

BYLAW 04-2021

A BYLAW OF THE TOWN OF BRUDERHEIM TO ESTABLISH RULES AND PROCEDURES FOR THE CONDUCT OF ELECTIONS.

WHEREAS:

- A. The Local Authorities Election Act, RSA 2000, c. L-21 (the "Act") and the Municipal Government Act, RSA 2000, c M-26 (the "MGA") establish the general rules for the conduct of elections for municipal councils and school boards;
- B. The Act provides that an elected authority must by resolution appoint a substitute returning officer.
- C. The Act provides that an elected authority may:
 - a) Enter into an agreement with one or more elected authorities for the conduct of an election;
 - b) By resolution appoint a returning officer;
 - c) By bylaw require that every nomination be accompanied by a deposit in the amount specified by bylaw;
 - d) By bylaw provide for a voting station to be opened before 10:00 a.m.;
 - e) By resolution passed prior to nomination day provide for special ballots;
 - f) by resolution designate or authorize the returning office to designate the location of one or more institutional voting stations;
- D. The MGA provides that:
 - a) Councillors and the chief elected official are to be elected in accordance with the Act;
 - b) The term of office of councillors is governed by the Act; and
 - c) A council must hold by-elections to fill vacancies on council in specified circumstances.
- E. The MGA provides that where Council is required or authorized under the MGA or other enactment or bylaw to do something by resolution, or do something without specifying that it be done by bylaw or resolution, it may be done by bylaw or resolution.

Council enacts:

PART 1: PURPOSE AND INTERPRETATION

- 1. This Bylaw shall be called the Election Bylaw.
- 2. The purpose of this bylaw is to establish rules and procedures for the conduct of elections.
- 3. Except as otherwise provided for in this Bylaw, the terms used in the Act, where used or referred to in this Bylaw, shall have the same meaning as defined or provided in the Act.
- 4. In this Bylaw:
 - a) "Ballot" means a separate marked area on the Ballot Card stating the office(s) and candidates, question or bylaw to be voted for, indicating all choices available to the electors and containing spaces in which the electors mark their votes;
 - b) "Ballot Box" means a secure container for Ballot Cards that have been marked by Electors;
 - c) "Ballot Card" means a paper card containing all Ballots to be voted on by an elector;
 - d) "Counting Centre" means a controlled access area designated by the Returning Officer where election results are determined;
 - e) "Chief Administrative Officer" means the administrative head of the municipality;
 - f) "Director" means Director of Development and Legislative Services, or whatever future title is conferred on that position;
 - g) "Election Day" in the case of a general election is the 3rd Monday in October, or in the case of a by-elections or vote on a bylaw or questions, shall be the day fixed by resolution of the elected authority;
 - h) "Marking Device" means a writing instrument approved by the Returning Officer for use by an elector in marking a Ballot;
 - i) "Mayor" means the Chief Elected Official of the Town;
 - j) "Nomination Day" means the weeks before Election Day;



- k) "Special Ballot" means a Ballot Card provided to an elector who qualifies under s. 77.1 of the Act;
- l) "Tally Sheet" means the printed record that is used to record the votes received for each candidate on the Ballot Cards; and, where there is a vote on a bylaw or question, the number of votes for and against each bylaw or question;
- m) "Town" means the municipal corporation of the Town of Bruderheim established under the MGA.
- n) "Voting Station" means location designated by the Returning Officer.

5. The following rules apply to interpretation of this bylaw:

- a) Gender-specific words, phrases, and references are intended to be gender-neutral, and use of the singular includes the plural as the context requires;
- b) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid by a Court, all other provisions of this Bylaw remain valid and enforceable;
- c) Reference to bylaws and enactments in this Bylaw include amendments and replacement bylaws and enactments, and regulations and orders made thereunder; and
- d) If a time is specified in this Bylaw it is Alberta time.

PART 2: ELECTION ADMINISTRATION

- 6. The provisions of the Act, except as modified by this Bylaw, shall apply to all elections conducted within the Town.
- 7. The Director is hereby appointed as the Returning Officer for the Town for the purpose of conducting elections under the Act.
- 8. The Chief Administrative Officer is hereby appointed as the Town's Substitute Returning Officer for the purpose of conducting elections under the Act.
- 9. If the Director is unable to perform the duties of Returning Officer, the Substitute Returning Officer will act as the Returning Officer for the purpose of conducting elections under the Act.
- 10. In the event that an election for another elected authority is held in conjunction with the Town's election, the provisions of this Bylaw shall apply to the election for that elected authority.
- 11. The Returning Officer is authorized to:
 - a) negotiate agreements on behalf of the Town for the conduct of elections for other elected authorities; and
 - b) To designate the location of one or more institutional voting stations.

PART 3: PREPARATION FOR ELECTIONS

- 12. The Returning Officer will accept nominations at the Town administration office located at 5017 Queen Street, beginning on January 1 in a year in which a general election is to be held and ending at 12 noon on Nomination Day. Nominations will be accepted between the hours of 8:00 a.m. and 4:00 p.m., Monday to Friday, except statutory and civic holidays and any day in lieu of a holiday as declared by the Town.
- 13. Every nomination must be accompanied by a deposit in the amount of One Hundred dollars (\$100.00).
- 14. Following Nomination Day, the Returning Officer shall cause sufficient Ballot Cards to be printed containing separate Ballots for each office, bylaw or question to be voted on.
- 15. Ballot Cards for candidates will be in the form prescribed by the Returning Officer; and the Ballots required for offices, bylaws, or questions as set out in this Bylaw may be separated or combined in any manner deemed appropriate by the Returning Officer.
- 16. Each Voting Station shall be kept open continuously on Election Day from 9:00 a.m. until 8:00 p.m.

PART 4: VOTING PROCEDURES

- 17. A Deputy responsible for issuing Ballot Cards will:



- (a) ensure that the elector produces the required identification as prescribed by the Act;
 - (b) ensure that the elector gives the statement of elector eligibility;
 - (c) ensure that the voting register is completed;
 - (d) initial the appropriate Ballot Card and give it to the elector.
18. On receiving the Ballot Card that an elector is entitled to receive, the elector must proceed into the voting compartment provided and mark each Ballot with a Marking Device:
- (a) by making a legible mark on each Ballot beside the chosen candidate or, where there is more than one vacancy, candidates; and
 - (b) in the case of a Ballot for a bylaw or question, making a legible mark beside "yes" or "no", whichever the elector intends to vote.
19. After marking a Ballot Card, the elector will:
- (a) fold the Ballot Card, in such a manner as to conceal the names of the candidates or the bylaw or question, and the marks on the face of the Ballot Card made by the Elector; and
 - (b) leave the voting compartment and immediately deliver the folded Ballot Card to the Deputy supervising at the Ballot Box.
20. The Deputy supervising at the Ballot Box must verify the Deputy's initials on the Ballot Card and cause the Ballot Card to be inserted directly into the Ballot Box without exposing the marks made on the Ballot Card by the elector.
21. When the elector's Ballot Card has been inserted into the Ballot Box, the elector must immediately leave the voting station.
22. If an elector has made a mistake when marking a Ballot Card, the elector may return the Ballot Card to the Deputy who issued the Ballot Card. If the elector requests another Ballot Card, the Deputy must issue a new Ballot Card to the elector and mark the returned Ballot Card "SPOILED".
23. Spoiled Ballot Cards must be retained and kept separately from all other Ballot Cards and must not be counted in the election results.

PART 5:

ADVANCE VOTE

24. There will be an advance vote for each election.
25. Fresh Ballot Boxes will be used for each advance vote day;
26. The Presiding Deputy must, upon completion of each day of the advance vote, ensure that:
- a) no additional Ballot Cards are inserted in the Ballot Box between the completion of that day's advance vote and the beginning of the next scheduled advance vote day;
 - b) the Ballot Boxes are stored in a secure location specified by the Returning Officer;
 - c) the Ballot Boxes are sealed in such a manner that no additional Ballot Cards can be added to the Ballot Box without breaking the seal; and
 - d) the Ballot Boxes used for advance votes are not opened for the counting of the ballots until 8:00 p.m. on Election Day.

SPECIAL BALLOTS

27. An elector who meets the requirements in the Act may apply to vote by Special Ballot.
28. An elector may apply to the Returning Officer, at a location, address or telephone as determined and advertised by the Returning Officer, for a Special Ballot any time between September 1 of the election year and up to 4:00 p.m. on Election Day.
29. An application for a Special Ballot may be made by any one of the following methods:
- a) in writing
 - b) by telephone;
 - c) in person; or
 - d) by e-mail.

30. A Special Ballot must be received by the Returning Officer at the specified location no later than 7:00 p.m. on Election Day.

PART 6: POST VOTE PROCEDURES

31. Immediately after the close of the voting station, the Presiding Deputy shall in the presence of at least one other Deputy and the candidates, official agents or scrutineers, if any:
- (a) empty the Ballot Boxes of all Ballot Cards;
 - (b) produce as many copies of the tally register as may be directed by the Returning Officer;
 - (c) read each Ballot Card in such a way that all marks on the Ballot Card can be tabulated on the Tally Sheets;
 - (d) ensure that every mark is counted and recorded;
 - (e) count the unused Ballot Cards, the rejected Ballot Cards and the spoiled Ballot Cards and place them, packaged separately and sealed, in packets marked "Unused", "Rejected", "Spoiled" and place the packets in a Ballot Box along with the voter registration forms.
 - (f) seal and initial the Ballot Box so they are ready to be delivered to the Returning Officer; and
 - (g) complete the ballot account, and deliver a copy of the ballot account with the certified count of votes to Returning Officer as soon as possible.
30. The Returning Officer may direct that additional reporting procedures be used.
31. Only one candidate, scrutineer, or official agent per campaign may be present at any time in the voting station.
32. A Ballot will not be counted in the election results if:
- (a) the Ballot Card has not been initialled by a Deputy,
 - (b) more votes are cast on the ballot than an Elector is entitled to cast;
 - (c) the Ballot Card is torn, defaced or otherwise marked by an elector so that the elector can be identified;
 - (d) no vote is cast by an Elector or the Ballot has not been marked sufficiently for the deputy to discern a vote.
33. The Returning Officer may make any decision the Returning Officer deems necessary for the storage of the Ballot Boxes and disposition of the contents of the Ballot Boxes as permitted in the Act.

PART 7: EFFECTIVE DATE AND REPEAL

34. Election Bylaw 17-2013 is repealed.
35. This Bylaw shall come into effect upon third reading and upon being signed.

READ A FIRST TIME THIS 17 day of March, 2021

READ A SECOND TIME THIS 21 DAY OF April 2021

READ A THIRD TIME THIS 21 DAY OF April, 2021


MAYOR


ADMINISTRATION

21 April 2021
DATE SIGNED