

**CITY OF SPRUCE GROVE**

**BYLAW C-1073-19**

**ELECTIONS BYLAW**

Being a bylaw of the City of Spruce Grove 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 Spruce Grove, 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 "Automated Voting System" means automated or electronic systems designed to automatically count and record votes, and process and store the Election results.
- 1.3 "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;
- 1.4 "Ballot" means the part of a printed or electronically produced Ballot Card on which indicates 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.
- 1.5 "Ballot Box" means a container, in a form approved by the Returning Officer, intended to contain the voted Ballot Cards.
- 1.6 "Ballot Card" means a paper card, in a form approved by the Returning Officer, listing the offices to be voted on in the Election.

- 1.7 "City" means the municipal corporation of the City of Spruce Grove, in the Province of Alberta.
- 1.8 "Council" means the council of the City elected pursuant to the *Act*.
- 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" means a municipal general election, first election, by-election and a vote on a bylaw or question.
- 1.11 "Election Day" means the day fixed for voting at an Election.
- 1.12 "Local Jurisdiction" means, and includes, the City of Spruce Grove, the Parkland School Division No 70, and the Evergreen Catholic Separate Regional Division No 2.
- 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 Card" means a cartridge that is a removable, battery sustained memory where all tabulated totals are stored.
- 1.15 "Municipal Government Act" refers to the Municipal Government Act, RSA 2000 cM-26.
- 1.16 "Nomination Day" means the day that is 6 weeks before Election Day where the Returning Officer receives nominations papers as set out in the *Act*.
- 1.17 "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.
- 1.18 "Secrecy Sleeve" means an open ended envelope, in a form approved by the Returning Officer, intended to be used to cover a printed Ballot Card to conceal the markings made on the Ballot Card by the elector without covering the initials of the election official.
- 1.19 "Tally Register Tape" means 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.
- 1.20 "Voting Station" means the place where an elector votes.

1.21 "Vote Tabulator" means a unit 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.

## **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 another Local Jurisdiction in the City of Spruce Grove whose boundaries may or may not be contiguous with the City but do have areas in common.

## **3. RETURNING OFFICER**

3.1 The City Clerk is hereby appointed the Returning Officer for the City (hereinafter referred to as the "Returning Officer") for the purpose of conducting elections under the Act.

3.2 The Deputy City Clerk 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. BALLOT CARDS**

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 be assembled in the following order:
- (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.
- 4.8 The Returning Officer shall ensure that there are sufficient Secrecy Sleeves to allow each elector to cast their Ballot in accordance with section 11.
- 4.9 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 Ballot Card by an elector, without concealing the initials of the Deputy Returning Officer.

## **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 twenty-five (25) electors eligible to vote in that election and resident in the Local Jurisdiction on the date of signing the nomination.
- 5.3 Each candidate shall include with their nomination papers a deposit of one hundred dollars (\$100.00) CAD.
- 5.4 The deposit required in section 5.3 is to be provided in cash, by certified cheque or money order made payable to the City of Spruce Grove.
- 5.5 No nomination is valid nor shall it be acted upon by the Returning Officer unless it is accompanied by the full amount of the deposit.
- 5.6 If the candidate is not entitled to a refund pursuant to section 30 of the Act, the deposit shall then be paid into the General Revenue fund of the City of Spruce Grove.
- 5.7 The person nominated as a candidate is responsible for ensuring that the nomination filed meets the requirements of the Act and this Bylaw.

## **6. MODIFIED VOTING PROCEDURE**

- 6.1 The Returning Officer is hereby delegated the authority to designate more than one voting station for each subdivision and the location of those voting stations for that election.

## **7. ADVANCE VOTING**

- 7.1 The Returning Officer shall conduct an advance vote on an election in accordance with the Act.
- 7.2 Vote Tabulators will be used to conduct the advance vote unless the Returning Officer otherwise directs that portable Ballots Boxes will be used.
- 7.3 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 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.

7.4 Where the Vote Tabulators are used for the advance vote, the Returning Officer must 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.

## **8. INSTITUTIONAL VOTING**

8.1 The Returning Officer is authorized to designate the location and voting hours of one or more institutional voting stations for an election.

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

## **9. ELECTOR ASSISTANCE AT HOME**

9.1 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.

## **10. VOTING HOURS ON ELECTION DAY**

10.1 For elections 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 a 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.

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

- 10.3 Promptly at 8:00 p.m. on Election Day, the Presiding Deputy Returning Officer shall declare the Voting Station closed.
- 10.4 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.
- 10.5 This section applies to all voting stations that are subject to an agreement under sections 2(2) or 3(1) of the *Act*.

## **11. VOTING PROCEDURES**

- 11.1 Each elector shall be given one Ballot Card which has been initialed by the Deputy Returning Officer and a Secrecy Sleeve.
- 11.2 Upon receiving the Ballot Card and Secrecy Sleeve, the elector shall forthwith proceed to the voting compartment to vote.
- 11.3 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.
- 11.4 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.
- 11.5 After the elector has finished marking the Ballot Card, the elector shall forthwith:
  - (a) 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

- (b) 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.
- 11.6 The Deputy Returning Officer supervising the Vote Tabulator and the Ballot shall verify the Deputy Returning Officer's initials on the Ballot Card and 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.
- 11.7 When the elector's Ballot Card has been accepted by the Vote Tabulator and deposited into the Ballot, the elector shall forthwith leave the voting station.
- 11.8 The voting procedure prescribed in this section may, at the discretion of the Returning Officer, apply during an advance vote, an institutional vote and an elector assistance at home vote insofar as is practicable and may be modified as may be necessary at the discretion of the Returning Officer.
- 11.9 Notwithstanding the foregoing, the voting procedures set out herein must follow the provisions of the Act as nearly as possible.

## **12. POST VOTING PROCEDURE ON ELECTION DAY**

- 12.1 The Returning Officer may designate a single location as a Counting Centre for the purpose of this section and shall notify all affected candidates, official agents and scrutineers of the location of the Counting Centre.
- 12.2 Immediately after the close of a voting station, the Deputy Returning Officer presiding at that station shall:
  - (a) insert Ballot Cards from any portable Ballot into the Vote Tabulator;
  - (b) secure the Vote Tabulator against receiving any more Ballots;
  - (c) cause the Vote Tabulator to print off two copies of the Tally Register Tape, attaching one Tally Register Tape to the Ballot account;
  - (d) together with another Deputy Returning Officer, seal and initial each Ballot containing marked Ballot cards; and



- (e) hand the Vote Tabulator, the Tally Register Tape and the sealed Ballot to the person or persons assigned by the Returning Officer to deliver them to the counting centre.

12.3 The Deputies at a voting station shall:

- (a) count the unused Ballot Cards, the rejected Ballot Cards and the spoiled Ballot Cards and place them, packaged separately, sealed and initialed, in an empty Ballot;
- (b) place the voting registers and all statements required under the *Act* in the same Ballot;
- (c) seal and initial the Ballot and provide the sealed box for the delivery to the Returning Officer;
- (d) complete the Ballot account; and
- (e) personally deliver the ballot account and Ballot to the Returning Officer or designate.

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

12.5 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 close of voting stations on Election Day.

### **13. COUNTING CENTRE**

13.1 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.

13.2 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 and Vote Tabulator;

- (d) cause a Tally Register Tape to be produced from the Vote Tabulator for the advance vote, the institutional vote and the elector assistance at home vote;
- (e) review and verify the Tally Register Tapes and Ballot accounts from each voting station, the advance vote, the institutional vote and the elector assistance at home vote; and
- (f) produce a cumulative tally from all the voting stations.

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

#### **14. REJECTED BALLOTS**

14.1 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;
- (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 has more votes cast than an elector is entitled to cast;
- (d) in the event of a bylaw or question, the Ballot has been marked both in the affirmative and the negative;
- (e) the Ballot has not been marked by the elector;
- (f) the Ballot has been marked outside of the space indicated on the Ballot for the placing of the voter's mark; or
- (g) the Ballot cannot be read by the Vote Tabulator.

14.2 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.

14.3 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".

- 14.4 Spoiled Ballot Cards must be retained and kept separately from all other Ballot Cards and must not be counted in the Election results.
- 14.5 If a Ballot Card is rejected by the Vote Tabulator, the Deputy Returning Officer at the Ballot 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 must re-insert the Ballot Card into the Vote Tabulator to count the votes on any Ballots that have been completed correctly.

## **15. RECOUNT BY RETURNING OFFICER**

- 15.1 If the Returning Officer makes a recount under section 98 of the *Act*, the voted Ballots may be recounted by the Automated Voting System.

## **16. AUTOMATED VOTING SYSTEM**

- 16.1 The taking of votes of the electors and the tabulation of Election results 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 malfunctions;
  - (b) the Automated Voting System or any of its components is not available for use; or

- (c) a defect in the Ballot Cards or Marking Devices prevents the operation of the Automated Voting System.
- 16.4 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:
- (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. GENERAL**

- 17.1 Upon completion of the tabulation of the Election results, the Returning 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.
- 17.2 This bylaw shall come into force and effect when it receives third reading and is duly signed.

## **18. REPEAL**

- 18.1 That Bylaw C-989-17 be repealed.

First Reading Carried 23 April 2019

Second Reading Carried 23 April 2019

Third Reading Carried 23 April 2019

Date Signed 24 April 2019

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Mayor

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City Clerk