

APPENDIX B

BYLAW NO. 1881

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 Words in the singular shall include the plural and vice versa, whenever the context so requires in this Bylaw.
- 1.3 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) "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;
 - (d) "Ballot Box" means a secure container for ballots that have been marked by electors;
 - (e) "Candidate(s)" means an individual who has been or intends to be nominated to run for election as a councillor;
 - (f) "Council" means the duly elected Council for the Municipal District of Bonnyville No. 87;
 - (g) "Counting Centre" means a controlled access area designated by the Returning Officer where election results are determined;

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- (h) "Deposit" means the cash value accompanying every affirmed nomination in the amount fixed by this Bylaw under the authority of the Act;
- (i) "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;
- (j) "Marking Device" means a writing instrument approved by the Returning Officer for use by an elector in marking a ballot;
- (k) "Permanent Electors Register" means a prepared list of registered electors in the municipality who are entitled to vote in the election;
- (l) "Rejected Ballot Card" means a ballot that has been submitted by the elector but rejected in accordance with the Act;
- (m) "Special Ballot" means a ballot provided to an elector pursuant to the Act.

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 The Municipal District of Bonnyville No. 87 shall prepare a permanent electors register of residents in the municipality who are eligible to vote in accordance with the Act.
- 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 Each voting station shall be kept open continuously on election day from 10:00 a.m. until 8:00 p.m.
- 3.2 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.
- 3.3 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.

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- 3.4 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.
- 3.5 Every nomination paper which nominates a candidate for the office of Reeve or Councillor shall be accompanied by:
 - (a) a minimum of five (5) eligible elector signatures;
 - (b) a deposit of \$100.
- 3.6 The deposit required under Section 3.5 of this Bylaw must be provided in accordance with the Act and payable to the Municipal District of Bonnyville No. 87.
- 3.7 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.
- 3.8 Following nomination day, the Returning Officer shall;
 - (a) Post the names of all candidates that have been nominated and the offices for which they were nominated in accordance with the Act; and
 - (b) Cause sufficient ballots to be printed containing each office, bylaw and/or question to be voted on.
- 3.9 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.
- 3.10 Candidate campaign disclosure statements shall be posted on the M.D. of Bonnyville No. 87 official website in accordance with the Act.
- 3.11 The Municipal District of Bonnyville No. 87 shall maintain a permanent electors register of candidates that have given notice under Section 147.22 of the Act and make the register publicly available pursuant to Section 147.221 of 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.

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5 VOTING PROCEDURES

- 5.1 A Deputy Returning Officer responsible for issuing ballots will:
- (a) verify the elector is included on the permanent electors register;
 - i. if the elector's name is not included on the permanent electors register, the elector shall make a statement in the prescribed form, in the presence of an officer for that voting station, in accordance with the Act;
 - (b) ensure that the elector is in the correct voting station;
 - (c) ensure that the elector produces the required identification as prescribed by the Act.
- 5.2 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.
- 5.3 After marking a ballot, the elector shall:
- (a) 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.
- 5.4 The elector will then proceed to exit the voting compartment and immediately deliver the folded ballot to the Deputy Returning Officer supervising at the ballot box.
- 5.5 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 ballot box without exposing the marks made on the ballot by the elector.
- 5.6 Once the elector's ballot has been inserted into the ballot box, the elector must immediately leave the voting station.
- 5.7 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 REJECTED AND SPOILED BALLOTS

- 6.1 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".
- 6.2 Spoiled Ballots must be retained and kept separately from all other ballots and must not be counted in the election results. All rejected ballots must be retained and kept separately from all other ballots and must not be counted in the election results.
- 6.3 A ballot is void and will not be counted in the election results if the ballot:
- (a) does not bear the initials of the officer who issued the ballot;
 - (b) has been marked for more votes than an elector is entitled to cast;

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- (c) has been marked in any way that an elector can be identified;
- (d) has been torn, defaced or dealt with in such way by an elector that the elector can be identified;
- (e) has not been marked with the distinguishing mark of "X";
- (f) has not been marked by the elector; or
- (g) in the event of a bylaw or question, has been marked both in the affirmative and the negative.

7 ADVANCE VOTE

- 7.1 There will be an advance vote for each election.
- 7.2 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 and the Act.
- 7.3 Returning Officer shall:
 - (a) direct the ballot boxes to be opened by Deputy Returning Officers at the Counting Centre on election day; and
 - (b) direct that all ballots be removed and sealed in a marked envelope for counting; and
 - (c) direct that the envelope not be opened nor ballots counted until 8:00 p.m. on election day.

8 SPECIAL BALLOTS

- 8.1 An elector whose name is included on the permanent electors register and is unable to vote at an advance vote or their designated voting station(s) on election day may apply to vote by special ballot.
- 8.2 An elector whose name is not contained in the permanent electors register and is unable to vote at an advance vote or their designated voting station(s) on election day may apply to be added to the permanent electors register pursuant to Section 77.1 of the Act.
- 8.3 An elector may make an application for a special ballot to the Returning Officer by any one of the methods as approved in the Act at any time between the day after Nomination Day and 4:30 p.m. of the business day preceding 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;

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- (c) mailing address to which the special ballot is to be sent;
 - (d) contact telephone number; and
 - (e) contact e-mail address, if the elector is unavailable by phone.
- 8.5 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;
 - and
 - (b) cause the appropriate forms to be provided to the applicant.
- 8.6 On receiving the appropriate forms pursuant to Section 8.5 of this Bylaw, the elector must vote by marking each form as instructed 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, in the presence of a witness, sign Part 1 of the certificate on the certificate envelope and seal the envelope;
 - (e) attach a photocopy of the elector's identification as prescribed by the Act;
 - (f) place the certificate envelope and copy of identification in the outer envelope; and
 - (g) seal the outer envelope.
- 8.8 The outer envelope, once sealed, must be forwarded so that it reaches the Returning Officer not later than 4:30 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.
- 8.9 On receipt of the outer envelope, the Returning Officer must, in the presence of candidates, official agents or scrutineers, if any, open the outer envelope, remove its contents 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;

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- (b) whether Part 1 of the certificate is properly completed;
 - (c) that the photocopy of the elector's identification meets the requirements of the Act; and
 - (d) that the signature on the elctor's certificate sifficiently matches the signature on the elector's identification, if the identification contains a signature.
- 8.10 Upon determining that the elector has met the requirements set out in Section 8.9 of this Bylaw, the Returning Officer must:
- (a) sign Part 2 of the certificate;
 - (b) enter opposite the name of that person on the special ballot elector register the word "special", if the elector's name appears on the permanent electors register for the voting subdivision in which the elector is eligible to vote;
 - (c) record in the special ballot elector register in the appropriate column the date and time the Returning Officer received the certificate envelope;
 - (d) 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
 - (e) enter in the special ballot elector register, in the appropriate column, the word "voted".
- 8.11 If the Returning Officer is not satisfied that:
- (a) Part 1 of the certificate is properly completed;
 - (b) the copy of the elector's identification meets the requirements of the Act;
 - (c) the signature on the certificate sufficiently matches the signature, if any, on the identification;
 - (d) the elector has not already been entered on the special ballot elector register; or
 - (e) that the elector has not already returned a special ballot,
- the Returning Officer must retain the certificate envelope unopened, attach the 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.
- 8.12 At the close of the voting stations on election day, the special ballots will be processed in accordance with the Act.
- 8.13 If an outer envelope is received by a Returning Officer after the time and date set out in Section 8.8 of this Bylaw, the ballot it contains must be recorded as not returned.
- 8.14 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

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appropriate forms under this section.

9 POST-VOTE PROCEDURES

- 9.1 Manual counting of votes will occur in accordance with the Act.
- 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 a candidate's 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 or during the counting of votes.
- 9.4 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 with the distinguishing mark of "X".
- 9.5 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.

10 VOTE RECOUNT PROCEDURES

- 10.1 If the Returning Officer determines that a recount is required or warranted pursuant to the Act;
 - (a) 12 hours prior to the recount, give notice of the recount in accordance with the Act.
 - (b) Notice shall be posted on the M.D. of Bonnyville No. 87 official website.
 - (c) The Returning Officer shall appoint election officials for the purpose of the recount and may designate their titles and duties.
 - (d) The ballot boxes and other supplies and materials will be set up at a location determined by the Returning Officer prior to the commencement of the recount.
 - (e) The recount area will be comprised of 2 zones:
 - i. The recount area (consisting of the recount stations and the results area)
 - ii. The observation area
 - (f) In accordance with the Act, the recount shall be conducted in the same manner as the original count.

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- 10.2 During the recount, the Returning Officer shall post for inspection, a copy of the results from each of the ballot boxes as they are produced.
- 10.3 When the recount is complete, the Returning Officer shall announce the total results of the recount in accordance with the Act.
- 10.4 Application for a vote recount shall be made in accordance with the Act and the application may only be made to the Returning Officer.

11 REPEAL

- 11.1 Upon third reading of Bylaw No. 1881, Bylaw No. 606 and all amendments thereto are hereby repealed.
- 11.2 Upon third reading of Bylaw No. 1881, 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 26th DAY OF NOVEMBER, 2024.

READ A SECOND TIME IN COUNCIL THIS 10TH DAY OF DECEMBER, 2024.

READ A THIRD TIME IN COUNCIL THIS 10TH DAY OF DECEMBER, 2024.



REEVE



CHIEF ADMINISTRATIVE OFFICER