

BYLAW 2024-23

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; and

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; and

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.; and

WHEREAS pursuant to section 77.1 of the *Local Authorities Election Act*, an elected authority may by resolution passed prior to nomination day provide for Special Ballots and provide the application for Special Ballots to the Returning Officer in writing, by telephone, telecopier, in person, or email at any time after the resolution is passed and during the period of time specified in the resolution; and

WHEREAS pursuant to section 77.1 of the *Local Authorities Election Act*, an elector who is unable to vote at an advance vote or at a voting station on election day, may apply to vote by Special Ballot; and

WHEREAS pursuant to section 98 of the *Local Authorities Election Act*, the Returning Officer may make a recount of the votes cast at one or more voting stations; and

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; and

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

WHEREAS pursuant to section 150 of the *Municipal Government Act* and Parkland County Bylaw 63-2003, and any amendments made thereto, 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*; and

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

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

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;

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

TITLE

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

DEFINITIONS

2. Except as otherwise provided for in this Bylaw, the terms used in the *Local Authorities Election Act* (the "Act"), where used or referred to in this Bylaw, have the same meaning as defined or provided in the Act. In this Bylaw, unless the context otherwise requires:
 - (1) "Ballot" means a paper ballot or a Ballot Card;
 - (2) "Ballot Account" means an account of ballots prepared in the form required by the *Local Authorities Election Act*;
 - (3) "Ballot Box" means the container for paper ballots or Ballot Cards that have been marked by the Voters;
 - (4) "Council" means the municipal Council of Parkland County;

- (5) "County" means Parkland County;
- (6) "Deputy" means a Deputy Returning Officer appointed by the Returning Officer to assist with an election;
- (7) "Designated Deputy" means a Deputy Returning Officer appointed by the Presiding Deputy;
- (8) "Elector" means a person eligible under the *Local Authorities Election Act* to vote at an election;
- (9) "Local Authorities Election Act" means the *Local Authorities Election Act*, R.S.A. 2000, C L-21, and amendments thereto;
- (10) "Municipal Election" means any election or 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;
- (11) "Presiding Deputy" means a Presiding Deputy Returning Officer who has been appointed by the Returning Officer to be in charge of a voting station;
- (12) "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;
- (13) "Special Ballot" means a mail-in ballot as described under the Act;
- (14) "Voting Subdivision" means that area of the local jurisdiction designated as a voting subdivision; and
- (15) "Ward" means a ward as defined in the *Municipal Government Act*, or a ward or electoral subdivision in the *Education Act*.

WARD BOUNDARIES AND COUNCIL COMPOSITION

3. Wards, ward boundaries and the composition of Council are determined by Parkland County Bylaw 63-2003, Bylaw 2015-20, and Bylaw 2021-02.

ELECTION

4. Council by resolution shall appoint the Returning Officer for the municipality of Parkland County (the "Returning Officer") and the Substitute or Assistant Returning Officer.
5. The Returning Officer will appoint one or more Deputies and other such persons as necessary to carry out Election duties under the *Local Authorities Election Act*.
6. 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

7. Every nomination must be accompanied by a deposit of one hundred dollars (\$100.00) in the form of cash, certified cheque, money order, debit, or credit card.

VOTING STATION HOURS

8. 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

9. A voter must produce the required identification to be permitted to vote, as prescribed by the *Local Authorities Election Act*; and be listed or able to be added on the permanent elector's register.

ADVANCE VOTE

10. There will be an advance vote for a Municipal Election, to be held on the dates and times set by the Returning Officer.
11. The procedures to be followed for an advance vote are those procedures set out in the *Local Authorities Election Act*.

VOTING

12. The Returning Officer will conduct an election according to the *Local Authorities Election Act*.
13. Notwithstanding anything in this Bylaw, 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.
14. The Returning Officer will direct that the Ballots:
 - (1) be counted manually;
 - (2) counted following the procedures in this Bylaw; and
 - (3) follow as far as practicable the provisions of the *Local Authorities Election Act* governing the counting of Ballots.
15. The Returning Officer must validate all Ballots prior to the election to ensure the Ballots are correct for each voting division and ward.
16. The Returning Officer is required to ensure that the Ballots remain secure until the election.

VOTING PROCEDURES

17. If requested by a Voter before voting, a Deputy must explain voting procedures.
18. A Deputy responsible for issuing Ballot Cards will:
 - (1) ensure that the Voter produces the required identification as provided in the *Local Authorities Election Act*;
 - (2) ensure that the Voter is on the permanent electors register, or is eligible to be added to the permanent electors register as prescribed in the *Local Authorities Election Act*;
 - (3) if an agreement has been entered into with a School District, ask the Voter if the Voter is a resident of the School District; and
 - (4) initial the appropriate Ballot Card and give it to the Voter, and where necessary, the Ballot marking pen and any further instructions the Voter requests.
19. Unless section 72 applies, immediately after receiving the Ballot Card, the Voter must go to the voting compartment to vote.
20. The Elector may bring a minor child into the voting compartment.
21. A Voter can request assistance in marking the Ballot from the Presiding Deputy, as follows:
 - (1) upon the Voter making the request for assistance, the Presiding Deputy will complete the necessary forms as prescribed in the *Local Authorities Election Act*; the Presiding Deputy shall assist that Voter in marking the ballot; or
 - (2) a Voter who is unable to vote independently can choose to be assisted by a friend or relative over the age of eighteen (18) who has accompanied the Voter to the voting station. The Voter and the friend or family member must complete the necessary forms before being allowed to vote under this section.
22. When marking the Ballot, the Voter may:
 - (1) only vote by making a "X" 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"; and
 - (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, as instructed, 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 into the appropriate Ballot Box.
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. Once the Ballot Card has been inserted into the Ballot Box, the Voter must immediately leave the voting station.

SPECIAL BALLOT VOTING

27. The Returning Officer is delegated the authority to provide for Special Ballots.
28. An application by an elector who meets the requirements in the Act may request a Special Ballot in writing, by telephone, in person, or by email to Returning Officer
29. The application for a Special Ballot will be accepted during regular business hours between August 1 in the year of an election and until 4:00 p.m. on Election Day.
30. The Returning Officer will ensure that Special Ballots are issued, reviewed, and received in accordance with the Act.
31. The Returning Officer will set dates for receipt of applications for Special Ballots in the event of a by-election or a vote held on a question, other than that held in conjunction with a general election.
32. Completed Special Ballots shall be received by the Returning Officer no later than 4:30 p.m. on Election Day.
33. On receipt of the forms, the elector must vote in accordance with the instructions provided and must have the forms returned to the Returning Officer at the prescribed location.
34. At the close of voting on Election Day, the Deputy Returning Officer supervising the Special Ballot Box, and one other Deputy Returning Officer designated by the presiding deputy will immediately deliver the sealed Special Ballot Box to the counting centre for counting.
35. Candidates, agents, or scrutineers will be advised of the Special Ballot processing at the counting centre and may be present to observe the opening of the Special Ballot Box.
36. If an outer envelope is received by the Returning Officer after the time set out under resolution under sec 77.1, the Special Ballot will be considered rejected and the outer envelope will be retained unopened by the returning officer who will record the reason for its rejection.

POST VOTE PROCEDURES

37. Immediately after the voting station is closed, the Presiding Deputy must, in the presence of at least one and any additional officers that is considered necessary, and the candidate(s), or scrutineer(s), or agent(s), if any,
 - (1) open the Ballot Box and conduct the count in accordance with the voting count procedures;
 - (2) report the results to the Returning Officer in the following ways:
 - a. by telephone; and
 - b. by delivering the Ballot Boxes to Parkland County Centre;
 - (3) seal and initial the Ballot box(es) and deliver the Ballot Box to the Returning Officer as soon as possible; and
 - (4) complete the Ballot Account and deliver a copy of the Ballot Account to the Returning Officer as soon as possible.
38. The Returning Officer may direct that additional reporting procedures be used.
39. A Presiding Deputy shall not permit more than the allowable candidate or agent, or more than the allowable 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.
40. 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) is marked against the voting instructions.
41. If the Ballot, and a vote, though incorrectly marked on a ballot, clearly indicates for whom or what the Voter intended to vote the Deputy Returning Officer will determine:
 - (1) if the Ballot will be counted; or
 - (2) if the Ballot will not be counted the Ballot will be marked "rejected" and kept in accordance with the voting count instructions and reported on the count sheet.

- 40. The advance vote results will be generated at Parkland County Centre after 8:00 p.m. on election day.

RECOUNTS

- 42. If the Returning Officer makes a recount, pursuant to Sec 98 of the *Local Authorities Election Act*, the Ballots shall be recounted in accordance with the Act.
- 43. If a recount is authorized by the *Local Authorities Election Act* and the Returning Officer chooses to make a recount:
 - (1) a recount vote may be designated for each ward;
 - (2) all Ballot Cards will be removed from the sealed Ballot Boxes; and
 - (3) all Ballot Cards will be counted under the supervision of the Returning Officer except spoiled Ballot Cards and rejected Ballot Cards that have been duplicated.

VOTING STATIONS (MODIFIED VOTING PROCEDURE)

- 44. 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*.
- 45. The modified voting procedure shall be used for the purpose of conducting an election or a vote on a bylaw or question in the County, pursuant to the provisions of the *Local Authorities Election Act*.

ENANCTMENT/TRANISITION

- 46. Bylaw 2020-15 is hereby repealed.
- 47. 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.
- 48. This Bylaw shall come into force and effect upon the date of the passing of the third and final reading.
- 49. This Bylaw remains in force pursuant to section 161 of the *Local Authorities Election Act*.

READ A FIRST TIME this _____ day of _____, 2024.

READ A SECOND TIME this _____ day of _____, 2024.

READ A THIRD TIME and finally passed this _____ day of _____, 2024.

SIGNED AND PASSED this _____ day of _____, 2024.

Mayor

Chief Administrative Officer