CITY OF BEAUMONT
BYLAW 993-20

ELECTION BYLAW

A BYLAW OF THE CITY OF BEAUMONT, IN THE PROVINCE OF ALBERTA, TO SET OUT A PROCEDURE FOR THE ADMINISTRATION OF ELECTIONS IN THE MUNICIPALITY.

WHEREAS, the Local Authorities Elections Act, RSA 2000, Chapter L-21, hereinafter referred to as "the Act" provides for the conduct of elections by local authorities;

AND WHEREAS, the Act permits the local authority to pass bylaws for the conduct of such elections;

NOW THEREFORE, the Municipal Council of the City of Beaumont, duly assembled, hereby enacts as follows:

1. DEFINITIONS
    1.1   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, shall have the same meaning as defined or provided in the Act.

    1.2   "Act" means the Local Authorities Election Act, RSA 2000, c. L-21, together with any regulations made there under.

    1.3   "Administration" means the employees of the City of Beaumont.

    1.4   "Automated voting system" means automated or electronic systems designed to automatically count and record votes, and process and store the election results.

    1.5   "Ballot" means the part of a printed or electronically produced ballot card on which is indicated the office to be voted on, the names of the candidates, the bylaw name and number, or the questions, if any, and containing the spaces in which the elector is to mark their vote.

    1.6   "Ballot box" means a container, in a form approved by the Returning Officer, intended to contain the voted ballot cards.

    1.7   "Ballot card" means a paper card, in a form approved by the Returning Officer, listing the ballots to be voted on in the election.

    1.8   "Council" shall mean the Council of the City of Beaumont.

    1.9   "Counting Centre" 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.

1.10 "Election Day" means the third Monday in October in a municipal election year or another day as designated by the appropriate authority.

1.11 "Electronic ballot device" means a data storage unit that records and counts votes by electronic means where a voter casts his or her vote using touch screen technology.

1.12 "Local jurisdiction" means, and includes, the City of Beaumont, The Black Gold Regional School Division, and the St. Thomas Aquinas Roman Catholic School Division.

1.13 "Marking device" means a writing instrument approved by the Returning Officer for use by an elector to mark a ballot card.

1.14 "Memory storage device" means a computer memory unit that plugs into the electronic ballot device or vote tabulator that contains:
a) the names of the candidates for each contest;
b) the alternatives 'yes' and 'no' for each bylaw or question (where there is a bylaw or question); and
c) a secure mechanism to record and count votes.

1.15 "Nomination Day" means the day that is four (4) weeks before Election Day, where the Returning Officer receives nomination papers as set out in the Act.

1.16 "Portable ballot box" means a container for voted ballot cards, in the form approved by the Returning Officer that is not used with a vote tabulator.

1.17 "Register tape" means the printed record generated from the vote tabulator or electronic ballot device which shows:
a) the number of ballots received;
b) the number of ballots accepted;
c) the number of votes for each candidate; and
d) where there is a vote on a bylaw or question, the number of votes for and against each bylaw or question.

1.18 "Returning Officer" means the individual appointed by the Chief Administrative Officer who has the powers, duties, and functions as set out in the Act.

1.19 "City" means the municipal corporation of the City of Beaumont, in the Province of Alberta.

2. JOINT ELECTION
   2.1 The Returning Officer is authorized to enter into agreements, on behalf of the City, to conduct elections on behalf of other local jurisdictions in the City of Beaumont whose boundaries may or may not be contiguous with the City, but do have areas in common.

3. <u>RETURNING OFFICER</u>
   3.1 The City Clerk is hereby appointed the Returning Officer for the City of Beaumont (hereinafter referred to as the "Returning Officer") for the purpose of conducting elections under the Act.

   3.2 The Legislative Coordinator is hereby appointed as the substitute Returning Officer for the City, who has and may exercise all the duties, functions and powers of the Returning Officer under the Act, if the Returning Officer is incapable of performing the duties of Returning Officer due to illness, absence or other incapacity.

4. <u>BALLOT CARDS</u>
   4.1 The Returning Officer shall be responsible for ensuring that ballot cards are produced in accordance with this section.

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

   4.3 Each ballot card 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 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 on each ballot.

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

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

   4.6 The ballot card shall include one or more of the following:
       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 separate school trustee;
       e) questions that may be put to the electors under the Municipal Government Act or any other enactment;
       f) bylaws that may be voted on by the electors under the Municipal Government Act or any other enactment; and
       g) candidates for any other office as may be required by another enactment.

   4.7 Candidates' names shall be listed on the ballot card alphabetically by last name. Each last name will be capitalized and bolded.

5. NOMINATION FORM
   5.1   A person may file a nomination to become a candidate for the office of mayor and the office of councillor by filing nomination papers in the prescribed form within the period prescribed by the Act, ending at 12 noon on Nomination Day.

   5.2   Each Nomination Form must be signed by a minimum of FIVE (5) electors eligible to vote in that election and resident in the Local Jurisdiction on the date of signing the nomination.

   5.3   The person nominated as a candidate is responsible for ensuring that the nomination filed meets the requirements of the Act and this bylaw.

6. ADVANCE VOTING
   6.1   The Returning Officer is authorized to conduct an Advance Vote on any vote held in an election for the local jurisdiction in accordance with the Act.

   6.2   Vote Tabulators will be used to conduct the Advance Vote unless the Returning Officer otherwise directs that portable ballot boxes will be used.

   6.3   Where the Vote Tabulators are used for the Advance Vote, the Presiding Deputy Returning Officer must, upon completion of each day of the Advance Vote, ensure that:
          a)   no register tapes are generated; and
          b)   the Vote Tabulator devices complete with memory storage devices are returned to the Counting Centre, or other location specified by the Returning Officer.
   6.4   Where the Vote Tabulator devices are used for the Advance Vote, the Returning Officer must ensure that:
          a)   the memory storage devices remain secure; and
          b)   the register tapes are not generated until after 8:00 p.m. on Election Day.

7. INSTITUTIONAL VOTING
   7.1   The Returning Officer is authorized to designate the location of one or more Institutional Voting Stations for an election.

   7.2   The Returning Officer may direct that Portable Ballot Boxes be used to conduct institutional voting.

8. ELECTOR ASSISTANCE AT HOME
   8.1   Provision is made for the attendance of TWO (2) Deputy Returning Officers at a residence of an elector, during the hours of an advance vote, in order to take the votes of an elector who, because of physical disability, is unable to attend a voting station or an advance Voting Station to vote.

9. VOTING HOURS ON ELECTION DAY
   9.1   For election in the City, Voting Stations shall open promptly at 6:30 a.m. on Election Day and remain continuously open until 8:00 p.m. Notwithstanding the foregoing, for by-election or a vote on a question or bylaw in the City, Voting Stations shall

open promptly at 10:00 a.m. on Election Day and remain continuously open until 8:00 p.m.

9.2   The Returning Officer or Deputy Returning Officer shall determine when it is the appointed hour to open and close the Voting Station, as set out in this bylaw.

9.3   Promptly at 8:00 p.m. on Election Day, the Deputy Returning Officer shall declare the Voting Station closed.

9.4   If, when the Voting Station is declared closed, there is an elector in the Voting Station who wishes to vote, they shall be permitted to do so. No other person shall be allowed to enter the Voting Station for that purpose.

10. <u>VOTING PROCEDURES</u>
10.1   Each elector shall be given one Ballot Card which has been initialed by the Deputy Returning Officer.

10.2   Upon receiving the Ballot Card, the elector shall forthwith proceed to the voting compartment to vote.

10.3   The elector shall:
a)   only mark the Ballot Card in the voting compartment; and
b)   only use the Marking Device provided in the voting compartment to mark the Ballot Card.

10.4   The elector shall mark the Ballot Card as follows:
a)   Colouring in or marking an X in the square corresponding with the choice of the elector's candidate, 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, colouring in or marking an X in the square corresponding with the elector's choice on the question or bylaw.

10.5   After the elector has finished marking the Ballot Card, the elector shall forthwith:
a)   Not show the markings on the Ballot Card to anyone; and
b)   leave the voting compartment and deliver the Ballot Card to the Deputy Returning Officer supervising the Ballot Box.

10.6   The Deputy Returning Officer supervising the ballot box shall help (if needed) insert the marked Ballot Card into the Ballot Box without exposing the marks made on the Ballot Card by the elector.

10.7   When the elector's Ballot Card has been accepted by the Vote Tabulator or Deputy Returning Officer and deposited into the Ballot Box, the elector shall forthwith leave the Voting Station.

10.8   The voting procedure prescribed in this section shall apply during the voting process, and may be modified as necessary at the discretion of the Returning Officer.

10.9 The voting procedure prescribed in this section may, at the discretion of the Returning Officer, apply during advance vote, institutional vote and elector assistance at home vote, insofar as is practicable and may be modified as may be necessary at the discretion of the Returning Officer.

10.10 Notwithstanding the foregoing, the voting procedures set out herein must follow the provisions of the Act as nearly as possible.

11. POST VOTING PROCEDURES ON ELECTION DAY
    11.1 Immediately after the close of a Voting Station, the Returning Officer shall:
        a) cause the vote tabulator to print off a copy of the result from that Voting Station;
        b) seal each Ballot Box containing marked ballot cards; and
        c) hand the Vote Tabulator, the register tape, and the sealed Ballot Box to the person or persons assigned by the Returning Officer to deliver them to the Counting Centre.

    11.2 The 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 Act in an empty ballot box and return them to the Returning Officer or designate.

    11.3 The Deputies at a Voting Station Shall:
        a) Count the unused Ballot Cards.

    11.4 The Returning Officer may direct the additional reporting procedures be used.

    11.5 Any Ballot Box used in the advance vote, the institutional vote and the elector assistance at home vote shall be sealed upon completion of the vote in which they are used and shall not be unsealed and opened until the closure of voting stations on Election Day.

12. Counting Centre
    12.1 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.

    12.2 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 register tape to be produced from the vote tabulator for the Advance Vote;
        e) review and verify the register tapes and ballot accounts from each Voting Station and the Advance Vote;

f) review and verify the register tapes and ballot accounts from each Voting Station and the Advance Vote; and

g) produce a cumulative tally from all the Voting Stations.

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

13. REJECTED BALLOTS

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

a) the Ballot Card does not bear the initials of the Deputy Returning Officer who issued the Ballot Card;

b) the Ballot Card has been torn, defaced, or dealt with in such a way by an elector that the elector can be identified;

c) the Ballot Card has been marked for more candidates than there are offices to be filled;

d) in the event of a bylaw or question, the Ballot Card has been marked both in the affirmative and the negative;

e) the Ballot Card has not been marked by the elector;

f) the Ballot Card has been marked outside of the space indicated on the ballot for the placing of the voter's mark; or

g) the Ballot Card cannot be read by the Vote Tabulator.

13.2 If a voter has inadvertently marked the provided Ballot Card the voter may, upon returning it to the Deputy Returning Officer presiding at the Vote Tabulator, request a new Ballot Card.

13.3 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.

13.4 If the voter requests a new Ballot Card, the Deputy Returning Officer must issue a new Ballot Card to the voter and mark the returned Ballot Card "SPOILED."

13.5 Spoiled Ballot Cards must be retained and kept separately from all other Ballot Cards and must not be counted in the Election results.

14. RECOUNT BY RETURNING OFFICER

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

15. VOTER IDENTIFICATION

15.1 Section 53 of the Act states that if a voter's list is not used, the general basic requirement for verification is required. Under this requirement, the voter must produce either (A) one piece of photo identification with their name and address, issued by a Canadian government, i.e., operator/driver's license or government

photo identification card; or (B) one piece of required identification authorized by the Act.

16. <u>Automated Voting System</u>
    16.1   The taking of votes of the electors and the tabulation of election results on any question or in any election conducted by the City may be done by means of an automated voting system, as directed by the Returning Officer.

    16.2   In the event that an automated voting system is used in the election, the Returning Officer will:
    a)   satisfy themselves, 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)   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, use, tampering, or any unauthorized use of the ballot cards or tabulated results.

    16.3   Notwithstanding anything in this bylaw, in the event that:
    a)   the automated voting system or any of its components malfunction; or
    b)   the automated voting system or any of its components are not available for use; or
    c)   a defect in the Ballot Cards or marking devices prevents the operation of the automated voting system;
    the Returning Officer may make such directions that the Returning Officer considers necessary 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 Act governing manually conducted elections shall apply.

17. <u>General</u>
    17.1   Upon completion of the tabulation of the election results, the Returning Officer shall retain the programs and memory storage devices from the automated voting system in accordance with the provisions of the Act relating to the retention of election materials.

    17.2   This bylaw shall come into force and effect once it receives third reading and is duly signed.

    17.3   Bylaw 807-13 and Bylaw 901-17, a bylaw which provides for the conduct of general elections by local authorities are hereby repealed.

READ A FIRST TIME IN COUNCIL THIS 8th DAY OF DECEMBER, 2020.

READ A SECOND TIME IN COUNCIL THIS 8th DAY OF DECEMBER, 2020.

UNANIMOUS CONSENT FOR THIRD READING GIVEN THIS 8th DAY OF DECEMBER, 2020.

READ A THIRD TIME IN COUNCIL THIS 8th DAY OF DECEMBER, 2020.

_____John Stewart_____	_____Chelaine Winter____
Mayor	City Clerk