ballot Cards must be retained and kept separately from all other Ballot Cards and must not be counted in the election results.

28.   REJECTED Ballot Cards must be retained and kept separately from all other Ballot Cards.

29.   Subject to the determination made by the Returning Officer on a recount, a ballot counted by the Vote Tabulator is valid and will be counted in the election results.

30.   Once the Ballot Card has been inserted into the Ballot Box, the Voter must immediately leave the voting station.

31.   If the Vote Tabulator fails to work or stops working, the Deputy at the Ballot Box must insert into the Auxiliary Ballot Box all Ballot Cards delivered by Voters while the Vote Tabulator is not working.

32.   A Voter who is unable to read, or who is incapacitated by blindness or another physical condition from marking the ballot, can request assistance in marking the ballot from the Presiding Deputy, as follows:

    (1)   upon the incapacitated Voter making the Statement of Incapacitated Elector, the Presiding Deputy shall assist that Voter in marking the ballot.

    (2)   a Voter who is unable to read, or who is incapacitated by blindness or another physical condition from marking the ballot, can choose to be assisted by a friend who has accompanied the Voter to the voting station.

    (3)   the incapacitated Voter must give the Statement of Incapacitated Elector and the friend must give the Statement of Friend of Incapacitated Elector before being allowed to vote under this section.

POST VOTE PROCEDURES

33.   Immediately after the voting station is closed, the Presiding Deputy must, in the presence of at least one and any additional officers that he or she considers necessary, and the candidate(s), or scrutineer(s), or agent(s), if any,

    (1)   insert the Ballot Cards from the Auxiliary Ballot Box, if any, into the Vote Tabulator;

    (2)   secure the Vote Tabulator so that no more Ballot Cards can be inserted;

(3)   produce two (2) copies of the Register Tape, or other number of copies as may be directed by the Returning Officer, from the Vote Tabulator;

(4)   together with another Deputy, certify the Register Tapes, by both the Presiding Deputy and another Deputy signing the following statement, *"We hereby certify that the above results are a true and accurate account of the election and that all counters were zero (0) when the polls opened and that the Election was held in accordance with the laws of the Province of Alberta.";*

(5)   report the results to the Returning Officer in one or all of the following ways:

a.   by transmitting the results electronically from the Vote Tabulator,

b.   by delivering the Vote Tabulators, complete with Memory Storage Devices, to Parkland County Centre,

c.   by telephone;

(6)   seal each Ballot Box containing marked Ballot Cards;

(7)   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 Box(es) along with the Voting Register and all statements;

(8)   seal and initial the Ballot Transfer Box(es) and ensure that it is ready to be delivered to the Returning Officer;

(9)   complete the Ballot Account, attaching one copy of the certified Register Tape, and delivering a copy of the Ballot Account and the Register Tape to the Returning Officer as soon as possible.

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

35.   A Presiding Deputy shall not permit more than one candidate or his or her agent, or more than one agent of either side of a vote on any bylaw or question to be present at the same time after the voting station is closed.

36.   A Ballot Card will not be counted in the election results if:

(1)   the Ballot Card has not been initialed by a Deputy, or

(2)   it cannot be read by the Vote Tabulator.

37.   The Register Tapes from the Vote Tabulators used at the Advance Vote will be generated at Parkland County Centre after 8:00 p.m. on Election Day.

38.   If the Vote Tabulator rejects the ballot, and a vote, though incorrectly marked on a ballot, clearly indicates for whom or what the Voter intended to vote:

(1)   a duplicated ballot may be prepared in the presence of two deputies to reflect the intent of the voter, and the word "DUPLICATE" shall be marked on the ballot, and the word "SPOILED" shall be marked on the incorrectly marked ballot, and

(2)   the duplicated ballot shall be marked with a serial number which shall also be recorded on the incorrectly marked ballot, and such duplicated ballot may be inserted into a Vote Tabulator to be counted.

RECOUNTS

39.   If the Returning Officer makes a recount, pursuant to the *Local Authorities Election Act*, the ballots shall be recounted by the Automated Voting System.

40.   If a recount is authorized by the *Local Authorities Election Act* and the Returning Officer chooses to make a recount:

(1)   the memory storage devices of all Vote Tabulators will be cleared;

(2)   recount Vote Tabulators may be designated for each ward;

(3)   all Ballot Cards will be removed from the sealed ballot boxes;

(4)   all Ballot Cards will be reinserted in the appropriate Vote Tabulator under the supervision of the Returning Officer except Spoiled Ballot Cards, and Rejected Ballot Cards that have been duplicated.

VOTING STATIONS (MODIFIED VOTING PROCEDURE)

41.   Under the authority of Ministerial Order No. L:057/04, the Council of the County has adopted the modified system of conducting an election, which allows for more than one voting station in each voting subdivision as allowed under Section 160(1)(a) of the *Local Authorities Election Act*.

42. The modified voting procedure shall be used for the purpose of conducting an election or a vote on a bylaw or question in Parkland County, pursuant to the provisions of the *Local Authorities Election Act*.

ENACTMENT/TRANSITION

43. This bylaw repeals Voter Identification Bylaw 2013-01 and Election Bylaw 2013-02

44. Should any provision of this bylaw be deemed invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.

45. This bylaw shall come into force and effect upon the date of the passing of the third and final reading.

46. This bylaw remains in force pursuant to section 161 of the *Local Authorities Election Act*.
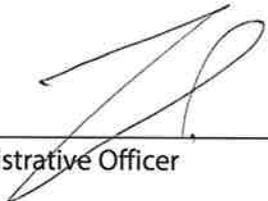
READ A FIRST TIME this 28th day of February, 2017.

READ A SECOND TIME this 28th day of February, 2017.

READ A THIRD TIME and finally passed this 28th day of February, 2017.

SIGNED AND PASSED this 28th day of February, 2017.

For _____
Mayor

_____
Chief Administrative Officer

SCHEDULE A

TO ELECTION BYLAW 2017-06

Form for a Ballot Card

Town of Amherstburg
2014 Municipal Election
Monday, October 27, 2014

English-Language
Separate School

BALLOT ID: 2

DRO:

To vote, fill in the oval next to your choice(s), like: or.   Use only the marking pen provided.
Pour voter, remplissez l'ovale à côté de votre choix, comme ceci: ou: Utilisez uniquement le stylo fourni.

Office of / Poste de

Mayor
Vote for no more than 1
Ne voter que pour 1

Gillian **APPS** ○

Jan **HUDEC** ○

Denny **MORRISON** ○

Kaetlyn **OSMOND** ○

Office of / Poste de

Deputy Mayor
Vote for no more than 1
Ne voter que pour 1

Patrice **BERGERON** ○

Chloe **DUFOUR-LAPOINTE** ○

Brianne **JENNER** ○

Kelsey **SERWA** ○

Office of / Poste de

Councillor
Vote for no more than 5
Ne voter que pour 5

Sidney **CROSBY** ○

Justine **DUFOUR-LAPOINTE** ○

Ryan **FRY** ○

Jayna **HEFFORD** ○

Charline **LABONTÉ** ○

Valerie **MALTAIS** ○

Tessa **VIRTUE** ○

Office of / Poste de

English Separate School Trustee
Vote for no more than 1
Ne voter que pour 1

Dan **HAMHUIS** ○

Haley **IRWIN** ○

Marianne **ST-GELAIS** ○