

APPENDIX A

BYLAW NO. 1861

A BYLAW OF THE MUNICIPAL DISTRICT OF BONNYVILLE NO. 87, IN THE PROVINCE OF ALBERTA TO ESTABLISH RULES AND PROCEDURES FOR THE CONDUCT OF MUNICIPAL ELECTIONS, HEREBY CITED AS THE ELECTIONS BYLAW.

WHEREAS, under the provisions of the *Municipal Government Act, R.S.A 2000, Chapter M-26*, and amendments thereto, a Council's power to pass a bylaw includes a power to amend or repeal a bylaw;

AND WHEREAS, the *Local Authorities Elections Act, R.S.A. 2000, Chapter L-21*, and amendments thereto, provides for the holding of local elections by municipalities;

AND WHEREAS, the *Local Authorities Elections Act, R.S.A. 2000, Chapter L-21*, and amendments thereto, permits the local authority to pass bylaws for the conduct and procedures of such elections;

NOW THEREFORE, the Council of the Municipal District of Bonnyville No. 87, duly assembled in the Province of Alberta, hereby enacts the following:

1 DEFINITIONS

- 1.1 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.
- 1.2 In this Bylaw:
 - (a) "Act" means the *Local Authorities Election Act, R.S.A. 2000, Chapter L-21*, as amended;
 - (b) "Advance Vote" means a vote taken in advance of Election Day;
 - (c) "Automated Voting System" means an automated or electronic system designed to automatically count and record votes and process and store the election results, and includes, without limiting the generality of the foregoing, the use of Vote Tabulators, voting machines, and vote recorders;
 - (d) "Auxiliary Ballot Box" means a separate compartment in the ballot box for ballots that have been marked by electors but not counted by the vote tabulator;
 - (e) "Ballot" means a printed paper stating the names of candidates standing for election, and/or questions or bylaws posed to electors, with places indicated for electors to mark their choices;
 - (f) "Ballot Box" means a secure container for ballots that have been marked by electors;
 - (g) "Ballot Transfer Container" means a container used to transport election materials from a voting station to the Returning Officer;

BYLAW NO. 1861

- (h) "Council" means the duly elected Council for the Municipal District of Bonnyville No. 87;
- (i) "Counting Centre" means a controlled access area designated by the Returning Officer where election results are determined;
- (j) "Deposit" means the cash value accompanying every affirmed nomination in the amount fixed by this Bylaw under the authority of the Act;
- (k) "Election" means
 - i. A general election or by-election as defined in the Act;
 - ii. A Senate election directed to be held in accordance with the *Alberta Senate Election Act*, S.A. 2019, c.A-33.5; or
 - iii. A referendum directed to be held in accordance with the *Referendum Act* R.S.A. 2000, c.R-8.4;
- (l) "Marking Device" means a writing instrument approved by the Returning Officer for use by an elector in marking a ballot;
- (m) "Memory Storage Device" means a computer memory unit that plugs into the vote tabulator and contains:
 - i. the names of the candidates for each contest;
 - ii. the alternatives "yes" and "no" for each bylaw or question (where there is a bylaw or question); and
 - iii. a secure mechanism to record and count votes.
- (n) "Portable Ballot Box" means a container for voted ballots, in the form approved by the Returning Officer, that is not used with a vote tabulator;
- (o) "Rejected Ballot Card" means a ballot that has been submitted by the elector but rejected in accordance with the Act;
- (p) "Secrecy Sleeve" means an open-ended envelope in a form approved by the Returning Officer, intended to be used to cover the ballot so as to conceal the markings made on the ballot by the elector without covering the initials of the Deputy;
- (q) "Special Ballot" means a ballot provided to an elector pursuant to Section 77.1 of the Act;
- (r) "Tally Register Tape" means the printed record generated from a vote tabulator showing the number of ballots received, the number of ballots accepted, the number of votes for each candidate; and, where there is a vote on a bylaw or question, the number of votes for and against each bylaw or question;

BYLAW NO. 1861

- (s) "Vote Tabulator" means a machine into which ballots are inserted that scans the ballot and:
 - i. records the number of votes for each candidate; and
 - ii. where applicable, records the number of votes for and against each bylaw or question.

2 MUNICIPAL DISTRICT OF BONNYVILLE ELECTION ADMINISTRATION

- 2.1 The provisions of the Act, except as modified by this Bylaw, shall apply to all elections conducted within the Municipal District of Bonnyville No. 87.
- 2.2 Council will appoint a Returning Officer for the Municipal District of Bonnyville No. 87 in accordance with the Act.
- 2.3 For the purpose of any election, by-election or vote on any question or bylaw, it is unnecessary to prepare a list of electors.
- 2.4 In the event of a conflict or inconsistency between this Bylaw and the Act or any other provincial statute, this Bylaw shall have no effect to the extent of the conflict or inconsistency.

3 PREPARATION FOR ELECTIONS

- 3.1 The Returning Officer may designate the quantity and location of voting stations for each voting subdivision.
- 3.2 Each voting station shall be kept open continuously on election day from 10:00 a.m. until 8:00 p.m.
- 3.3 Nomination papers will be accepted by the Returning Officer at the Municipal District of Bonnyville Main Administration Office, beginning on January 1st in a year in which a general election is to be held and ending at 12:00 p.m. on nomination day.
- 3.4 When a by-election is required, nomination papers will be accepted by the Returning Officer at the Municipal District of Bonnyville Main Administration Office, beginning on the day after the resolution or bylaw is passed to set election day for the by-election and ending at 12:00 p.m. on nomination day.
- 3.5 Nomination papers will be accepted from 8:30 a.m. until 4:30 p.m., Monday to Friday, except during statutory and civic holidays and any day in lieu of holiday days as declared by the municipality.
- 3.6 Every nomination paper which nominates a candidate for the office of Reeve or Councillor shall be accompanied by a minimum of five (5) eligible elector signatures.
- 3.7 Every nomination paper which nominates a candidate for the office of Reeve or Councillor shall be accompanied by a deposit of \$100.00 Dollars.
- 3.8 The deposit must be provided in cash or by certified cheque or money order payable to the Municipal District of Bonnyville No. 87.

BYLAW NO. 1861

- 3.9 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 Municipal District of Bonnyville No. 87.
- 3.10 Following nomination day, the Returning Officer shall cause sufficient ballots to be printed containing each office, bylaw and/or question to be voted on.
- 3.11 Ballots will be in the general form prescribed by the Returning Officer, and may be separated or combined in any manner deemed appropriate by the Returning Officer in accordance with the Act.

4 DEATH OF A CANDIDATE

- 4.1 If a candidate passes away prior to the opening of voting stations on election day or any advance voting day:
 - (a) the Returning Officer must post notice of the death in a conspicuous location in all relevant voting stations;
 - (b) the sum deposited by the candidate shall be returned to the candidate's estate forthwith;
 - (c) the election for the office for which the deceased or incapacitated candidate was nominated must be discontinued; and
 - (d) a new election for that office must be held as soon as practicable.

5 USE OF AN AUTOMATED VOTING SYSTEM

- 5.1 An election may be conducted by means of an automated voting system as directed by the Returning Officer.
- 5.2 If an automated voting system is not used, the provisions of the Act will be followed.
- 5.3 If an automated voting system is used for the purposes of an election, the procedures prescribed in this Part shall also apply during an advance vote, insofar as is practicable and may be modified as necessary at the discretion of the Returning Officer.
- 5.4 Notwithstanding anything in this Bylaw, in the event of:
 - (a) a malfunction of the automated voting system;
 - (b) the unavailability of the automated voting system or any of its components;
 - (c) a defect in the ballots or marking devices; or
 - (d) anything related to the operation of the automated voting system or any of its components,

the Returning Officer may make any directions deemed necessary or desirable with respect to the voting procedures to be used, the taking of votes, the counting of the votes, and, where required, for a recount under the Act.

BYLAW NO. 1861

- 5.5 Without restricting the generality of the foregoing, if it becomes impossible or impractical to count the ballots with the vote tabulator, the Returning Officer may direct that the ballots be counted manually following the provisions of the Act governing the counting of ballots.
- 5.6 When an automated voting system is used in an election, the Returning Officer shall:
- (a) ensure that the automated voting system has been tested before each election to ensure that it is in good working order; and
 - (b) take whatever reasonable safeguards may be necessary to secure the automated voting system from unauthorized access, entry, use or tampering.

6 VOTING PROCEDURES

- 6.1 A Deputy Returning Officer responsible for issuing ballots will:
- (a) ensure that the elector is in the correct voting station;
 - (b) ensure that the elector produces the required identification as prescribed by the Act;
 - (c) ensure that the voting register is completed, unless a list of electors is being used;
 - (d) initial the appropriate ballot and give it to the elector, along with the secrecy sleeve, when using an automated voting system.
- 6.2 On receiving the ballot that an elector is entitled to receive, the elector shall forthwith proceed into the voting compartment provided and shall mark each ballot with a marking device as instructed by the Deputy Returning Officer.
- 6.3 After marking a ballot, the elector shall:
- (a) When using an automated voting system, insert it into the secrecy sleeve 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 made by the elector and without folding the ballot; or
 - (b) When an automated voting system is not being used, fold the ballot in the same manner as when it was received to conceal the names of the candidates or the bylaw or question, and the marks on the face of the ballot made by the elector.
- 6.4 The elector will then proceed to exit the voting compartment and immediately deliver the secrecy sleeve or folded ballot to the Deputy Returning Officer supervising at the ballot box.
- 6.5 The Deputy Returning Officer supervising at the ballot box shall verify the Deputy's initials on the ballot and cause the ballot to be inserted directly into the vote tabulator or ballot box without exposing the marks made on the ballot by the elector.
- 6.6 Once the elector's ballot has been inserted into and accepted by the vote tabulator, or inserted into the ballot box, the elector must immediately leave the voting station.

BYLAW NO. 1861

- 6.7 If an elector has made a mistake when marking a ballot, the elector may return the ballot to the Deputy Returning Officer who issued the ballot and request a new one.
- 6.8 If a vote tabulator is being used and rejects a ballot completed by an elector, the Deputy Returning Officer at the ballot box must advise the elector to request another ballot.
- 6.9 If using a vote tabulator and it fails to work or stops working during the day, the Deputy Returning Officer supervising the ballot box must ensure that all ballots delivered by electors while the vote tabulator is not working are inserted into the auxiliary ballot.
- 6.10 Once the vote tabulator has been repaired or replaced, the Presiding Deputy Returning Officer in the presence of at least one other Deputy Returning Officer may, either before or after the close of the voting station, insert the ballots from the auxiliary ballot box into the vote tabulator. If the vote tabulator cannot be replaced, the Returning Officer may authorize the counting of ballots from the auxiliary box manually in accordance with the Act.

7 REJECTED AND SPOILED BALLOTS

- 7.1 If an elector requests a new ballot, the Deputy Returning Officer must issue a new ballot to the elector and mark the returned ballot "SPOILED".
- 7.2 Spoiled Ballots must be retained and kept separately from all other ballots and must not be counted in the election results.
- 7.3 If a vote tabulator is being used and rejects a ballot completed by an elector, and the elector refuses to request another ballot, the Deputy Returning Officer at the ballot box must mark the ballot with the word "REJECTED".
- 7.4 All rejected ballots must be retained and kept separately from all other ballots and must not be counted in the election results.
- 7.5 A ballot is void and will not be counted in the election results if the ballot:
 - (a) does not bear the initials of the Deputy Returning Officer who issued the ballot;
 - (b) has been torn, defaced or dealt with in such a way by an elector that the elector can be identified;
 - (c) has been marked for more candidates than there are offices to be filled;
 - (d) in the event of a bylaw or question, has been marked both in the affirmative and the negative;
 - (e) has not been marked by the elector;
 - (f) has been marked outside of the space(s) indicated for the placing of the elector's mark; or
 - (g) cannot be read by the vote tabulator, if using an automated voting system.

BYLAW NO. 1861

8 ADVANCE VOTE

- 8.1 There will be an advance vote for each election.
- 8.2 If an automated voting system is being used for an election, it will also be used for the advance vote unless the Returning Officer otherwise directs that portable ballot boxes will be used.
- 8.3 The Returning Officer may, at their discretion use one or more vote tabulator for each day of the advance vote.
- 8.4 Subject to this Section and any modifications deemed necessary by the Returning Officer, the voting procedures at the advance vote will follow the procedures described in this Bylaw.
- 8.5 If 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 additional ballots are inserted in the vote tabulator between the completion of that day's advance vote and the beginning of the next scheduled advance vote day;
 - (b) no tally register tapes for the advance vote are generated; and
 - (c) the vote tabulators, complete with memory storage devices, are delivered to the location specified by the Returning Officer.
- 8.6 Where the vote tabulators are used for the advance vote, the Returning Officer must ensure that:
- (a) the memory storage devices remain secure; and
 - (b) the tally register tapes for the advance vote are not generated until 8:00 p.m. on election day.
- 8.7 Where portable ballot boxes are used for an advance vote the Returning Officer shall:
- (a) direct the portable ballot boxes to be opened by Deputy Returning Officers at the Counting Centre on election day; and
 - (b) if using an automated voting system:
 - i. direct that all ballots be removed and inserted into the appropriate vote tabulator for counting; and
 - ii. direct that a copy or copies of the tally register tape from the vote tabulator, be generated at 8:00 p.m. on election day;
- or;
- (c) if counting the votes manually:

BYLAW NO. 1861

- i. direct that all ballots be removed and sealed in a marked envelope for counting; and
- ii. direct that the envelope not be opened nor ballots counted until 8:00 p.m. on election day.

9 SPECIAL BALLOTS

9.1 An elector who is unable to vote at an advance vote or their designated voting station on election day because of:

- (a) a physical incapacity;
- (b) absence from the local jurisdiction; or
- (c) being a Returning Officer, Deputy Returning Officer, Constable, candidate, official agent or scrutineer who may be located on election day at a voting station other than that for the elector's place of residence,

may apply to vote by special ballot.

9.2 An application for a special ballot may be made by any one of the methods as approved in the Act.

9.3 An elector may apply to the Returning Officer, at a location or address as determined and advertised by the Returning Officer, for a special ballot at any time between the day after the day that this Bylaw is passed and 4:30 p.m. of the business day preceding election day.

9.4 An application for a special ballot must include the following:

- (a) first and last name of the elector;
- (b) municipal address of the residence of the elector;
- (c) mailing address to which the special ballot is to be sent;
- (d) contact telephone number;
- (e) contact e-mail address, if the elector is unavailable by phone; and
- (f) the reason why a special ballot is requested.

9.5 Upon receipt of a valid application under this Section, the Returning Officer must:

- (a) enter in the special ballot elector register:
 - i. the elector's name and the elector's place of residence; and
 - ii. the name and number of the voting subdivision for the elector's place of residence;

BYLAW NO. 1861

and

- (b) cause the appropriate forms to be provided to the applicant.
- 9.6 On receiving the appropriate forms pursuant to Section 9.4, the elector must vote by marking each form with a marking device as instructed by the Deputy Returning Officer.
- 9.7 After marking the appropriate forms, the elector must:
- (a) place them in the ballot envelope;
 - (b) seal the ballot envelope;
 - (c) place the ballot envelope in the certificate envelope;
 - (d) complete and sign Part 1 of the certificate and seal the certificate envelope;
 - (e) attach a photocopy of one piece of identification as prescribed by the Act;
 - (f) place the certificate envelope in the outer envelope; and
 - (g) seal the outer envelope.
- 9.8 The outer envelope, once sealed, must be forwarded so that it reaches the Returning Officer not later than 4:00 p.m. local time on election day.
- (a) It shall be the responsibility of the elector to ensure the sealed envelope is received by the Returning Officer by the deadline stipulated above.
- 9.9 On receipt of the outer envelope, the Returning Officer must open the outer envelope, remove from it the certificate envelope and determine:
- (a) whether the name on the certificate envelope is the same as that of an individual already recorded in the special ballot elector register under this section;
 - (b) whether Part 1 of the certificate is properly completed; and
 - (c) that the photocopy of the elector's identification meets the requirements of the Act.
- 9.10 Upon determining that the elector has met the requirements set out in Section 9.9, the Returning Officer must:
- (a) sign Part 2 of the certificate;
 - (b) record in the special ballot elector register in the appropriate column the date and time the Returning Officer received the certificate envelope;
 - (c) open the certificate envelope, remove from it the sealed ballot envelope and place the sealed ballot envelope in a sealed ballot box marked "Special Ballot"; and
 - (d) enter in the special ballot elector register, in the appropriate column, the word "voted" and the reason for using the special ballot, that is, physical incapacity,

BYLAW NO. 1861

absence, election officer, candidate, official agent or scrutineer.

9.11 If the Returning Officer is not satisfied:

- (a) that Part 1 of the certificate is properly completed;
- (b) that the copy of the elector's identification meets the requirements of the Act;
- (c) that the elector has not already been entered on the special ballot elector register;
or
- (d) that the elector has not already returned a special ballot,

the Returning Officer must retain the certificate envelope unopened, attach a copy of the elector's identification, if any, to the certificate envelope, treat the ballot in the envelope as a rejected ballot and mark the certificate envelope accordingly.

9.12 At the close of the voting stations on election day, the special ballots will be amalgamated with the advance vote ballots at the Counting Centre and:

- (a) If using an automated voting system, fed through a vote tabulator; or
- (b) If not using an automated voting system, counted manually in accordance with the Act.

9.13 If an outer envelope is received by a Returning Officer after the time and date set out in Section 9.8, the ballot it contains must be considered a rejected ballot and the outer envelope must be retained unopened by the Returning Officer, who must record on it the reason for its rejection.

9.14 The Returning Officer must, on request, make available to any candidate or a candidate's official agent or scrutineer in the voting station the names and addresses of those electors in the voting station who have applied for and been provided with the appropriate forms under this section.

10 POST VOTE PROCEDURES

10.1 When using an automated voting system, immediately after the close of the voting station, the Presiding Deputy Returning Officer shall in the presence of at least one other Deputy Returning Officer:

- (a) insert the ballots from the auxiliary ballot box, if any, into the vote tabulator;
- (b) secure the vote tabulator so that no more ballots can be inserted;
- (c) produce as many copies of the tally register tape from the vote tabulator as may be directed by the Returning Officer;
- (d) together with another Deputy Returning Officer, certify, in a manner prescribed by the Returning Officer that the tally register tapes are accurate and that the counters on the vote tabulator were zero (0) when the voting station was opened;

BYLAW NO. 1861

- (e) report the results to the Returning Officer by:
 - i. delivering the vote tabulators, complete with memory storage device, to the Counting Centre, or other location specified by the Returning Officer; or
 - ii. any other means determined by the Returning Officer.
 - (f) remove all voted ballots and place them in the ballot transfer container;
 - (g) count the unused ballots, the rejected ballots and the spoiled ballots and place them, packaged separately and sealed, in the ballot transfer container along with the voting registers and all statements;
 - (h) seal and initial the ballot transfer containers and ensure they are ready to be delivered to the Returning Officer; and
 - (i) complete the ballot account and deliver a copy of the certified tally register tape and the ballot account to the Returning Officer as soon as possible. The ballot account shall be signed by at least two deputies and may be signed by those candidates or their official agents or scrutineers present who desire to sign it.
- 10.2 When an automated voting system is not being used, manual counting of votes will occur in accordance with the Act.
- 10.3 The Returning Officer may direct that additional reporting procedures be used.
- 10.4 A Presiding Deputy Returning Officer shall not permit more than one candidate, or a candidates official agent or scrutineer, or more than one official agent, or one scrutineer of either side of a vote on any bylaw or question to be present at the same time after the voting station is closed.
- 10.5 A ballot will not be counted in the election results if:
- (a) the ballot has not been initialed by a Deputy Returning Officer,
 - (b) more votes are cast on the ballot than an elector is entitled to cast;
 - (c) the ballot 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 vote tabulator to discern a vote, if using an automated voting system; or
 - (e) it cannot be read by the vote tabulator, if using an automated voting system.
- 10.6 If the Returning Officer determines that a recount is warranted pursuant to the Act and an automated voting system has been used to conduct the election, the voted ballots shall be recounted by the automated voting system.
- 10.7 The Returning Officer may make any decision deemed necessary for the storage of the ballot boxes and disposition of the contents of the ballot boxes, in accordance with the Act.

BYLAW NO. 1861

11 REPEAL

- 11.1 Upon third reading of Bylaw No. 1861, Bylaw No. 606 and all amendments thereto are hereby repealed.
- 11.2 Upon third reading of Bylaw No. 1861, Bylaw No. 1662 and all amendments thereto are hereby repealed.

12 SEVERABILITY

- 12.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw is deemed valid and enforceable.

13 EFFECTIVE DATE

- 13.1 That this Bylaw shall come into force and have effect from and after the date of third and final reading thereof.

READ A FIRST TIME IN COUNCIL THIS _____ DAY OF _____, 2024.

READ A SECOND TIME IN COUNCIL THIS _____ DAY OF _____, 2024.

READ A THIRD TIME IN COUNCIL THIS _____ DAY OF _____, 2024.

REEVE

CHIEF ADMINISTRATIVE OFFICER