

# APPENDIX B

## BYLAW NO. 1662

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

WHEREAS, the Local Authorities Elections Act, Chapter L-21, RSA 2000, as amended (the "Act"), provides for the holding of local elections by municipalities;

WHEREAS, the Municipal Government Act, R.S.A., 2000, Chapter M-26 as amended, municipalities may by bylaw provide for municipal and school elections within their boundaries;

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

### PART I: TITLE

1.1 This Bylaw shall be called the Election Bylaw.

### PART II: DEFINITIONS

2.1 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.

2.2 In this Bylaw:

- (a) "Act" means the Local Authorities Election Act, R.S.A. 2000, Chapter L-21, as amended;
- (b) "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;
- (c) "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;
- (d) "Ballot" means a separately 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;
- (e) "Ballot Box" means a secure container for Ballot Cards that have been marked by Electors;
- (f) "Ballot Card" means a paper card containing all Ballots to be voted on by Electors from a particular Ward;
- (g) "Ballot Transfer Container" means a container used to transport election materials from a voting station to the Returning Officer.
- (h) "Counting Centre" means a controlled access area designated by the Returning Officer where election results are determined;
- (i) "Marking Device" means a writing instrument approved by the Returning Officer for use by an Elector in marking a Ballot;
- (j) "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.
- (k) "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;
- (l) "Rejected Ballot Card" means a Ballot Card that has been submitted by the Elector under Part 6;
- (m) "Secrecy Sleeve" means an open-ended envelope in a form approved by the Returning Officer, intended to be used to cover the Ballot Card so as to conceal the markings made on the Ballot Card by the Elector without covering the initials of the Deputy;

- (n) "Special Ballot" means a Ballot Card provided to an Elector pursuant to Part 8;
- (o) "Spoiled Ballot Card" means a Ballot Card that has been submitted by the Elector under Part 6;
- (p) "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;
- (q) "Vote Tabulator" means a machine into which Ballot Cards are inserted that scans each Ballot and:
  - iv. records the number of votes for each Candidate; and
  - v. where applicable, records the number of votes for and against each bylaw or question.

### **PART III: MUNICIPAL DISTRICT OF BONNYVILLE ELECTION ADMINISTRATION**

- 3.1 The provisions of the Act, except as modified by this Bylaw, shall apply to all elections conducted within the Municipal District of Bonnyville.
- 3.2 The elected authority will, by resolution, appoint a Returning Officer for the Municipal District of Bonnyville for the purpose of conducting elections under the Act.

### **PART IV: PREPARATION FOR ELECTIONS**

- 4.1 The Municipal District of Bonnyville hereby adopts the modified voting procedure for a municipal election under the authority of Ministerial Order No. 584/89 pursuant to the Modified Voting Procedure Regulation 5/2007, as amended.
- 4.2 The Returning Officer may designate the location of the voting stations.
- 4.3 The location of more than one voting station may be designated by the Returning Officer for each voting subdivision.
- 4.4 The Returning Officer shall receive nominations between the hours of 10:00 a.m. and 12:00 noon on Nomination Day at the local jurisdiction office.
- 4.5 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.
- 4.6 Every Nomination Paper which nominates a Candidate for the office of Reeve or Councillor shall be accompanied by a deposit of One Hundred (\$100.00) Dollars.
- 4.7 The deposit must be provided in cash, by certified cheque or money order payable to the Municipal District of Bonnyville.
- 4.8 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.
- 4.9 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.
- 4.10 Ballot Cards for Candidates will be in the general 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.
- 4.11 Each Voting Station shall be kept open continuously on Election Day from 10:00 a.m. until 8:00 p.m.

**PART V: USE OF 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 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 that he or she thinks necessary or desirable with respect:
- (a) to the voting procedures to be used;
  - (b) to the taking of votes;
  - (c) for the counting of the votes; and
  - (d) where required, for a recount under the Act.
- 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 as far as practicable 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.

**PART VI: VOTING PROCEDURES**

- 6.1 A Deputy Returning Officer responsible for issuing Ballot Cards 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 Elector gives the Statement of Elector Eligibility;
  - (d) ensure that the Voting Register is completed;
  - (e) initial the appropriate Ballot Card and give it to the Elector, along with the Secrecy Sleeve.
- 6.2 On receiving the Ballot Card that an Elector is entitled to receive, together with a Secrecy Sleeve, the Elector shall forthwith proceed into the voting compartment provided and shall mark each of his or her Ballots 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 way he or she desires to vote.

- 6.3 After marking a Ballot Card, the Elector shall
- (a) without folding the Ballot Card, insert the Ballot Card 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 Card made by the Elector; and
  - (b) leave the voting compartment and immediately deliver the Secrecy Sleeve to the Deputy Returning Officer supervising at the Ballot Box.
- 6.4 The Deputy Returning Officer supervising at the Ballot Box shall verify the Deputy's initials on the Ballot Card and cause the Ballot Card to be inserted directly from the Secrecy Sleeve into the Vote Tabulator without exposing the marks made on the Ballot Card by the Elector.
- 6.5 When the Elector's Ballot Card has been inserted into the Vote Tabulator, the Elector must immediately leave the Voting Station.
- 6.6 If an Elector has made a mistake when marking a Ballot Card, the Elector may return the Ballot Card to the Deputy Returning Officer who issued the Ballot Card.
- 6.7 If the Elector requests another Ballot Card, the Deputy Returning Officer must issue a new Ballot Card to the Elector and mark the returned Ballot Card "SPOILED".
- 6.8 Spoiled Ballot Cards must be retained and kept separately from all other Ballot Cards and must not be counted in the election results.
- 6.9 If a Ballot Card is rejected by the Vote Tabulator, the Deputy Returning Officer at the Ballot Box must advise the Elector to request another Ballot Card.
- 6.10 If the Elector refuses to request another Ballot Card, the Deputy Returning Officer at the Ballot Box must mark the Ballot with the word "REJECTED".
- 6.11 Rejected Ballot Cards must be retained and kept separately from all other Ballot Cards and must not be counted in the election results.
- 6.12 If the Vote Tabulator fails to work or stops working, the Deputy Returning Officer at the Ballot Box must ensure that all Ballot Cards delivered by Electors while the Vote Tabulator is not working are inserted into the Auxiliary Ballot Box.
- 6.13 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 Ballot Cards from the Auxiliary Ballot Box into the Vote Tabulator.

#### **PART VII: ADVANCE VOTE**

- 7.1 There will be an Advance Vote for each election.
- 7.2 Vote Tabulators will be used to conduct the Advance Vote unless the Returning Officer otherwise directs that Portable Ballot Boxes will be used.
- 7.3 The Returning Officer may, in his or her discretion use one or more Vote Tabulator for each day of the Advance Vote.
- 7.4 Subject to this Section and any necessary modifications, the voting procedures at the Advance Vote will follow the procedures described in this Bylaw.
- 7.5 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 Ballot Cards 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.

- 7.6 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.
- 7.7 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) direct that all Ballot Cards be removed and inserted into the appropriate Voter Tabulator for counting; and
  - (c) direct that a copy or copies of the Tally Register Tape from the Vote Tabulator, be generated at 8 p.m. on Election Day.

#### **PART VIII: SPECIAL BALLOTS**

- 8.1 An Elector who is unable to vote at an Advance Vote or the 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.
- 8.2 An application for a Special Ballot may be made by any one of the following methods:
- (a) in writing;
  - (b) by facsimile;
  - (c) in person.
- 8.3 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 the closing of voting stations on Election Day.
- 8.4 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.
- 8.5 On 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, and
  - (b) cause the appropriate forms to be provided to the applicant.
- 8.6 On receipt of the appropriate forms pursuant to Section 8.5, the Elector must vote by:
- (a) by making a legible mark on each ballot beside the chosen Candidate or Candidates, where there is more than one vacancy; and
  - (b) in the case of a Ballot for a bylaw or question, making a legible mark beside "yes" or "no", whichever way he or she desires to vote
- or by any other method provided for by the Returning Officer.

- 8.7 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.
- 8.8 The outer envelope, when sealed, must be forwarded so that it reaches the Returning Officer not later than 4:00 p.m. local time on Election Day.
- 8.9 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.
- 8.10 Upon determining that the Elector has met the requirements set out in Section 8.9, 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, absence, election officer, Candidate, Official Agent or Scrutineer.
- 8.11 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 Voter Register, or
  - (d) that the Elector has not already returned a Special Ballot,
- the Returning Officer must retain the certificate envelope unopened, treat the Ballot Card in the envelope as a REJECTED Ballot Card and mark the certificate envelope accordingly.
- 8.12 If the Returning Officer cannot determine whether a certificate is valid under Section 8.10 or rejected under Section 8.11 or the Returning Officer is of the opinion that the Special Ballot does not meet the requirements of this Bylaw, the Returning Officer must forthwith notify a person appointed by the Minister pursuant to the Act and set the unopened certificate envelope aside in a secure ballot box to be reviewed by that person.
- 8.13 If the certificate is declared valid under Section 8.12, the Returning Officer must treat the ballot as a ballot to which Section 8.10 applies.
- 8.14 If the certificate is declared rejected under Section 8.12, the Returning Officer must treat the ballot as a ballot to which Section 8.11 applies.

- 8.15 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 fed through a Vote Tabulator.
- 8.16 If an outer envelope is received by a Returning Officer after the time and date set out in Section 8.8, 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.
- 8.17 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.

#### **PART IX: POST VOTE PROCEDURES**

- 9.1 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 Ballot Cards from the Auxiliary Ballot Box, if any, into the Vote Tabulator;
  - (b) secure the Vote Tabulator so that no more Ballot Cards 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 Stations were opened;
  - (e) report the results to the Returning Officer by:
    - iii. delivering the Vote Tabulators, complete with Memory Storage Device, to the Counting Centre, or other location specified by the Returning Officer; or
    - iv. any other means determined by the Returning Officer.
  - (f) remove all voted Ballot Cards and place them in the Ballot Transfer Container;
  - (g) count the unused Ballot Cards, the Rejected Ballot Cards and the Spoiled Ballot Cards 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.
  - (j) 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.
- 9.2 The Returning Officer may direct that additional reporting procedures be used.
- 9.3 A Presiding Deputy Returning Officer shall not permit more than one Candidate, or his or her Official Agent, or his or her 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.
- 9.4 A Ballot will not be counted in the election results if:
- (a) the Ballot Card 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 Card is torn, defaced or otherwise marked by an Elector so that he or she 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; or

(e) it cannot be read by the Vote Tabulator.

9.5 *If the Returning Officer makes a recount 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.*

9.6 The Returning Officer may make any decision he or she deems necessary for the storage of the Ballot Boxes and disposition of the contents of the Ballot Boxes.

**PART X: EFFECTIVE DATE AND REPEAL OF BYLAWS**

10.1 This Bylaw repeals Bylaw 1003.

10.2 This Bylaw repeals Bylaw 1007.

10.3 This Bylaw shall come into effect after third reading and upon being signed.

READ A FIRST TIME IN COUNCIL THIS 12<sup>TH</sup> DAY OF APRIL, 2017.

READ A SECOND TIME IN COUNCIL THIS 12<sup>TH</sup> DAY OF APRIL, 2017.

READ A THIRD AND FIANL TIME, WITH THE UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT, THIS 12<sup>TH</sup> DAY OF APRIL, 2017.

  
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REEVE

  
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CHIEF ADMINISTRATIVE OFFICER



## BYLAW NO. 1754

A BYLAW OF THE MUNICIPAL DISTRICT OF BONNYVILLE NO. 87, IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 1662 "ELECTION BYLAW" HEREBY CITED AS "ELECTION BYLAW AMENDMENT".

**WHEREAS**, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, Section 191(1) a Council's power to pass a bylaw includes a power to amend or repeal a bylaw;

**WHEREAS**, Council passed Bylaw 1662, the Election Bylaw on April 12, 2017;

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

### 1. BYLAW AMENDMENT

1.1. Section 4.4 of Bylaw No. 1662 shall be deleted and replaced with the following text:

Nomination Papers will be accepted by the Returning Officer at the M.D. Main Administration Office, beginning on January 1<sup>st</sup> in a year in which a general election is to be held and ending at 12 noon on Nomination Day. 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.

1.2. Section 4.7 of Bylaw No. 1662 shall be deleted and replaced with the following text:

The Nomination Papers deposit for the 2021 Municipal Election must be provided in cash, by certified cheque, or money order payable to the Municipal District of Bonnyville, or by in-person payments using a debit card or a credit card.

### 2. EFFECTIVE DATE

2.1. 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 6<sup>th</sup> DAY OF January, 2021.

  
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REEVE

  
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CHIEF ADMINISTRATIVE OFFICER


**BYLAW NO. 1754**

READ A SECOND TIME IN COUNCIL THIS 6<sup>th</sup> DAY OF January, 2021.

  
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REEVE

  
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CHIEF ADMINISTRATIVE OFFICER

READ A THIRD TIME IN COUNCIL THIS 6<sup>th</sup> DAY OF January, 2021.

  
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REEVE

  
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CHIEF ADMINISTRATIVE OFFICER