



CITY OF FORT SASKATCHEWAN

A BYLAW OF THE CITY OF FORT SASKATCHEWAN, IN THE PROVINCE OF ALBERTA, TO AUTHORIZE THE REGULATIONS FOR THE ADMINISTRATION OF ELECTIONS IN THE MUNICIPALITY

BYLAW C11-17

NOW THEREFORE, The Council of the City of Fort Saskatchewan in the Province of Alberta, duly assembled, enacts the following:

1. SHORT TITLE

This Bylaw shall be referred to as the “Elections Bylaw”.

2. DEFINITIONS

For the purposes of this Bylaw:

- a. “Advance Vote” shall mean additional voting dates in advance of Election Day;
- b. “Automated Voting System” shall mean automated or electronic systems designed to automatically count and record votes, and process and store the election results;
- c. “Ballot” shall mean the part of a printed or electronically produced ballot card, which indicates the office to be voted on, the names of the candidates, the bylaw name and number, or the question if any, and containing the spaces in which the elector is to mark their vote;
- d. “Ballot Box” shall mean a container, in a form approved by the Returning Officer, intended to contain the completed ballots;
- e. “Candidate” shall mean an individual running for the position of:
 - i. Mayor or Councillor in a municipal election or by-election;
 - ii. School Trustee in the Elk Island Public School Division #14 or Elk Island Catholic School Division #41; or
 - iii. in other provincial or federal office.
- f. “City” shall mean the municipal corporation of the City of Fort Saskatchewan, in the Province of Alberta;
- g. “City Manager” shall mean the City’s Chief Administrative Officer or designate;
- h. “Council” shall mean the municipal Council for the City of Fort Saskatchewan, elected pursuant to the LAEA;

- i. "Counting Centre" shall mean 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;
- j. "Deputy Returning Officer" shall mean the person appointed to such position by the Returning Officer to assist with an election;
- k. "Elector" shall mean a person eligible under the LAEA to vote in an election;
- l. "Election" shall mean any election, by-election, or vote on a bylaw or question held to elect the position of Mayor, Councillor, and/or School Trustee, and/or to determine a vote on a bylaw or question, in any combination;
- m. "Election Day" shall mean the third Monday in October in a municipal election year, pursuant to the LAEA, or a day set for holding a by-election, or vote on a bylaw or question;
- n. "LAEA" shall mean *Local Authorities Election Act* for the Province of Alberta;
- o. "Local Jurisdiction" shall mean the City of Fort Saskatchewan, the Elk Island Public School Division #14, and Elk Island Catholic School Division #41;
- p. "Marking Device" shall mean a writing instrument approved by the Returning Officer for use by an elector to mark a ballot card;
- q. "Memory Card" shall mean a cartridge which is removable and has a battery sustained memory, in which all tabulated totals are stored;
- r. "Nomination Day" shall mean the day which is 4 weeks prior to Election Day, where the Returning Officer receives nomination papers, pursuant to the LAEA;
- s. "Portable Ballot Box" shall mean a container for completed ballot cards, in the form approved by the Returning Officer, which is not used with a vote tabulator;
- t. "Presiding Deputy Returning Officer" shall mean the person appointed to such position by the Returning Officer to assist with an election;
- u. "Returning Officer" shall mean the City's Director, Legislative Services, who shall carry out the provisions of the LAEA as required;
- v. "Secrecy Sleeve" shall mean an open ended envelope in a form approved by the Returning Officer, intended to ensure the privacy of the ballot;
- w. "Special Ballot" shall mean a ballot provided to electors who are unable to vote at an advance vote or vote on Election Day, pursuant to the LAEA;
- x. "Tally Register Tape" shall mean 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 that vote tabulator;

- y. "Voting Compartment" shall mean an area designated at a voting station for electors to use for the marking of their ballot;
- z. "Vote Tabulator" shall mean the equipment used as part of the automated voting system designed for use at the counting centre to receive ballots and automatically scan a specified area or areas on the ballot card and record the results.

3. JOINT ELECTION

- 3.1 The Returning Officer is authorized to enter into agreements between the City and the Elk Island Public School Division #14, and the City and the Elk Island Catholic School Division #41 to conduct elections for the position of School Trustee, if required.

4. RETURNING OFFICER

- 4.1 The Director, Legislative Services is hereby appointed the Returning Officer for the City (hereinafter referred to as the Returning Officer) for the purpose of conducting elections under the LAEA.

5. BALLOTS

- 5.1 The Returning Officer shall be responsible for ensuring that ballots are produced in accordance with this section.
- 5.2 Sufficient ballots shall be printed to ensure that there are ballot cards available for each elector who wishes to vote.
- 5.3 Each ballot shall:
 - a. set out the offices to be voted on in the election, the candidates for each office, and any bylaws and/or questions that are to be put to a vote of the electors in the election;
 - b. 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
 - c. provide a space for the elector to mark the elector's vote beside each ballot.
- 5.4 A single ballot may contain any of the offices, questions, and bylaws to be voted on in the election.
- 5.5 The area of each office, bylaw and question shall be clearly designated on the ballot.
- 5.6 The ballot may include the following, in an order to be determined by the Returning Officer:
 - a. candidates for the office of Mayor;

- b. candidates for the office of Councillor;
- c. candidates for the office of Public School Trustee;
- d. candidates for the office of Catholic School Trustee;
- e. questions that may be put to the electors under the *Municipal Government Act* (MGA) or any other enactment;
- f. bylaws that may be voted on by the electors under the MGA, or any other enactment; and
- g. candidates for any other office, as may be required by another enactment.

5.7 Candidates names shall be listed on the ballots alphabetically by last name. Each last name will be capitalized and bolded.

5.8 The Returning Officer shall ensure that there are sufficient secrecy sleeves to allow each elector to cast a ballot in accordance with Section 12.5.

5.9 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 ballots by an elector, without concealing the initials of the Deputy Returning Officer.

6. NOMINATION FORM

6.1 Candidates for the offices of Mayor and Councillor must file nomination papers, pursuant to the LAEA on Nomination Day, between the hours of 10:00 a.m. and 12:00 noon at City Hall.

6.2 Each nomination form must be signed by a minimum of 5 electors eligible to vote in that election, pursuant to the LAEA.

7. MODIFIED VOTING PROCEDURE

7.1 The City may use a modified voting procedure for the purpose of conducting a municipal election, as permitted by the LAEA.

7.2 The Returning Officer is hereby delegated the authority to designate the locations of the voting stations.

8. ADVANCE VOTING

8.1 The Returning Officer is authorized to conduct an advance vote on any vote held in an election for the local jurisdiction, pursuant to the LAEA.

8.2 The Returning Officer is authorized to set appropriate dates and times for holding an advance vote.

8.3 Vote tabulators will be used to conduct an advance vote unless the Returning Officer otherwise directs that portable ballot boxes shall be used.

- 8.4 Where the vote tabulators are used for an advance vote, the Presiding Deputy Returning Officer shall, upon completion of each day of an advance vote, ensure that:
- a. no tally register tapes are generated; and
 - b. the vote tabulators, complete with memory cards, are returned to the counting centre or other location specified by the Returning Officer.
- 8.5 Where the vote tabulators are used for an advance vote, the Returning Officer shall ensure that:
- a. the memory cards remain secure; and
 - b. the tally register tapes are not generated until after 8:00 p.m. on Election Day.

9. INSTITUTIONAL VOTING

- 9.1 The Returning Officer is authorized to designate the location of one or more institutional voting stations, for the purpose of holding an election.
- 9.2 The Returning Officer is authorized to set the appropriate date and time for holding institutional voting, at one or more institutional voting stations, for the purpose of holding an election.
- 9.3 The Returning Officer shall determine whether to use ballot boxes or portable ballot boxes for the purpose of conducting an institutional vote.

10. SPECIAL BALLOTS

- 10.1 The City shall make special ballots available to those electors who are unable to vote at an advance vote or on Election Day due to:
- a. physical incapacity;
 - b. absence from the local jurisdiction; or
 - c. being a Returning Officer, Deputy Returning Officer, or other individual who may be participating in or located at a voting station away from the municipality where the elector resides.
- 10.2 Electors who wish to request a special ballot may do so by submitting a request to the Returning Officer, by means of the following methods:
- a. in writing;
 - b. by telephone;
 - c. by telecopier;
 - d. in person; or
 - e. by e-mail.

- 10.3 Electors who wish to make application for a special ballot in accordance with Section 10.2, must provide to the Returning Officer the elector's:
- a. first and last name;
 - b. residential municipal address;
 - c. school elector status, if voting for School Trustee;
 - d. mailing address for delivery of the special ballot;
 - e. contact phone number;
 - f. e-mail address; and
 - g. reason why the special ballot is requested.
- 10.4 Electors who wish to submit a request for a special ballot may do so prior to Election Day, ensuring they have sufficient time for its return, pursuant to Section 10.5.
- 10.5 Special ballots which have been provided to electors must be returned to the Returning Officer at City Hall by 4:30 p.m. on Election Day.
- 10.6 Valid special ballots shall be counted at the counting centre following the close of voting stations.

11. VOTING HOURS ON ELECTION DAY

- 11.1 Voting stations in the City shall open promptly at 10:00 a.m. on Election Day, and shall remain open until 8:00 p.m.
- 11.2 The Presiding Deputy Returning Officer shall determine when it is 10:00 a.m., and when it is 8:00 p.m.
- 11.3 Promptly at 8:00 p.m. on Election Day, the Presiding Deputy Returning Officer shall declare the voting station closed.
- 11.4 If when the voting station is declared closed, there are one or more electors within who wish to vote, they shall be permitted to do so. No other person shall be allowed to enter the voting station for that purpose.

12. VOTING PROCEDURES

- 12.1 Each elector shall be given one ballot, which has been initialled by a Deputy Returning Officer, as well as a secrecy sleeve.
- 12.2 Upon receiving the ballot and secrecy sleeve, the elector shall proceed to the voting compartment to vote.

- 12.3 The elector shall:
- a. only mark the ballot in the voting compartment; and
 - b. only use the marking device provided in the voting compartment to mark the ballot.
- 12.4 The elector shall mark the ballot as follows:
- a. marking a dot or coloring in the circle on the ballot, corresponding to the candidate of the elector's choice, or if there is more than one vacancy, the candidates of the elector's choice; and
 - b. where the ballot is on a bylaw or question, marking a dot or coloring in the circle on the ballot, corresponding to the elector's choice on the question or bylaw.
- 12.5 After the elector has finished marking the ballot, the elector shall:
- a. insert the ballot into the secrecy sleeve without showing the markings on the ballot to anyone and without folding the ballot; and
 - b. leave the voting compartment and deliver the secrecy sleeve containing the ballot to the Deputy Returning Officer supervising the vote tabulator and ballot box.
- 12.6 The Deputy Returning Officer supervising the vote tabulator and ballot box shall insert the marked ballot contained in the secrecy sleeve into the vote tabulator so that the ballot is extracted from the secrecy sleeve, without exposing the marks made on the ballot by the elector.
- 12.7 When the elector's ballot has been accepted by the vote tabulator and deposited into the ballot box, the elector shall leave the voting station.
- 12.8 The voting procedure prescribed in this section shall also apply during an advance vote. However, if not practicable it may be modified as required at the discretion of the Returning Officer or Presiding Deputy Returning Officer.
- 12.9 The voting procedures for an institutional vote will, as closely as possible, follow the provisions of the LAEA.

13. POST VOTING PROCEDURE

- 13.1 Immediately after the close of a voting station and any remaining electors present at the time of closing have voted, the Presiding Deputy Returning Officer shall:
- a. cause the vote tabulator to print off a copy of the results from that voting station;
 - b. seal each ballot box containing marked ballots; and

- c. 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.

13.2 On Election Day the Presiding Deputy Returning Officer shall:

- a. complete the ballot account following the close of the station, and personally deliver it to the Returning Officer or designate; and
- b. seal the unused ballots, voting registers, and all statements required under the LAEA in an empty ballot box and return them to the Returning Officer or designate.

13.3 Upon completion of the tabulation of the election results, the Returning Officer shall retain the programs and memory cards from the automated voting system, pursuant to the LAEA relating to the retention of election material.

14. COUNTING CENTRE

14.1 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.

14.2 The Returning Officer shall preside at the counting centre and shall:

- a. receive all sealed ballot boxes;
- b. record receipt of vote tabulators and ballot boxes;
- c. verify the seal of each ballot box and vote tabulator;
- d. cause a tally register tape to be produced from the vote tabulator for the advance vote, institutional vote, and special ballots received pursuant to Section 10 of this Bylaw;
- e. review and verify the tally register tapes and ballot accounts from each voting station, advance vote, institutional vote, and special ballots received pursuant to Section 10 of this Bylaw; and
- f. produce a cumulative tally of all valid ballots.

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

15. REJECTED BALLOTS

15.1 A ballot shall be void and not counted in the election results if:

- a. the ballot does not bear the initials of the Deputy Returning Officer who issued the ballot;
- b. the ballot has been torn, defaced, or dealt with in such a way by an elector, that the elector could be identified;

- c. the ballot has not been marked by the elector;
 - d. the ballot has been marked outside of the space, which does not correspond next to the elector's choice; or
 - e. the ballot cannot be read by the vote tabulator.
- 15.2 The votes on a ballot which have been completed incorrectly may be void and not counted in the election results if:
- a. the ballot has been marked for more candidates than offices to be filled; or
 - b. in the event of a bylaw or question, the ballot has been marked both in the affirmative and the negative.
- 15.3 If an elector has made an error in marking the ballot, the elector may return the ballot to the Deputy Returning Officer who provided it to them, and request a new ballot.
- 15.4 If a ballot is rejected by the vote tabulator, the elector may request another ballot. If the elector refuses to request another ballot, the Deputy Returning Officer shall re-insert the ballot into the vote tabulator to count the votes on any ballots which have been completed correctly.

16. RECOUNT BY RETURNING OFFICER

- 16.1 If the Returning Officer makes a recount pursuant to the LAEA, the voted ballots shall be recounted by the automated voting system.

17. AUTOMATED VOTING SYSTEM

- 17.1 The taking of votes of the electors and the tabulation of election results in any election or vote on a bylaw or question conducted by the City, may be done by means of an automated voting system, as directed by the Returning Officer.
- 17.2 In the event that an automated voting system is used in the election, the Returning Officer shall:
- a. ensure that the automated voting system has been pre-tested, is accurate, and in good working order; and
 - b. take whatever reasonable safeguards may be necessary to secure the automated voting system and any part thereof, including the vote tabulators and the ballot boxes from unauthorized access, entry, tampering, or any unauthorized use of the ballots or tabulated results.
- 17.3 Notwithstanding any provision in this Bylaw, in the event that:
- a. the automated voting system or any of its components malfunctions;
 - b. the automated voting system or any of its components is not available for use; or

- c. a defect in the ballot or marking devices prevents the operation of the automated voting system.

the Returning Officer may take necessary steps to ensure the effective conduct of the election and counting of votes, including:

- a. obtaining access to another municipality's automated voting system for the purposes of vote tabulation; or
- b. 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 LAEA governing manually conducted elections shall apply.

18. GENERAL

- 18.1 References to provisions of statute, rules or regulations shall be deemed to include references to such provisions as amended, modified, or re-enacted from time to time.
- 18.2 All references in this Bylaw shall be read with such changes in number and gender as may be appropriate, and references shall be read as a corporation or partnership, and pronouns shall be deemed not to be gender specific.
- 18.3 Nothing in this Bylaw relieves any person from compliance with any other bylaw, enactment, or applicable federal or provincial legislation.
- 18.4 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the Bylaw is deemed valid.

19. EFFECTIVE DATE

- 19.1 This Bylaw shall come into force and effect when it receives third reading and is duly signed.

READ a first time this day of 2017.
READ a second time this day of 2017.
READ a third time and passed this day of 2017.

MAYOR

DIRECTOR, LEGISLATIVE SERVICES

Date Signed: _____