BYLAW NO. 456-21
Election Bylaw

WHEREAS pursuant to the *Municipal Government Act*, Statutes of Alberta, 2000, Chapter M-26 as amended or replaced from time to time, Council may pass a bylaw respecting municipal elections.

AND WHEREAS Council of the Town of Ponoka deems it necessary to pass a bylaw for use of an automated voting system for the election;

NOW THEREFORE the Council of the Town of Ponoka, pursuant to the authority conferred upon it by the laws of the Province of Alberta, enacts as follows:

PART 1 - GENERAL

1.0   Title

This bylaw may be called the "Election Bylaw".

2.0   Purpose

The purpose of this bylaw is to delegate authority and establish procedures for Town of Ponoka elections.

3.0   Definitions

3.1   Except as otherwise provided for in this bylaw, the words used in this bylaw have the same meaning as defined in the *Municipal Government Act*, RSA 2000, c M-26 or the *Local Authorities Election Act*, RSA 2000, c L-21.

3.2   In this bylaw, the following terms mean:

(1)   "Automated Voting System" means automated or electronic systems designed to automatically count and record votes, and process and store the Election results.

(2)   "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.

(3)   "Ballot" means the part of a printed or electronically produced Ballot Card 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.

(4)   "Ballot box" means a container, in a form approved by the Returning Officer, intended to contain the voted Ballot Cards.

(5)   "Council" means the Council of the Town of Ponoka elected pursuant to the Act;

(6)   "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;

(7)   "Local Jurisdiction" means, and includes, The Town of Ponoka, any other jurisdiction the Town of Ponoka has an agreement with to conduct elections on their behalf.

(8)   "Marking Device" means a writing instrument approved by the Returning Officer for use by an elector to mark a Ballot Card.

(9)   "Memory Card" means a cartridge that is a removable, battery sustained memory where all tabulated totals are stored.

(10)   "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.

(11)   "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.

(12)   "Town" means the municipal corporation of The Town of Ponoka, in the Province of Alberta;

(13)   "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.

PART II – PRE-ELECTION PROCEDURES

4.0   Joint Election

The Returning Officer of the Town of Ponoka is authorized to enter into agreements, on behalf of the Town, to conduct elections on behalf of other local jurisdictions in Ponoka whose boundaries may or may not be contiguous with the Town but do have areas in common.

5.0   Ballot Cards

5.1   The Returning Officer shall be responsible for ensuring that Ballot Cards are produced in accordance with this section.

5.2   Sufficient Ballot Cards shall be printed to ensure that there are Ballot Cards available for each elector who wishes to vote.

5.3   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.

5.4 A single Ballot Card may contain all of the offices, questions and bylaws to be voted on in the election.

5.5 The area for each office, bylaw and question shall be clearly designated on the Ballot Card.

5.6 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.

5.7 Candidates' names shall be listed on the Ballot Card alphabetically by last name. Each last name will be capitalized and bolded.

5.8 The Returning Officer shall ensure that there are sufficient Secrecy Sleeves to allow each elector to cast their Ballot in accordance with section 18.

5.9 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.

6.0   Nomination Deposits

6.1 Candidate nominations must be accompanied by a deposit in Canadian funds, payable in cash or by certified cheque or money order in the amount of $100.00. Deposits may be

provided to the Returning Officer by in-person payments using a debit card or credit card for the municipal general election in 2021.

6.2   Disposition of nomination funds will follow the requirements of the *Local Authorities Election Act.*

7.0   Place of Nomination

The Returning Officer must designate one or more locations within the Town to serve as the local jurisdiction office for the purpose of receiving nominations.

8.0   Nomination Period

Nomination Period begins on January 1 in a year in which a general election is to be held and ends on 12 noon on nomination day.

9.0   Nomination Day

Nomination Day is 4 weeks before Election Day.

10.0   Nomination Hours

The Returning Officer or his designate will receive nominations of candidates for the local jurisdiction elections during the period of January 1 and the day proceeding Nomination Day during regular business hours, and on Nomination Day between the hours of 10:00 a.m. and 12:00 noon, or on any subsequent day to which the time for receipt of nominations is adjourned.

11.0   Ballot Template

Following Nomination Day, the Returning Officer will ensure ballot templates are prepared for the Automated Voting System.

12.0   Form of Ballot

The form of the ballot will be established by the Returning Officer in accordance with the Act.

13.0.   Voting Hours

Every voting station will be kept open continuously on Election Day from 9:00 am until 8:00 pm.

14.0   Advance Voting

14.1   An advance vote may be held on any vote held in an election for the local jurisdiction, and on the submission of a bylaw or question to electors.

14.2   The advance vote will be held on the dates and times set by the Returning Officer.

14.3.   Vote Tabulators will be used to conduct the advance vote unless the Returning Officer otherwise directs that portable Ballots Boxes will be used.

14.4   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.

14.5   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.

15.0.   Institutional Voting Stations

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

15.2   The Returning Officer must fix the times on election day that the votes in the institutions will be taken.

15.3.   Vote Tabulators will be used to conduct the institutional vote unless the Returning Officer otherwise directs that portable Ballots Boxes will be used.

15.4   Where the Vote Tabulators are used for the institutional 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.

15.5   Where the Vote Tabulators are used for the institutional 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.

16.0   Automated Voting System

16.1   The taking of votes of the electors and the tabulation of election results on any question or in any election conducted by The Town 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 himself or herself, prior to the date of the election, that the Automated Voting System has been pre-tested and is accurate and in good working order;

(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; and

(c)   establish procedures and guidelines for deputy returning officers related to the preparation and operation of the Automated Voting System.

16.3   Notwithstanding anything in this bylaw, in the event of:

(a)   a malfunction of an Automated Voting System or any of its components;

(b)   the unavailability of an Automated Voting System or any of its components;

(c)   a defect in the Ballot Cards or Marking Devices prevents the operation of the Automated Voting System;

(d)   the Returning Officer may make any directions that he or she thinks necessary to ensure the effective conduct of the Election and counting of votes including:

(e)   obtaining access to another municipality's Automated Voting System for the purposes of vote tabulation; or

(f)   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 apply.

17.0   Voting Procedures

17.1   Each elector shall be given one Ballot Card which has been initialed by the Deputy Returning Officer and a Secrecy Sleeve.

17.2   Upon receiving the Ballot Card and Secrecy Sleeve, the elector shall forthwith proceed to the voting compartment to vote.

17.3   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.

17.4   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.

17.5   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.

17.6   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.

17.7   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.

17.8   The voting procedure prescribed in this section may, at the discretion of the Returning Officer, apply during an advance vote and an institutional vote insofar as is practicable and may be modified as may be necessary at the discretion of the Returning Officer.

17.9   Notwithstanding the foregoing, the voting procedures set out herein must follow the provisions of the Act as nearly as possible.

18.0   Automated Voting Device Failure

18.1   Notwithstanding Sections 13 and 14, the Returning Officer may establish such other procedures as required to facilitate an Automated vote.

18.2   The voting procedure prescribed in this bylaw will, during an advance vote and an institutional vote, as far as is practicable, apply and may be modified as may be necessary upon the direction of the Returning Officer.

18.3   Each elector must follow the voting procedures as set out in this bylaw and as posted in the voting station, and upon casting his or her ballot, the elector shall leave the voting station.

19.0   Vote on a Bylaw or Question

Unless otherwise specified by statute or decided by Council, a vote on any bylaw or question will be held in conjunction with a general municipal election.

20.0   Post Vote Procedures

20.1   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 Box or Auxiliary Ballot Box 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.

20.2   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.

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

20.4   Any Ballot Box used in the advance vote and the institutional 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.

21. Counting Centre

21.1   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.

21.2   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 Special Ballot vote;

(e)   review and verify the Tally Register Tapes and Ballot accounts from each Voting Station, the advance vote, the institutional vote and Special Ballot vote; and

(f)   produce a cumulative tally from all the Voting Stations.

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

22.0   Rejected Ballots

22.1   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.

22.2   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.

22.3   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".

22.4   Spoiled Ballot Cards must be retained and kept separately from all other Ballot Cards and must not be counted in the Election results.

22.5   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.

23.0   Recount

If the Returning Officer makes a recount, pursuant to the Act, the voted ballots may be recounted by the Automated Voting System.

24.0   Disposition of Election Material

24.1   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.

25.0   Effective Date and Repeal Existing Bylaw

This Bylaw shall come into effect upon Third and Final Reading of the Bylaw.

Town of Ponoka Bylaw No. 447-20 is hereby repealed.

First Reading: June 22, 2021

Second Reading: June 22, 2021

Third Reading: June 22, 2021

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Mayor

_____
Chief Administrative Officer