CITY OF ST. ALBERT

BYLAW 20/2017
A Bylaw to provide for Municipal Elections in the City of St. Albert.

The Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

Title

1. This Bylaw may be referred to as the Municipal Elections Bylaw.

Definitions

2. In this Bylaw:
   a. "automated voting system" means an automated or electronic system designed to count and record votes automatically and process and store the election results;

   b. "Act" means the Local Authorities Election Act, R.S.A. 2000, c. L- 21, and any amendments or successor legislation thereto;

   c. "ballot box" means a container of a type approved by the Returning Officer designed to contain ballot cards that have been voted on in the election;

   d. "ballot card" means the card upon which an elector marks the elector's votes in the election;

   e. "counting centre" means the area designated by the Returning Officer where election results are tabulated;

   f. "deputy returning officer" means staff appointed by the Returning Officer to fulfill a role with the conduct of the vote;

   g. "election day" means the third Monday in October in an election year;

   h. "marking device" means a writing instrument approved by the Returning Officer for use by an elector to mark a Ballot Card;

   i. "nomination day" means the day that is 4 weeks before election day;

j. "returning officer" means a person appointed under the Act as the returning officer;

k. "secrecy sleeve" means an open ended envelope used to conceal the markings made on the ballot card by the elector;

l. "tally register tape" means a printed record generated by a vote tabulator showing the number of accepted ballots, the ballots read and the results of the ballots read by that vote tabulator;

m. "vote tabulator" means a unit of the automated voting system designed to receive and read ballot cards and tabulate the results..

Substantive Sections

3. TIME FOR RECEIPT OF NOMINATIONS
    a. ~~The Returning Officer shall receive nominations on the form provided by either the City or the province, between 8:00 a.m. and 12 noon on nomination day.~~
    b. Nominations shall be received at St. Albert City Hall, 5 St. Anne Street, St. Albert, and at any other location established for that purpose by the Returning Officer.

4. BALLOT CARDS
    a. The Returning Officer shall be responsible for ensuring that ballot cards are produced in accordance with this section.

    b. Sufficient ballot cards shall be printed to ensure that there are ballot cards available for each elector who wishes to vote.

    c. Each ballot card shall:
        i.   set out the offices to be voted on in the election, the candidates for each office, and any bylaws and questions that are to be put to the electors in the election,
        ii. contain a brief explanatory note stating the maximum number of candidates for each office for which an elector can vote without making the ballot void, and

    d. provide a space for the elector to mark the elector's vote on each ballot.

    e. A single ballot card may contain all of the offices, questions and bylaws to be voted on in the election.

f. The area for each office, bylaw and question shall be clearly designated on the ballot card.

g. The Ballot Card shall be assembled as follows:
    i.   candidates for the office of mayor;
    ii.   candidates for the office of councillor;
    iii. candidates for the office of public school trustee;
    iv.   candidates for the office of separate school trustee;
    v.   questions that may be put to the electors under the Municipal Government Act or any other enactment;
    vi.   bylaws that may be voted on by the electors under the Municipal Government Act or any other enactment; and
    vii. candidates for any other office as may be required by another enactment.

h. The Returning Officer shall ensure that there are sufficient secrecy sleeves to allow each elector to cast the electors ballot in accordance with Section 8 9.5.

i. The secrecy sleeve shall be in the form authorized by the Returning Officer and shall be designed so that it conceals the markings made on the ballot card by an elector, without concealing the initials of the Deputy Returning Officer.

5. AUTOMATED VOTING SYSTEM

a. An election may be conducted through the means of an automated voting system, which shall count the votes of electors and process and store the election results.

b. The operation of the automated voting system shall be under the direction and control of the Returning Officer, who shall have such powers as may be necessary for the conduct of the election using the automated voting system.

c. A reasonable time before an election, the Returning Officer shall ensure that the automated voting system has been tested, is in good working order and will provide accurate results.

d. The Returning Officer shall ensure that the integrity of the automated voting system is protected through appropriate security measures designed to prevent unauthorized access to, tampering with or use of the ballot cards or the automated voting system or any component of it, including the software.

e. Notwithstanding anything in this bylaw, in the event that:

    i. the automated voting system or any of its components malfunctions,

    ii. the automated voting system or any of its components is not available for use, or

    iii. a defect in the ballot cards or marking devices prevents the operation of the automated voting system,

the Returning Officer may make such directions as the Returning Officer considers necessary to ensure the effective conduct of the election and counting of votes, including:

    iv. obtaining access to another municipality's automated voting system for the purposes of vote tabulation, or

    v. providing for the conduct of the election, in whole or in part, without the use of the automated voting system, in which case the provisions of the *Act* governing manually conducted elections shall apply.

6. ADVANCE VOTES

a. At the completion of each advance and institutional vote the Returning Officer or designate shall:

    i. close and seal the ballot box(es);

    ii. store the ballot box(es) and vote tabulator(s) securely where it is accessible only by election officials; and

    iii. deliver the ballot box(es) and vote tabulators(s) to the counting centre on election day.

b. On Election Day the Returning Officer shall ensure that the sealed ballot box(es) and vote tabulator(s) from each advance and institutional vote are delivered to the counting centre.

7. VOTING HOURS ON ELECTION DAY

a. Each voting station shall be kept open continuously from 8:00 a.m. until 8:00 p.m. on Election Day.

8. VOTING PROCEDURES

a. Each elector eligible to vote shall be given one ballot card which has been initialed by the Deputy Returning Officer and a secrecy sleeve.

b. Upon receiving the ballot card and secrecy sleeve, the elector shall forthwith proceed to the voting compartment to vote.

c. The elector shall:

    i. only mark the ballot card in the voting compartment; and

    ii. only use the marking device provided in the voting compartment to mark the ballot card.

d. The elector shall mark the ballot card as follows:

    i. putting a mark in the designated location on the ballot that corresponds with the choice of the elector's candidate, or if there is more than one vacancy, the candidates of the elector's choice; and

    ii. where the ballot is on a bylaw or question putting a mark in the designated location on the ballot corresponding with the elector's choice on the question or bylaw.

e. After the elector has finished marking the ballot card, the elector shall forthwith:

    i. 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

    ii. leave the voting compartment and deliver the secrecy sleeve containing the ballot card to the Deputy Returning Officer supervising the vote tabulator and the ballot box.

f. The Deputy Returning Officer supervising the vote tabulator and the ballot box shall insert the marked ballot card contained in the secrecy sleeve into the vote tabulator so that the ballot card is extracted from the secrecy sleeve without exposing the marks made on the ballot card by the elector.

g. When the elector's ballot card has been accepted by the vote tabulator and deposited into the ballot box, the elector shall forthwith leave the voting station.

h. The voting procedure prescribed in this section shall apply during an advance vote, an institutional vote and an incapacitated elector vote insofar as is practicable and modified as may be necessary in the discretion of the Returning Officer.

9. POST VOTING PROCEDURE ON ELECTION DAY

a. Immediately after the close of a voting station, the Deputy Returning Officer presiding at that station shall:

   i. cause the vote tabulator to print off a copy of the result from that voting station;

   ii. seal each ballot box containing marked ballot cards; and

   iii. hand the vote tabulator, the tally register tape and the sealed ballot box to the person or persons assigned by the Returning Officer to deliver them to the counting centre.

b. A Deputy Returning Officer that presided at a voting station shall:

   i. complete the ballot account following the close of the station and personally deliver it to the Returning Officer or designate; and

   ii. seal the unused ballots, voting registers and all statements required under the *Act* in an empty ballot box and return them to the Returning Officer or designate.

10. COUNTING CENTRE

a. The Returning Officer shall ensure the counting centre is secure from unauthorized access by persons who are not entitled to be present during the processing and tabulation of results.

a.1 The count of special ballots, advance vote ballots, and institutional vote ballots may commence at 7:30 p.m. on Election Day.

b. The Returning Officer shall preside at the counting centre and shall:

   i. receive all sealed ballot boxes;

ii.   record receipt of vote tabulators and ballot boxes;

iii.   verify the seal of each ballot box;

iv.   open the ballot box from each of the advance and institutional votes, remove the memory card from the ballot box and reseal the ballot box;

v.   cause a tally register tape to be produced for the memory cards from each advance and institutional vote;

vi.   cause the memory card from each vote tabulator to be activated by a computer which will tally the results from each voting station, advance vote and institutional vote;

vii.   verify that the results of the votes to be tallied by the computer in the counting centre are the same as the results shown on the tally register tape for the memory card being tallied; and

viii. produce a cumulative tally from all the voting stations.

c. The Returning Officer may delegate any of the duties under this section to a Deputy Returning Officer.

11. REJECTED BALLOTS

a.   A ballot is void and will not be counted in the election results if:

i.   the ballot card does not bear the initials of the Deputy Returning Officer who issued the ballot card;

ii.   the ballot card has been torn, defaced or dealt with in such a way by an elector that the elector can be identified;

iii. the ballot has been marked for more candidates than there are offices to be filled;

iv.   in the event of a bylaw or question, the ballot has been marked both in the affirmative and the negative;

v.   the ballot has not been marked by the elector;

      vi.   the ballot has been marked outside of the space indicated on the ballot for the placing of the voter's mark; or

      vii.   the ballot cannot be read by the vote tabulator.

b. If a voter has inadvertently damaged the provided ballot card, the voter may upon returning it to the Deputy Returning Officer presiding at the vote tabulator, a voter may request a new ballot card.

c. If a ballot card is rejected by the vote tabulator, the Deputy Returning Officer at the ballot box must advise the voter that he or she may request another ballot card. If the voter refuses to request another ballot card, the Deputy Returning Officer at the ballot box must re-insert the ballot card into the vote tabulator to count the votes on any ballots that have been completed correctly.

12. RECOUNT BY RETURNING OFFICER

a. If the Returning Officer makes a recount under Section 98 of the *Act*, the voted ballots shall be recounted by the automated voting system.

13. GENERAL

a. Upon completion of the tabulation of the election results, the chief administrative officer shall retain the programs and memory packs from the automated voting system in accordance with the provisions of the *Act* relating to the retention of election materials.

b. The Returning Officer is authorized to make application:

      i.   to the Minister of Municipal Affairs for directions under the Act; and

      ii.   to the Lieutenant Governor in Council for regulations under the Act.

c. The provisions of this bylaw shall apply in generally the same fashion, but with all necessary modifications, to
      i. a by-election,

      ii.   a ballot on a bylaw or question that is put to the electors at a time other than a general election, and

      iii. an election for school board trustees or any other election conducted in conjunction with an election for Council.

d. Bylaw 27/98 is hereby repealed.

READ a First time this 6th day of March, 2017.

READ a Second time this 6th day of March, 2017.

READ a Third time this 6th day of March, 2017.

SIGNED AND PASSED this_____day of_____2017.

_____
MAYOR

_____
CHIEF LEGISLATIVE OFFICER